

MONTENEGRO: "LOST" IN STATEHOOD PROBLEM

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Abstract Almost 20 years since the fall of the semi-authoritarian regime, Montenegro is still regarded as a defective and not as a consolidated democracy. This article puts forward one key determinant for the slow process of democratic consolidation in Montenegro – the unresolved statehood problem. It thereby does not focus on the functional state, but instead uses the classical definition of statehood with three dimensions: state power, state territory, and the people. The article seeks to contribute to a better understanding of two issues: the democratization process of Montenegro and the relationship between the state and democracy. It uses the explaining outcome process tracing method and attempts to craft a minimally sufficient explanation of an outcome by developing theoretical causal mechanisms.

Keywords Montenegro, consolidation of democracy, nation-state building, identity issues

Introduction

Despite the fact that many scholars have studied the issue of ethnic conflicts in former Yugoslavia, the democratization process of former Yugoslav republics has been somewhat neglected. In the words of Segert and Džihic: "The area of the former Yugoslavia remained a blank spot on the map of these analyses" (2012: 240). This especially applies to Montenegro and this paper tries to at least partially fill in this gap.¹ The smallest ex-Yugoslav republic belongs to the group of Eastern European countries in which the process of the consolidation of democracy did not commence after the first multi-party elections in 1990

and the phase of democratization. In other words, instead of observing the consolidation of democracy after the establishment of a formally democratic system, one witnessed an authoritarian regression. Accordingly, a hybrid regime was established that could best be described as competitive authoritarianism (Levitsky and Way 2010). At the centre of the Montenegrin political system was "one for Montenegrin circumstances big authoritarian party" (Darmanović 2007: 85). The League of Communists, in 1991 renamed the DPS (Democratic Party of Socialists), won by a large majority the election in 1990 (83 of 125 seats), in 1992 (46 of 85), and in 1996 (45 of 71), something that no other former communist party or any other party in Southeast Europe was able to do.

¹ Apart from studies such as Bieber 2003; Vujadinović et al. 2003; Vuković 2015.

In 1997, and only a few months after the DPS confidently won the election against the united opposition, "the division between Bulatović and Đukanović over the issue of political partnership with Milošević put an end to the absolute domination of their party over Montenegrin politics" (Vuković 2015: 77).² This polarization led namely to the split up of the party and a significant number of the DPS members joined Bulatović's newly created Socialist People's Party (SNP). As a result of this, the political game in Montenegro changed completely, with new rules and a new balance of forces (Darmanović 2003: 148). This new phase of Montenegrin pluralism began on the 1st of September 1997 with an "Agreement on the Minimum Principles for the Development of Democratic Infrastructure", which had been negotiated between the "new" DPS and the opposition. With this agreement, the opposition received guarantees that future elections would be free and fair. Subsequently, the parliamentary election held in 1998 was the first election in country's history to meet the minimum standards of freedom, competitiveness, and other democratic procedures, which many organizations that observed the elections, such as the OSCE, confirmed (OSCE 1998: 3).

Yet almost twenty years since, Montenegro still cannot be classified as a consolidated democracy, as is confirmed by the latest Bertelsmann Transformation Index report (BTI Montenegro 2016).³

² However, in an interview with the author, Bulatović claims that the external factor – the USA – and its promises to Đukanović also played an important role (Podgorica, July 2014). Momir Bulatović, at that time the President of Montenegro and the leader of the DPS, and Milo Đukanović, at that time the Prime Minister of Montenegro and deputy leader of the DPS, were two most important Montenegrin political actors in the nineties.

³ The Bertelsmann Transformation Index

Moreover, according to the BTI, the state of Montenegro's democracy has not improved at all in the last decade. Both the report of 2008 (BTI Montenegro 2008) and last year's report awarded Montenegro an identical note – 7,85 (BTI Montenegro 2016).⁴ Consequently, the question that arises is how is Montenegro's stagnating process of democracy consolidation to be explained?

Unlike the work of many other scholars that focus on state weaknesses, i.e. on a (poorly) functioning state and its impact on democracy (O'Donnell 1999; Merkel 2007; Segert and Džihic 2012), this paper accentuates the matters of state power, state territory, and the people. It thereby argues that the fulfilment of all statehood criteria is a precondition for a rapid consolidation of democracy. While Montenegro fulfilled two statehood criteria (undisputed borders and monopoly on the legitimate use of force), the issue of the nation is still disputable. Furthermore, in order to clearly demonstrate the decisive role of the statehood problem, this paper uses the process-tracing method, which is employed as the major causal inference tool in qualitative research (George and Bennett 2005; Beach and Pedersen 2011). It includes "attempts to identify the intervening causal process – the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable" (George and Bennett 2005: 206-207). The explaining outcome process tracing of Beach and Pedersen, which puts an emphasis on a "puzzling historical outcome by building minimally sufficient explanation in case study" (2011: 32),

(BTI) analyzes and evaluates the quality of democracy in developing and transition countries. It thereby measures successes and setbacks on the path towards democracy.

⁴ The report from the year 2006 concerned the State Union of Serbia and Montenegro.

Table 1. Socioeconomic development in the years 1990-1991*

Country	GDP per capita	Illiterates	Urban population	Life expectancy	Primary school degree	High school degree	University degree
Croatia	\$5184	3%	54%	Men 68.59; Women 75.95	23.4%	36%	9.3%
Montenegro	\$2932	5.9%	58%	Men 71.98; Women 78.43	29.5%	35%	8.8%

Sources: Dolenc 2013: 61; Latifić 1997: 132; Statistical Yearbook of Croatia 2009 and of Montenegro 1991, Census 1991, and private communication with the Croatian Bureau of Statistics (December 2013).

*The data about the Croatian GDP in US dollars was found in Dolenc 2013: 61. The data about GDP per capita in Yugoslav dinars, 19 424 for Croatia and 10 989 for Montenegro, was found in Latifić 1997: 132. These were used to calculate Montenegrin GDP in US dollars.

seems to be the most applicable method for this study. In accordance with Beach's and Pedersen's understanding of process tracing this paper thus attempts to craft a minimally sufficient explanation of an outcome by developing causal mechanisms.⁵

The remainder of the paper provides an explanatory framework for Montenegro's slow process of democratic consolidation, followed by a detailed analysis of the impact of the explanatory variable. The final section provides some concluding remarks.

Structural preconditions: It's the statehood

Albeit entering the transformation process with structural preconditions that hamper rather than promote the successful transition to a democracy, this article argues that they cannot serve

⁵ Besides the secondary resources this paper also uses the data that were collected during two field works in Montenegro when interviews with experts and former politicians were conducted (July 2014 und September 2014). These were one-on-one semi-structured interviews.

as key explanatory variables of Montenegro's slow democratic development. In a way to make my thesis more comprehensive, this paper will give a brief comparative overview of Montenegro and Croatia, which, according to the 2016 BTI report, is the only former Yugoslav republic, besides Slovenia, that is classified as a democracy in consolidation. Montenegro and Croatia started their transition processes with similar structural preconditions that decisively influence the success of the transition to a democracy: the lack of liberal tradition;⁶ the nature and length of previous authoritarian regimes– not only the "communist" regime but also the "pre-communist" one, the Kingdom of Yugoslavia; a system change as control from above and dissolution and creation of new states; ethnic heterogeneity (in

⁶ In both countries there was no long phase of political liberalization and democratization before the 1990 election. Parliamentary life in Montenegro from 1905, when the first Constitution of the Kingdom of Montenegro was adopted, and the fact that between 1861 and 1910 only 2% of the Croatian population had the right to vote (Zakošek 1997: 34), hardly qualifies as a liberal tradition.

the year 1990, 22% of the Croatian and 29% of Montenegrin population consisted of minorities (Janjić 2000: 112); and a similar socioeconomic development (see Table 1).

Moreover, both in Montenegro and Croatia competitive authoritarianism regime emerged shortly after the fall of communism and Montenegro even achieved an electoral democracy almost two years before Croatia (the regime of Franjo Tuđman crumbled in the year 2000). In addition, both countries belong to the group of Eastern European countries to which the European perspective was promised much later. The EU had developed a regional approach policy for the countries of the Western Balkans and the summit in Thessaloniki in June 2003 eventually confirmed the accession prospect of these countries. Therefore, Montenegro and Croatia started the process of accession to the EU at the same point in time and under the same conditions and with the external factor playing an important role in their democracy consolidation processes (Elbasani 2013a; Keil and Arkan 2015). However, the unresolved statehood problem led to high adoption costs of the EU rules in Montenegro thus hampering a stronger and more successful impact of the EU, as Gordana Đurović, the former Montenegrin Minister for European Integration, confirmed in an interview (Podgorica, July 2014).⁷ What is more, the accession process of Montenegro was additionally slowed down because contested statehood absorbs much of the energy needed for reforms (Elbasani 2013b).

Despite these important similarities, Montenegro and Croatia are characterized by different outcomes with respect to the consolidation of democracy. Con-

trary to Montenegro, Croatia is a democracy in consolidation (BTI Report 2016). Since the illustrated similarities have eliminated many potential explanations, different outcomes are mainly to be explained with the remaining difference – the statehood problem. Under statehood this paper understands both the state-building and the nation-building. In order for state-building to be completed, a country has to fulfil two criteria: the government has the right to dispose of all power on its territory (undisputed borders) and any other power is prohibited from exercising power on that territory without the express permission from the state government (the monopoly on the legitimate use of force) (Jellinek 1905). With respect to nation-building, it must be decided who belongs to the people. In other words, whether membership in the nation is determined by identity criteria such as religion, language, and ethnicity (Flora et al. 1999) or if it is defined in accordance with a civic concept of citizenship, which "envisages the nation as a community of equal, rights-bearing citizens, united in patriotic attachment to a shared set of political practices and values" regardless of race, religion, and ethnicity (Ignatieff 1993: 3).

By using this kind of statehood definition, this paper does not in any way deny the fact that a poorly functioning state is one of the main obstacles for stabilization and consolidation of a democratic system. However, it claims that as long as the issues regarding the territory and the people of the state remain disputable, the process of building a functional state will be thwarted. To put it in another way: if the matters of the "framework" are not resolved, this will hamper the process of improving the "content" inside that "framework" (Milačić 2017b: 371) which is why this examination puts an emphasis on the "framework".

⁷ More on the role of the domestic factors in the Europeanization process see Milačić 2017a.

Accordingly, while after the fall of Tuđman's regime Croatia entered the phase of democracy consolidation with a resolved statehood problem, Montenegro only completed its state-building in 2006, while the nation-building is still an ongoing process. Since 1998, and thus after the restoration of Eastern Slavonia into Croatian jurisdiction, as the last part of the Croatian territory that was still occupied by Serbian rebels, Croatia has fulfilled all statehood criteria: the undisputed borders; a state's monopoly on the legitimate use of force on the whole territory; and we know who the people are: in accordance with an ethnic concept of citizenship, the Constitution defines them as "Croats and others" and such a notion is not questioned by any important Croatian political actor. On the other hand, while Montenegro fulfilled two statehood criteria – undisputed borders and monopoly on the legitimate use of force – after the 2006 independence referendum, the issue of the nation is still disputable and dominates the whole political system. The dispute is namely about "whether Montenegro will define itself as a multinational state dominated by Montenegrins or Serbs or whether it will manage to avoid the regional pattern of ethnically defined states and hang on to the concept of civic society" (Bieber 2010: 964).

The model that will serve for analysing the impact of the explanatory variable (statehood problem) is Merkel's (1998) model of democracy consolidation, which is highly compatible with the BTI (see Merkel 2007). In his model, Merkel differentiates four levels of democracy consolidation: constitutional consolidation, as the consolidation of the central constitutional organs and political institutions, such as the head of state, government, parliament, judicial, and electoral systems; representative consolidation, which involves the level of ter-

ritorial (parties) and functional (interest groups) interest representation; behavioural consolidation, which refers to reducing the attractiveness for powerful actors (the military, large landowners, businessmen, radical movements, clandestine groups, or populist, charismatic leaders) to pursue interests outside the democratic institutions and against the democratically legitimated representatives; and consolidation of civil society and civic culture (Merkel 1998: 39-40).

Democracy consolidation under the shadow of the statehood issue

Due to the ambivalent attitude of the majority of Montenegrin orthodox population towards their identity – the controversial question what Montenegrins are: a separate nation or "the best of Serbdom"? (Pavlović 2003) – the pro-Montenegrin vs. pro-Serb polarization has been shaping Montenegrin society for more than 100 years. Whereas according to the latter narrative Montenegrins are only a territorial identity within the Serbian nation, the former one argues that Montenegrins should call themselves a nation because they have an independent political history and different traditions and customs (Pavlović 2003; Džankić 2014). As pointed out by Andrijašević, in this struggle neither side was able to prevail permanently: while in 1918, following Serbia's annexation of Montenegro, the pro-Serb option won, in 1945, under communism, Montenegro got its statehood back, whereby the pro-Montenegrin option won; while in 1989 the pro-Serb option prevailed again, the majority of the Montenegrin citizens voted for the country's independence in the 2006 referendum (Interview, Bar, July 2014). In the years after the fall of communism the ambivalence regarding national identity was particularly visible in the

census of the population. While in 1991, 61.86% of the population identified themselves as Montenegrins and 9.34% as Serbs, Montenegrins made up 43.16% and Serbs 31.99% of the population at the 2003 census. At the last census in 2011, 44.98% identified themselves as Montenegrins and 28.73% as Serbs. In view of the fact that since the year 1990 the Orthodox population grew by only 5% through migration, this can be explained as the change of identity within the same population (Bieber and Winterhagen 2009: 15). And while being a Montenegrin in the last two censuses also implied a distinction from the Serbian identity, this was not the case in the 1991 census.

The illustrated issue has been causing a deep polarization of the Montenegrin society and has had a negative impact on the process of democracy consolidation. As already noted, Montenegro met the criteria for an electoral democracy in 1998. Almost twenty years later, the country still cannot be classified as a consolidated democracy. The following sections of the paper will demonstrate how the unresolved statehood problem has affected each level of the Merkel's model, thereby preventing the consolidation of democracy.

Impact on constitutional consolidation

In order to fully understand the constitutional consolidation in Montenegro, one must also analyse the very beginning of the institutionalization process. The first Constitution of Montenegro was adopted on 12th of October 1992 by the Parliament of Montenegro. The constitution-making was not the result of a wide constitutional debate, but was carried out by the dominant Montenegrin party, the DPS, which enjoyed an absolute majority in Parliament. This party thus had absolute control over the

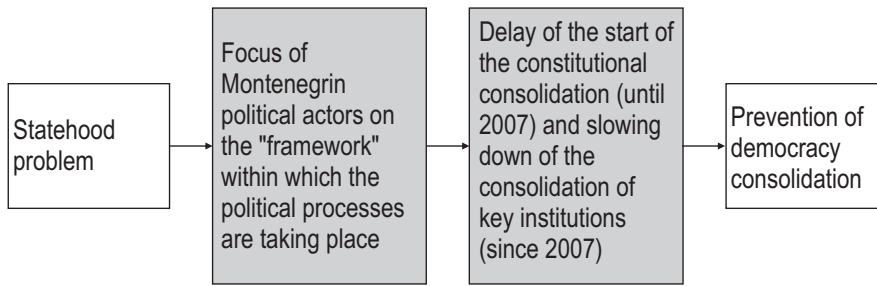
institution-building process and there was no consensus among elites on the rules of the game.

In the new Constitution, Montenegro was not defined as an ethnic state. The preamble of the Constitution referred to "citizens of Montenegro" and the Constitution guaranteed the protection of national, ethnic, cultural, linguistic, and religious identity of the minorities (Art. 67) as well as their right to use national symbols (Art. 69), the language, and the alphabet (Art. 9). It can therefore be said that the first Montenegrin Constitution was characterized by a low degree of constitutional nationalism (Hayden 1992). That is in particularly accurate if one compares Montenegro with, for example, Serbia and Croatia, where strong ethno-nationalist mobilization led to an ethnic institutionalization.⁸ However, the new Constitution emphasized a pro-Serbian nation-building. The new Montenegrin flag was the red-blue-white tricolour – only a colour shade distinguished it from the Serbian one (the Montenegrin blue was brighter) – and the official language was defined as Serbian in the *ijekavian* form (Art. 9).

According to the new Constitution, Montenegro had a premier-presidential system of government (Shugart and Carey 2003) with a directly elected president, who did not enjoy much power despite his direct legitimacy (Art. 88): the President appointed the Prime Min-

⁸ In December 1990, the new Croatian Constitution was adopted, defining Croatia as "the national state of the Croatian people and a state of members of other nations and minorities who are its citizens". Serbs, the largest national minority in Croatia, thus lost the status of constitutive nation. In March 1989, the Serbian Parliament passed the amendments to the Republic's Constitution abolishing the political autonomy of its provinces, Vojvodina and Kosovo. This significantly degraded political status of the Kosovo Albanians, the biggest ethnic minority in Serbia.

Figure 1. Causal Mechanism 1*



* The mechanism is shaded.

ister (after consultations with parliamentary parties), but could not dismiss neither the government nor any individual minister, proclaimed laws (with suspensory veto) and could dissolve the parliament after a justified proposal by the government. The weaker institutional position of the President in Montenegro in comparison with that of Serbia or Croatia is to be explained by a lower intensity of ethno-nationalist ideology. Accordingly, there was no need for strong personalities with sacrosanct authority, which is why no cult around any Montenegrin politician was created, who would have enjoyed the plebiscitary legitimacy. "In Serbia and Croatia the masses wanted a leader, in Montenegro not", as the first President of Montenegro Momir Bulatović claims (Interview, Podgorica, July 2014).⁹ Therefore, the political system was not developed in a direction that knows only two relevant political actors – leader and the masses (the majority nation). Nevertheless, the established system was not a democratic

⁹ However, it must be noted that Slobodan Milošević, at that time the President of Serbia, enjoyed broad support in the Montenegrin electorate. Svetozar Marović, a former deputy leader of the DPS, confirmed this in an interview by saying that "we all were aware that Milošević was by far the most popular politician in Montenegro, perhaps even more popular in Montenegro than in Serbia" (Podgorica, September 2014).

one, but a hybrid regime in the form of competitive authoritarianism. As noted by Darmanović (2003: 147): "The DPS held the system together by assiduously using its complete control over state organs and resources in order to squelch critics and rivals and win elections. The usual range of methods was employed, including party domination of the state-owned media; the packing of offices with party favorites; the maintenance of slush funds; occasional intimidation of adversaries; the abuse of police authority to influence the electoral process; and manipulations of the electoral system. Backed by these kinds of tactics, the DPS easily bested its dispirited opponents and retained an absolute majority of seats in the Montenegrin parliament". As already noted in the introduction, this competitive authoritarianism regime lasted until the split up of the DPS and the first free elections in 1998.

After the fall of Milošević's regime in October 2000, the future status of Montenegro came to the forefront of Montenegrin politics. Milošević was replaced by democratic opposition and there were no more security risks in resolving this issue. This was followed by the reinvention of the DPS itself as the leader of the Montenegrin independence movement (Džankić and Keil 2017: 5). The party that in the 1990s promoted the pro-Serbian and the pro-Union na-

tion-state building policy was now leading the pro-Montenegrin and pro-independence block. Contrary to that, the opposition's goal was the preservation of a common state with Serbia and this was also the case with the new Serbian leadership. The focus of political actors was therefore on the "framework" of the political unit and this had profound negative effects on the constitutional consolidation.

Consequently, until 2006 a dysfunctional government structure existed at the federal level that delayed institutional reforms for years. Already in 2002 the constitutional reform was blocked as a result of the unresolved statehood issue, which was also stressed by the European Commission in its report (2002: 6). Under strong pressure from the European Union a compromise – the "Belgrade Agreement" and the creation of a State Union of Serbia and Montenegro – was reached in March 2002. However, Montenegro was granted the right to organize an independence referendum in three years. Montenegrin leadership used these three years to campaign for independence and institutional reforms were backgrounded accordingly. Its focus was namely on undermining the functionality of the new union. Therefore, the adoption of the Constitutional Charter of Serbia and Montenegro remained in a political deadlock for more than a year and another intervention by Javier Solana, European Union's High Representative for Common Foreign and Security Policy, was needed for it to be adopted (Teokarević 2003). Moreover, by 2004, governance at union level had virtually collapsed and Montenegro rejected all constitutional obligations, such as holding direct elections for the parliament of the union (Schimmelfennig et al. 2006: 226).

Two years later, on the 21st of May 2006, 55.5% of the Montenegrin citi-

zens voted in the referendum for independence. This result expressed an even higher legitimacy if one bears in mind an impressive turnout of 86.5%. After the adoption of the new Constitution in 2007, constitutional consolidation finally commenced and Montenegro entered the phase of the consolidation of its key institutions. Yet this occurred almost ten years after the fall of the semi-authoritarian regime and the delay was a direct consequence of the unresolved statehood issue.

The completed state-building did not bring about a rapid constitutional consolidation. In the constitution-making process the focus of Montenegrin political actors was not on the standards and design of the key institutions, but on nation-building. The new Constitution, which confirmed the premier-presidential system of government, was adopted only after months of negotiations concerning identity issues.¹⁰ According to the Constitution, Montenegro is a civic state as the constitutive people are the citizens of Montenegro, and not a particular ethnic group. The preamble sets out nations and minorities in Montenegro – Montenegrins, Serbs, Bosniaks, Albanians, Muslims, Croats, and others – and also emphasizes the values of multiculturalism, peace and tolerance. Such a civic understanding of the nation reflects a social reality that is rather unique in the Balkans (Bieber and Winterhagen 2009: 3). Furthermore, the state language is defined as Montenegrin (Art. 13), and not Serbian as in the Constitution of 1992.¹¹ The 2004 de-

¹⁰ The changes compared to the 1992 Constitution concerned mainly the field of human rights protection and the separation of powers by strengthening the independence of the judiciary and extending human and minority rights protection (see Bieber 2010: 945).

¹¹ Serbian, Bosnian, Croatian, and Albanian are all in official use.

cision of the Parliament on the national flag and anthem was confirmed as well. The flag of the state is no longer the tricolour, which is similar to Serbian, and the song "Oj, svijetla Majska zoro" (Oh, bright May morning) has been selected for the national anthem.¹² Contrary to that, the parties of the pro-Serbian opposition advocated the Serbian identity of Montenegro: the definition of the state language as Serbian, the tricolour flag, the "Onamo, namo" (There, over there) song, which is reminiscent of the Ottoman conquest of Kosovo, as the official anthem, and a special role for the Serbian Orthodox Church.¹³

The adoption of the Constitution did not put an end to identity disputes. These issues still dominate the political system of Montenegro, thereby causing strong polarization and slowing down the consolidation of key institutions. On the one hand, the opposition parties use every opportunity to try to change the state symbols even at the cost of the institutionalization of the system. So, for example, they were blocking for months the adoption of the new election law, which was set by the European Commission as a precondition for the start of the negotiation process, demanding that the government meets their demands regarding

¹² Parts of the national anthem were allegedly written by Sekula Drljević and this makes it unacceptable for the opposition. Drljević was a highly controversial figure. At first a supporter of Serbia's annexation of Montenegro, he later, during the Second World War, collaborated with the Italian occupiers and supported independence of Montenegro. Moreover, he also collaborated with the Ustaša and embraced the concept of the Montenegrins as close to the Croats.

¹³ The Orthodox Church was mentioned in the Constitution together with Catholic and Islamic community. However, it was not mentioned to which Orthodox Church the Constitution refers. Besides the Serbian Orthodox Church, the Montenegrin Orthodox Church also exists in Montenegro.

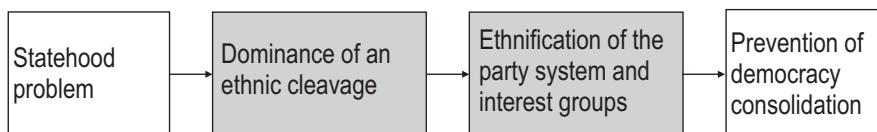
the name of the official language and the citizenship law. On the other hand, the DPS has been instrumentalizing the identity conflict in the country by portraying itself as a protector of the Montenegrin nation and the independence of Montenegro (Džankić and Keil 2017: 1). It has twisted every available political issue into a Montenegrin-Serb question. This creation of an anti-imagery ('us' versus 'them') has been an important element of the continuity of its rule (Ibid: 8). However, such long-lasting dominance impairs the functionality of the institutions (BTI Report 2014). Therefore, it is no surprise that although the separation of powers is present, parliament's ability to control the government is limited and the independence of the judiciary needs to be further strengthened (European Commission 2015: 6-9). Moreover, a domination of the executive branch is existent and this was for a long time manifested in the person of Milo Đukanović. Albeit no longer the Prime Minister, he is still an undisputed charismatic leader of the DPS.

Impact on representative consolidation

Following the break-up of Yugoslavia, identity issues played an important role in the party system of Montenegro during the period of the semi-authoritarian regime. However, their dominance over the party system was established only after the fall of Milošević's regime in 2000.¹⁴ The struggle between two com-

¹⁴ In particularly after the end of the war in Bosnia and Herzegovina in 1995 a pro vs. against authoritarianism cleavage dominated the party system. This was confirmed by, at that time, very unusual coalition for the 1996 parliamentary elections between the Liberal Alliance of Montenegro (LSCG), a pro-Montenegrin and pro-Western party, and People's Party, a party that strongly supported the "Greater Serbia" project. The only common ground between them was their strong opposition to the

Figure 2. Causal Mechanism 2



peting nation-state building projects – the pro-Montenegrin vs. the pro-Serbian – caused a high level of ethnification of the party system and contributed significantly to the irrelevance of the socio-economic cleavage for political competition as well. The party system was thus established on the basis of an ethnic cleavage, which is characterized by zero-sum games, and in which ethnic issues have a clear priority over class and distributional ones. Such a scenario prevented the consolidation of democracy due to the fact that the party system, which is consolidated along an ethnic cleavage, carries in itself a constant threat to democratic consolidation (Merkel 1997: 348). In such conflicts, the political debate does not revolve around "more or less", but around "either-or", as these types of identities are considered unchangeable (Elster et al. 1998). It is very unlikely that a compromise will be reached, because it is much easier to achieve one with respect to the socio-economic issues than to find an acceptable middle ground between the Serbian and Montenegrin nation-state building policies. In the words of Horowitz (1985: 224): "How does a policy maker divide up the 'glorification' of the national language?" and the same goes for other identity issues.

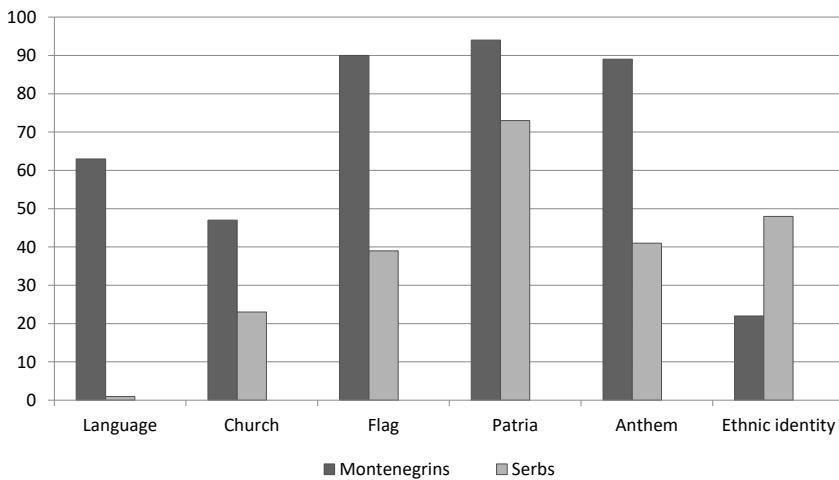
This ethnic cleavage contained the split between the centre (Yugoslavia) and the periphery (Montenegro). The centre represented a pro-union state-building policy and an exclusive concept of

semi-authoritarian regime of the DPS.

pro-Serbian nation-building policy, which was also hostile to minority cultures, while the periphery represented a pro-independence state-building and a pro-Montenegrin nation-building policy, which was compatible with minority cultures. Despite the fact that the deep polarization lightened once the state-building problem was resolved in 2006, the unsolved problem of nation-building continues to provide the grounds for a strong polarization. In other words, the cultural dimension of the centre-periphery cleavage has dominated the party system since 2006: the pro-Serbian nation-building policy vs. the pro-Montenegrin nation-building one. Such a strong and deep polarization was confirmed by the Ipsos report (2011) on nation-building in Montenegro. Montenegrins and Serbs, who according to the last census from 2011 represent 73.7% of the population of Montenegro, answered much differently when asked about the acceptance of the Montenegrin language, the Montenegrin Orthodox Church, the Montenegrin national flag, the Montenegrin national anthem, Montenegro as patria, and the importance of their ethnic identity (see Chart 1).

Deep polarization is not only maintained by such strong differences but furthered by political elites who have shown no serious interest in resolving identity issues. They serve, above all, the DPS and the largest pro-Serbian opposition party Nova as a political instrument for mobilizing followers

Chart 1. Deep polarization



Source: Ipsos report (2011) on nation-building in Montenegro

and for diverting the discussion from socioeconomic issues (Poeschke and Milačić 2014: 99). As a consequence, a great ideological distance between the left and the right pole of the party system are maintained.¹⁵ Such focus on identity issues also strongly contributed to an increased emphasis of the ethnic component by the parties of minorities (Vuković and Milačić 2016), which in turn further increases the level of ethnification of the party system.

Moreover, the current party system is also characterized by a bilateral opposition as some opposition parties with their pro-Montenegrin and pro-civic party programs – such as the SDP and the URA (United Reformist Action) – are much closer to the DPS than to

the Nova-led Democratic Front (DF). Therefore, a party system characterized by the prevalence of ethnic cleavage, a high degree of polarization, and a bilateral opposition is to be classified as non-consolidated.

The fall of the Montenegrin hybrid regime in 1998 did not bring in the pluralism of trade unions. The SSSCG (the Confederation of the Independent Unions of Montenegro) with its 90.000 members and 19 trade unions organizations in the year 2003 remained the single confederation of unions (Đurić 2002/2003: 33). Yet this did not mean that the Montenegrin trade union scene was a monolith one as polarization took place in a different manner. Two political orientations existed simultaneously within the SSSCG: the pro-Yugoslav (Serbian) and the pro-Montenegrin one. The polarization of the society as a whole was thus reflected on the trade unions. The general position of the SSSCG leadership was that more politics in their activities would cause the confederation to split into two unions with

¹⁵ In the last two years another identity issue has strongly polarized Montenegrin society: membership in the NATO. Two poles of this polarization are the same as with respect to the nation-building cleavage: the DPS, which supports the Montenegrin membership, and the Nova, which strongly opposes it. Needless to say, these two parties strongly benefited from the new polarization.

different national omens. Therefore, the activities of Montenegrin trade unions were scarce and it would not be an exaggeration if one described their behavior as self-censorship.

However, many union members were becoming increasingly dissatisfied with such an approach that was turning the trade unions into an irrelevant actor. They left the SSSCG and established a new trade union confederation – the Association of Independent Trade Unions of Montenegro (USSCG). Instead of the common fight for workers' rights the relationship between the two trade union organizations in Montenegro has been characterized by competition. These quarrels caused a drop in power for both trade unions and a slump in membership numbers as well. While the SSSCG, as already noted, had 90.000 members in 2003, the two organizations combined had only 66.000 members in 2010 (Simović 2011: 11). They are currently even more marginalized and very much irrelevant.

Impact on behavioural consolidation

In many former Yugoslav republics the war created powerful social and political actors that were a major obstacle to the consolidation of democracy (Milačić 2017b). These actors exploited their intervention potential – acquired through the ethno radical politics of the political actors – in order to meet their particular interests, which were not consistent with the democratic rules of the game.¹⁶

¹⁶ Croatia and Serbia offer perfect examples of these "exclusive domains" that originate from the war. After the regime change, the veteran's associations represented a major threat to the consolidation of democracy in Croatia and Croatia's cooperation with the Hague Tribunal triggered also the conflict between the government and another veto player – the military. In Serbia, Zvezdan Jovanović, deputy commander of the JSO

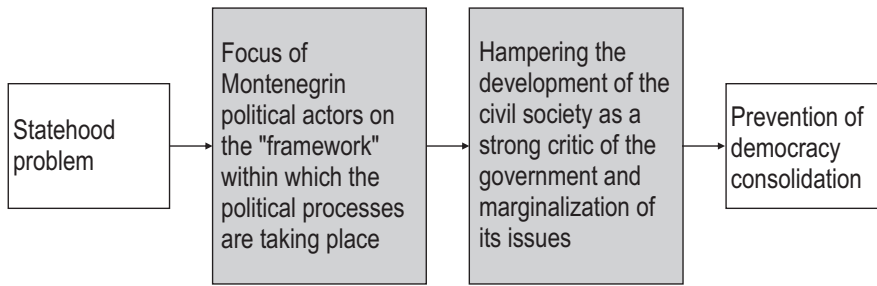
The fact that Montenegro was not characterized by a strong ethno-nationalist mobilization, which was accompanied by war, led furthermore to a situation where this country did not have to deal with veto players that originated from the war. Montenegro was only briefly directly involved in the war when the units of the Yugoslav People's Army from Montenegro attacked Dubrovnik (October 1991- May 1992). Therefore, there were no powerful social and political actors in Montenegro who were trying to enforce their interests outside of the democratic institutions and against the democratically elected representatives: neither intelligence agencies and nationalist groups nor special police and army forces.

Impact on the consolidation of civil society and civic culture

The ethno-nationalist mobilization led in Montenegro to the development of civil society on an ethnic and religious basis, which in turn had a negative impact on the development of civic culture. However, during the war in former Yugoslavia a number of associations and media were established that opposed the war, the nationalism, the xenophobia and hate speech, and that criticized the political and military actions of the Montenegrin authorities as well. These pro-democracy citizens' associations fought against their marginal social status and political climate that prevented the development of a democratic civil society (Darmanović and Bojović 2005: 343-344). They worked close together with two pro-democratic opposition parties – the LSCG and the SDP – and formed the Montenegrin pro-democracy movement. For these reasons, they

– a highly militarized police force of the State Security Service that was established as a paramilitary unit in 1990 to incite Serb rebellion in Croatia – assassinated the Prime Minister Zoran Đinđić in 2003.

Figure 3. Causal Mechanism 3



were strongly suppressed by the government. These organizations helped the other side of Montenegro to raise its voice, but they did not play a significant role in country's transformation process. At that time, Montenegrin civil society was still in an embryonic state.

Once the hybrid regime crumbled, the Montenegrin civil society went through intensive development. Immediately after the Law on Non-Governmental Organizations was passed (July 1999) as one of the first Montenegrin reform laws, numerous civilian programs and projects were launched (345). In the year 2000, there were 543 associations, 10 foundations, and 41 foreign NGOs registered. According to the "World Values Survey" from 2001, which considered political parties, churches (religious organizations), and sport clubs as a part of the civil society, 44% of respondents said that they were members of a civil society organization. Such rapid establishment of the NGOs continued and in 2002 there were 1811 associations, 54 foundations, and 72 foreign NGOs registered (Darmanović and Bojović 2005: 350). The number of organizations has thus almost quadrupled in just two years and in 2006 there were as many as 3600 NGOs registered (Bieber 2010: 958).

The government initially supported the development of the civil society and

regarded it not as an opponent, but as a partner in the struggle against Slobodan Milošević. In certain aspects this relationship contained elements of a "strategic alliance" (Darmanović and Bojović 2005: 346) with negative consequences for the civil society. The armistice with the government of Montenegro prevented civil society organizations from developing into advocates of citizens' interests and critics of the government (Muk et al. 2006: 18). Therefore, the rapid development of the civil society did not bring about an equal improvement of democratic standards.

After the fall of Milošević's regime in 2000, this strategic alliance broke up. Yet this time the unresolved statehood problem prevented the clear positioning of the civil society as a critic of the government and dulled its activities as most of the major NGOs strongly supported the government's project of an independent Montenegro. In other words, they subordinated their activities to the government's policy and the independence of Montenegro.

The completion of state-building in 2006 finally led to a critical positioning of civil society organizations towards the government, whereby they became more active in promoting the public interest. They emphasized the need for the fight against corruption and demanded

transparency of the institutions. However, unfinished nation-building, i.e. the focus of political actors on identity issues, marginalized the issues of the civil society and delayed the creation of an institutional framework for the cooperation between the civil society and the government, which significantly slowed down its development. The Government Office for Cooperation with NGOs, which aim is to work directly with civil society organizations to develop mutual coordination and cooperation as well as to promote transparency of the work, was established as late as 2007 (Tacso 2010: 11). The Council on Cooperation between the government and NGOs was established even later – in April 2010. All this strongly contributed to the fact that, according to the 2015 Civil Society Organizations Sustainability Index for Central and Eastern Europe and Eurasia, Montenegro, together with Serbia, has the lowest level of sustainability of civil society organizations in the region (CSO 2015).

Conclusion

By analysing the process of democracy consolidation in Montenegro, this paper argued that the unresolved statehood problem has been the main obstacle on the Montenegrin path towards

a consolidated democracy. And while the state-building has been completed, the issue of the nation is still disputable. As long as that remains to be the case, Montenegro will either stagnate or very slowly move towards the status of a consolidated democracy. In this context, a civic state concept, which the Constitution already promotes, would be of the greatest advantage out of two following reasons: firstly, history teaches us that the victory of one nation-state building idea, either pro-Montenegrin or pro-Serb one, never meant the permanent marginalization of the other one. Therefore, a solution based on the civic concept of citizenship, which also emphasizes multiple and complementary identities (Linz and Stepan 1996), seems to be the only sustainable one. Only such a solution, which is also inclusive towards minorities, would address the interests of both pro-Montenegrin and pro-Serbian population. Secondly, strong promotion of a civic national identity would also imply the strengthening of the democratic system. As pointed out by Shulman, in order for civic nation-building to succeed, the laws and political institutions of a country must be seen in a positive light by its citizenry (2005). In other words, without strong institutions there can be no successful civic nation-building.

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Crna Gora: "Izgubljena" u problemu državnosti

Sažetak Gotovo dvadeset godina od sloma poluautoritarnog režima Crna Gora još se kategorizira kao defektna, a ne kao konsolidirana demokracija. U ovome članku analizira se ključna odrednica sporog procesa demokratske konsolidacije u Crnoj Gori – neriješen problem državnosti. Autor se pritom ne usredotočuje na funkcionalnu državu nego, umjesto toga, koristi klasičnu definiciju državnosti s trima dimenzijama: državna moć, državni teritorij i narod. Članak nastoji pridonijeti boljem razumijevanju dvaju pitanja: procesu demokratizacije u Crnoj Gori i odnosu države i demokracije. U analizi se koristi metoda *process-tracing* kako bi se došlo do minimalnoga dovoljnog objašnjenja ishoda razvojem teorijskih uzročnih mehanizama.

Ključne riječi Crna Gora, konsolidacija demokracije, izgradnja nacionalne države, pitanja identiteta