

Screening Report

Montenegro

Chapter 31 – Foreign, security and defence policy

Date of screening meetings:

Explanatory meeting: 17 May 2013

Bilateral meeting: 27 June 2013

I. CHAPTER CONTENT

The common foreign and security policy (CFSP) and the common security and defence policy (CSDP) are based on legal acts, including legally binding international agreements, and on political documents. The *acquis* consists of political declarations, decisions and agreements. Member states must be able to support political dialogue in the framework of CFSP, to align with EU statements, to take part in EU decisions and to apply agreed sanctions and restrictive measures.

II. COUNTRY ALIGNMENT AND IMPLEMENTATION CAPACITY

This part summarises the information provided by Montenegro and the discussions at the screening meeting.

Montenegro indicates that it can accept the *acquis* regarding foreign, security and defence policy. The country also indicates that it does not expect any difficulties to implement the *acquis* by accession.

The main objectives of Montenegro's foreign policy include EU and NATO accession, maintaining good neighbourly relations and intensifying regional cooperation in the Western Balkans as well as enhancing bilateral and multilateral international cooperation. When invited, Montenegro aligns itself with EU statements, HR declarations on behalf of the EU and Council Decisions on restrictive measures. In the period from September 2012 to September 2013, Montenegro aligned itself to all 38 invited measures.

Montenegro has the necessary legal instruments to execute its foreign policy, in particular the Law on Foreign Affairs (Official Gazette of Montenegro, No 46/2010) and the Law on Conclusion and Implementation of International Agreements (Official Gazette of Montenegro, No 77/2008). The Montenegrin Foreign Service consists of around 250 staff in the Ministry of Foreign Affairs and European Integration and in its 34 diplomatic missions abroad. Altogether, Montenegro has 25 Embassies, 6 Missions and 3 Consulates General. In 2014, Montenegro foresees the opening of an Embassy in Argentina and a Consulate in Luxembourg.

Since its declaration of independence in June 2006, Montenegro has been recognised by 166 countries.

II.a. CFSP – political dialogue

Based on the Council decision of 15 September 2006, the EU and Montenegro established a regular political dialogue immediately after Montenegro's declaration of independence. The first meeting took place on 22 January 2007 and further political dialogue meetings have been held subsequently. Since May 2010, this dialogue has taken place in the framework of the Stabilisation and Association Agreement (SAA). Informal consultations and briefings with the EU also take place in third countries as well as in international organisations.

Montenegro regards intensive and well-developed relations with the countries of the Western Balkans as its key foreign policy priority. The country holds regular meetings at presidential and ministerial level with the Western Balkan countries and, since 2006, has signed over 240 agreements/treaties with them, mostly on political, judicial and economic cooperation. Montenegro recognised Kosovo's declaration of independence in October 2008.

Montenegro sees itself as promoter of regional cooperation in the Western Balkans. Strengthening regional cooperation and establishing an intensive political dialogue among the countries of the region are key objectives for Montenegro's foreign policy. The country actively participates in the work of regional initiatives and organisations including the South-East European Cooperation Process (SEECP), the Central European Initiative (CEI), the Adriatic-Ionian Initiative, the EU Maritime Strategy and the EU Strategy for the Danube Region. The country also hosts the Secretariats of the Regional Cooperation Council Task Force for Culture and Society and of the Regional School of Public Administration (ReSPA). Montenegro is the initiator of the 'Western Balkan Six' proposal, which aims at bringing together the region's political leaders in an effort to enhance cooperation on European integration.

Montenegro states that it has good bilateral relations with Turkey and the Euro-Mediterranean Partnership countries. In July 2008, Montenegro became a member of the Union of the Mediterranean. Political dialogue with Turkey and the European Neighbourhood countries takes place on an ad-hoc basis. Montenegro cooperates with the US in the defence sector through the Programme of International Military Education and Training (IMET) and other programmes.

With regard to EU policies vis-à-vis other third countries and regions, such as Russia, the European Neighbourhood Policy (ENP), the Middle East Peace Process, the Gulf Cooperation Council, the Euro-Mediterranean Partnership, the Transatlantic Dialogue, the ACP countries as well as Latin America and Asia, Montenegro states that it foresees no difficulties in implementing CFSP positions.

II.b. CFSP and CSDP – political strategy

Montenegro expresses its commitment to be ready to fully and actively participate in the EU's Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP) by the date of accession and to put in place the necessary legal framework and institutional structures, including IT infrastructure. The Ministry of Foreign Affairs and European Integration is in charge of implementation and coordination of all aspects of foreign policy. The State Secretary for Political Affairs in the Ministry of Foreign Affairs and European Integration acts as Political Director while the Director for Common Foreign and Security Policy carries out the function of 'European Correspondent'.

Sanctions and restrictive measures

Montenegro's main legal framework to implement EU and UN Security Council sanctions is the Constitution (Articles 82 and 9) and the Law on International Restrictive Measures, which has been drafted but remains to be adopted. This Law foresees a mechanism, by which the Government has to take decisions for each restrictive measure. Montenegro states that it will strengthen its administrative capacity in the relevant institutions to ensure efficient implementation of international restrictive measures.

Montenegro has implemented all UN Security Council restrictive measures and is committed to implementing restrictive measures in accordance with the *acquis*.

(See chapter 24 – justice, freedom and security for crime related fight against terrorism and terrorist financing and confiscation).

Conflict prevention

Montenegro stresses its support to all EU measures in the area of conflict prevention. The country cooperates with the EU within the UN and other international organisations and aligns itself with the various EU statements related to conflict prevention.

Non-proliferation and WMD/SALW strategy

Montenegro fully supports the EU objectives on disarmament, arms control and non-proliferation of Weapons of Mass Destruction (WMD). Montenegro participates in non-proliferation and arms control regimes including the International Atomic Energy Agency, the Preparatory Commission for the Comprehensive Test Ban Treaty, the Organisation for Biological Weapons Convention and the Organisation for the Prohibition of Chemical Weapons. The country is currently discussing the possibility of applying to join the Wassenaar Arrangement. The country's legal framework includes the Law on Ionising Radiation Protection and Radiation Safety (OJ 56/09 and 58/09), the Law on Foreign Trade in Arms, Military Arms and Dual Use Goods (OJ, 80/08, 40/11 and 30/12) and the Law on Export Control of Dual-Use (OJ 32/12) as well as strategy documents and action plans. The National Team for the prohibition of chemical weapons and the National Team for response in case of chemical, biological, radiological and nuclear (CBRN) disasters consisting of representatives of various ministries represent the main administrative capacities apart from the law enforcement authorities. Montenegro acknowledges the need to increase its administrative resources.

With regard to the control of Small Arms and Light Weapons (SALW), Montenegro states that it complies with the main EU instruments in this field. Montenegro states that its national legislation is fully harmonised with the Council Regulation setting up a Community regime for the control of exports, transfer, brokering and transit of dual-

use items (EC 428/2009), the Common Position 2008/944/CFSP, the Common Position on the control of arms brokering (2003/468/CFSP) Joint Action concerning the control of technical assistance related to certain military end-users (2000/401/CFSP) and the EU's Common Military List (2013/C90/01 CFSP). The country states that harmonisation with the remaining *acquis* in this field is in progress.

Montenegro acknowledges the need to enhance its administrative capacity, to develop a National Strategy to combat WMD proliferation and to increase funding for activities related to the clearance of contaminated territories and construction/renovation of warehouses in line with international standards.

Cooperation with international organisations

Montenegro ratified the Rome Statute establishing the International Criminal Court on 23 October 2006. Even before, Montenegro had been party to the Rome Statute as a successor of international agreements ratified by the former State Union (Law on Ratification of the Rome Statute of International Criminal Court, "Official Gazette of the Federal Republic Yugoslavia", No. 5/2001). The Law on Cooperation with the International Criminal Court, which regulates procedural aspects of the cooperation with the ICC, was adopted in July 2009. Montenegro maintains a bilateral immunity agreement of 2007 with the United States, granting exemptions for US government officials and employees including military personnel and contractors from the jurisdiction of the Court. Montenegro states that it will examine possibilities to fully align its position with the EU in the future.

Montenegro is member of the UN, OSCE and the Council of Europe and is fully involved in policy making of these bodies. Overall, it is member of 12 international organisations.

The country is party to all major international human rights conventions and Member of the UN Human Rights Council for the term 2013 – 2015.

Security measures (classified information)

The legal framework on security procedures for the exchange of classified information is in place and includes the Law on Classified Information and the Criminal Code as well as the Regulation on the manner and procedure assigning information classification and the Regulation on classified information evidence. An EU-Montenegro security agreement, which entered into force in December 2010, and security arrangements for protection of classified information, adopted in February 2011, allow for the exchange of classified information. The Directorate for Protection of Classified Information, established in 2008, coordinates and implements EU security policy in the country and acts as the country's national security authority responsible for security clearance and access to classified documentation and electronic communication.

II.c. CSDP – contributing capacities

Montenegro states that it is ready to support the Common Security and Defence Policy. While the Parliament decides on the participation of members of Montenegrin armed forces in international peacekeeping missions and operations, the Government is responsible for the decision of sending members of the Ministry of Interior and Police Directorate.

Montenegro indicates that it will improve its administrative capacities in order to be ready to actively participate in CSDP activities and missions when the country joins the EU.

Crisis management (civil and military)

In March 2010, Montenegro signed with the EU the Agreement on the country's participation in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery of the Somali coast (Operation Atalanta). On this basis, Montenegro's armed forces participate in the EU crisis management operation EU NAVFOR Atalanta with up to 3 members.

On 22 February 2011, Montenegro and the EU signed a Framework Agreement for country's participation in EU crisis management operations, which will facilitate any potential further involvement of Montenegro in other current or future CSDP operations.

Montenegro also contributes to other international peacekeeping missions: for NATO Afghanistan (ISAF) - with up to 45 members since 2010 - as well as for the UN in Liberia (UNMIL) - with 2 members as observers since 2006 - and in Cyprus (UNFLICYP).

Upon the invitation of the EU, Montenegro donated military equipment to the Armed Forces of Mali in June 2013.

III. ASSESSMENT OF THE DEGREE OF ALIGNMENT AND IMPLEMENTING CAPACITY

Montenegro has reached a good level of alignment for opening negotiations in the area of foreign, security and defence policy. Over the last two years, the country has aligned itself, when invited, with all EU declarations and decisions. It plays an active and constructive role in regional organisations in the Western Balkans and cooperates closely with all countries in this region.

Apart from EU and NATO accession, Montenegro's main foreign policy objective is related to good neighbourly relations and enhanced regional cooperation in the Western Balkans. With

its close relations and developed network of diplomatic relations to the countries of this region, Montenegro can make a positive contribution to the EU's foreign and security policy in this region. Overall however, the impact of Montenegro's accession on the EU's foreign and security policy is expected to remain limited.

In order to be fully prepared, Montenegro needs to increase its administrative capacity in the areas of sanctions and restrictive measures, and disarmament, arms control and non-proliferation of Weapons of Mass Destruction as well as to strengthen implementation and enforcement of arms control. Montenegro should also improve alignment with EU positions with a view to full alignment by accession, including regarding membership of some international organisations and arrangements.

III.a. CFSP – political dialogue

Montenegro fully shares the EU objectives of promoting peace and stability in the Western Balkans and regularly engages at the highest political level with all countries of the Western Balkans. Regional cooperation in the Western Balkans is among the key foreign policy objectives of the country.

Montenegro needs to fully address a number of outstanding bilateral issues with its Western Balkan neighbouring countries. It should increase its efforts on finding mutually acceptable sustainable solutions to all pending bilateral issues.

Montenegro's ad-hoc relations with third countries beyond the Western Balkans largely reflect the size of the country and its foreign policy orientations. Overall, Montenegro should have no difficulties in implementing CFSP positions.

III.b. CFSP and CSDP – political strategy

Montenegro has supported EU foreign policy for several years. By accession, Montenegro is expected to be able to align with all EU positions and contribute actively to the shape, formulation and execution of CFSP.

Montenegro has a relatively small diplomatic network reflecting the size of the country. With some adjustments including an increase of the number of professionals dealing with CFSP and CSDP, it is assumed that Montenegro will be able to fully participate in these policies.

With regard to EU sanctions and restrictive measures, Montenegro aligns itself with EU and UN decisions, when requested. Montenegro still needs to adopt the legal framework, for which it has already prepared a draft, and further strengthen its administrative resources to ensure full implementation of international restrictive measures.

In relation to conflict prevention, Montenegro supports all the measures implemented by the EU.

With regard to the non-proliferation and weapons of mass destruction / small arms and light weapons (WMD/SALW), Montenegro participates in some but not all international export control arrangements and instruments concerning the proliferation of weapons of mass destructions. It is party to many of the relevant conventions but needs to continue its efforts to join all relevant treaties. The country has stated its willingness and has already made progress in adopting and implementing the *acquis* related to non-proliferation, arms control and export control regimes. Montenegro needs to develop a National Strategy to combat WMD proliferation and further increase its administrative capacity.

Compliance with international commitments on small arms and light weapons (SALW) is basically ensured. Montenegro needs to continue to harmonise its legislation with the *acquis* in this field, increase its administrative resources and strengthen implementation and enforcement of arms control regimes in order to further improve its capacity for full implementation of its international commitments.

With regard to cooperation with international organisations, Montenegro participates in the work of the UN, OSCE and the Council of Europe and supports the EU positions in these organisations. Montenegro supports and participates in the work of the International Criminal Court. Montenegro has signed a bilateral immunity agreement with the USA, which exempts certain US nationals from the jurisdiction of the Court. This does not comply with the EU Common Position on the integrity of the Rome Statute of the International Criminal Court or with the related EU guiding principles on bilateral immunity agreements. Montenegro is aware of the EU position in relation to bilateral immunity agreements and expressed its readiness to fully adjust to it.

With regard to security measures for classified information, Montenegro has reached in general a good level of preparation for accession. An EU-Montenegro security agreement, which entered into force in December 2010, allows for the exchange of classified information. Given that the EU continues to further develop its security rules, Montenegro will need to align itself to these rules by the date of the accession.

III.c. CSDP – contributing capacities

With regard to military crisis management, Montenegro is well prepared for accession. The country is participating in the EU crisis management operation EU NAVFOR Atalanta as well as in three international peacekeeping missions: ISAF in Afghanistan, UNMIL in Liberia and in UNFLICYP in Cyprus. Montenegro's contributions are relatively limited but not insignificant.

The country intends to enhance its capacity in order to increase its contribution in future EU and international peacekeeping missions. Montenegro's participation and commitments regarding CSDP missions is expected to gradually increase, especially

in civilian CSDP missions. The country stated its willingness to build capacities and capability with the aim to actively participate to EU Battle Groups in the future.

Overall, Montenegro has relatively limited resources but has fully subscribed to the EU goals of crisis management and expressed its commitment to increase its capacities in order to be fully ready to actively participate in CFSP operations by the time of accession.