

RESEARCH ARTICLE

Citizenship between the 'image of the nation and 'the image of politics': the case of Montenegro

Abstract

In Montenegro, the ruling Democratic Party of Socialists (DPS), the legal successor to the Montenegrin branch of the League of Communists of Yugoslavia, has uninterruptedly remained in power since the break-up of Yugoslavia. By looking at citizenship policies in Montenegro since the disintegration of Yugoslavia as an 'image of the nation' and an 'image of politics', this paper maintains that citizenship legislation has been one of the key mechanisms that has enabled the perpetuation of DPS rule. By embedding the 'image of the nation' in citizenship legislation, the ruling Montenegrin elite reinforced their political agenda. By entrenching the 'image of politics' in citizenship laws, they managed to produce conditions favouring their electoral victories, thus enabling the party's institutional dominance.

Keywords: Montenegro, citizenship, DPS, elections, nation, politics

Introduction

Citizenship is an 'internal reflection of state membership' (O'Leary 1996, 10). Thus, citizenship laws speak about the way the political community is construed, and regulate the link between individuals and the state. The proliferation of new states after the fall of the Iron Curtain gave a new spin to the study of citizenship. In the context of post-communist states, with scarcely any history of statehood prior to their independence, citizenship laws embodied the 'image of the nation' (Shevel 2009, 277). Contra Brubaker (1992), Shevel (2006) argued that citizenship laws adopted in the new states in Central and Eastern Europe (CEE) not only reflected the politics of identity, but also the politics of interest. Given the complete lack of institutional and legal mechanisms that regulate citizenship, the adoption of the underlying legislation emerged from a bargaining among political actors, who had no a priori experience of the effect of citizenship laws on other policy areas (Shevel 2009). Hence citizenship laws also reflect an 'image of politics' at the time of their adoption.

Unlike the CEE states, when it became independent in 2006, Montenegro did have some institutional experience of regulating its citizenship, stemming from the two tiered citizenship regime (federal and republican) of the former Yugoslavia (Štiks 2006). Therefore, its citizenship legislation equally represents an 'image of the nation' and an 'image of politics' as has been the case in other post-communist countries with no previous experience with citizenship. The encapsulation of the 'image of the nation' in citizenship legislation is a common trait of many a citizenship laws (Brubaker 1992; Brubaker 1996). Yet, the unique trait of the Montenegrin citizenship legislation is the 'practical' rather than the 'ideal' (Brubaker 1992) 'image of politics'. This practicality, which stands in contrast to Brubaker's (1992) observations on citizenship in post-communist states, mirrors the prior experience of the actors involved in bargaining and adopting citizenship laws. By being aware of the effects of citizenship legislation on other policy areas, the policymakers were able to deliberately change citizenship laws to support their practical political goals.

Drawing on qualitative research, and in particular on primary sources such as laws and party documents, this paper helps to understand how the ruling Democratic Party of Socialists (DPS), the legal successor to the Montenegrin branch of the League of Communists of Yugoslavia, has uninterruptedly remained in power in Montenegro since the break-up of Yugoslavia. Viewing citizenship policies in Montenegro since the disintegration of Yugoslavia as an 'image of the nation' and an 'image of politics', this research maintains that citizenship policies were an important mechanism that has enabled the perpetuation of DPS

rule. By embedding the 'image of the nation' in citizenship legislation, the ruling Montenegrin elite reinforced their political agenda. By entrenching the 'image of politics' in citizenship laws, they managed to produce conditions favouring their electoral victories and thus enabling the party's institutional dominance.

The 'image of the nation' in Montenegro has substantially changed in the two decades after the disintegration of Yugoslavia (Morisson 2009). When the ruling elite were closely related to Slobodan Milošević in the early 1990s, the 'image of the nation' in Montenegro was linked to the one in Serbia. With the split in the DPS in 1997, the faction of the party that remained in power gradually distanced itself from the institutions of the Federal Republic of Yugoslavia (FRY) (ICG 2005). After the fall of Milošević, the ruling DPS embraced the idea of the independent statehood and supported it with the rhetoric on a separate Montenegrin 'image of the nation'. This change has also been embedded in different ways of regulating citizenship, examined in detail in the next section of the paper. Hence, citizenship policies were crucial in establishing the political identity of the DPS. They served both as means of detaching from the Belgrade regime in the late 1990s, and as a tool for associating the idea of nationhood to the party's political program in the newly independent state.

Yet, citizenship laws in Montenegro after the disintegration of Yugoslavia also reflected an 'image of politics', in that they supported practical political goals of the ruling elite. Citizenship policies have underpinned the electoral arithmetic, particular at the time of the divide over statehood and identity in Montenegro. The direct link between citizenship policies and election laws proved to be an important mechanism for preserving the electoral balances. In turn, the continuous DPS rule that was enabled through elections helped the party to establish institutional dominance over the state's political and economic resources.

2. Citizenship and the 'image of the nation'

By looking at how the 'image of the nation' was represented through different citizenship acts applied in Montenegro, this section argues that citizenship policies were inextricably related to the evolution of the political identity of the DPS, and as such have helped the party to affirm its dominance in Montenegro's political context. This was possible because the 'image of the nation' in Montenegro was closely related to the identity of political actors.

2.1. Citizenship and the 'image of the nation' in the early 1990s

The change in the structure of the communist leadership in Montenegro at the time of the 'anti-bureaucratic revolutions' of 1988 and 1989 paved way to Milošević's growing control over Vojvodina, Kosovo and Montenegro. The newly emerged leaders in the League of Communists of Montenegro (DPS since 1990) drew their political strength from their association with Milošević, whose rhetoric was particularly appealing in Montenegro due to the overlapping of the different aspects of 'Serb' and 'Montenegrin' identity (see Morrison 2009; Roberts 2007). The fact that the elite in the first half of the 1990s did not emphasise the difference between the two counterparts of Montenegrin identity helped to preserve the populist movement driven by Serbian nationalism. As a consequence of the association of the DPS with Serbian nationalism, citizenship policies in Montenegro were regulated in line with the federal policy.

Hence, no separate citizenship laws were adopted in the first half of the 1990s, either in Montenegro or in the FRY. The Yugoslav Citizenship Act was adopted only in 1996, since the policymakers in the FRY sought to circumvent clear legal definitions of citizenship. This avoidance allowed them a greater margin of manoeuvre when it comes to ethnicity and citizenship, which were particularly malleable at the time of ethnic conflicts. According to

Štiks (2006), the manipulation of a huge number of refugees through citizenship policies in the 1990s supported Milošević's policies of changing the ethnic balance in Kosovo, Vojvodina and Montenegro. The fact that these policies were also applied in Montenegro and the inexistence of separate citizenship legislation indicate that the 'image of the nation' followed the lines of Serb nationalism. This fed into the political agenda of the ruling DPS until 1997, and reinforced its political rhetoric.

2.2. The changing 'image of the nation' amidst different political agendas

The split of the DPS in 1997 triggered the competition for power between the two strands of the DPS and required the ruling elite to 'reinvent' themselves amidst the new political context. The wing of the DPS led by Milo Đukanović initially constructed its identity in opposition to the regime in Belgrade. Đukanović did not immediately embrace the independence project, largely due to the duality of identity in Montenegro (see Morisson 2009). Rather, in the years preceding the fall of Milošević, this political camp focused on distancing Montenegro from the federal institutions. By contrast, the competing wing (SNP as of 1998) – led by Momir Bulatović – acquired the role of the supporter of Milošević's politics. Simultaneously, it emphasised the corrupt nature of Đukanović's DPS, and claimed that the Montenegrin ruling elite sought to retain their grip over the state. The diversification of these two political camps in Montenegro implied the reconstruction of the political scene from a political monolith (Morisson 2009) to a bifurcated political community. Thus in order to remain in power in Montenegro, the DPS had to change its political profile. Citizenship policies had an important role in this process. Not only did they help to detach Montenegro from the FRY, but also they helped to re-create the political identity of the DPS.

From 1997 onwards, Đukanović's DPS embarked upon a process of 'creeping independence', i.e. the gradual establishment of institutions in Montenegro that would function independently from the ones of the FRY (Morisson 2009; Roberts 2007). Citizenship policy was an integral part of 'creeping independence' because the 1999 Law on Montenegrin Citizenship stood in conflict with the Yugoslav Citizenship Act of 1996. It provided for the acquisition of the republican citizenship without the prior or simultaneous acquisition of the federal one. According to European Stability Initiative, the 1999 Law on Montenegrin Citizenship 'reads as if Montenegro were an independent state, and refrains from defining Montenegrin citizenship as subsidiary to Yugoslav citizenship' (2001: 2). However, at that time, Montenegro's independence was not on the government's agenda; rather, it was the decentralisation of the FRY. Yet, the aggregate of the decentralising policies eventually provided a push towards independence for the Montenegrin political elite after the fall of Milošević in 2000.

Given that the post 1997 Montenegrin citizenship policy marked the detachment from Belgrade, while defining membership in the Montenegrin polity, it became pivotal for shaping the agenda of Đukanović's DPS. As such, it contributed both to the development of the DPS's political identity, and – by association – to the identity of its followers. By the end of the last millennium, Đukanović's DPS was associated with independence and a separate Montenegrin national identity. The competing SNP corresponded to the union with Serbia, and the emphasis on the Serbian origins of Montenegrins. The supporters of the ruling DPS-led coalition, and subsequently the independence idea, largely identified themselves as 'Montenegrins'.¹ By contrast, the then SNP-led opposition, which supported the common state with Serbia, predominantly identified themselves as 'Serbs'. Hence, the 1999 Law on Montenegrin Citizenship indirectly contained an 'image of the nation', in that it helped to establish the political identity of the DPS, which gradually turned to independence and built

its political agenda by emphasising a distinct Montenegrin national identity after the ouster of Milošević.

2.3. The new 'image of the nation'

The 'image of the nation' reflected in the provisions of the 2008 Montenegrin Citizenship Act supports the ruling DPS through two mutually reinforcing elements. First, the conflictual politics of ethnic/national identity in Montenegro yielded a civic citizenship policy, which in line with Shevel's (2005) observations is civic by default and not by design. This means that such a civic dimension of citizenship is merely non-ethnic, and at the service of the nation-building project. Second, Montenegrin citizenship legislation is restrictive in terms of dual citizenship because '[d]ual citizenship blurs boundaries between nations, which could pave the way for the unification of these nations into a single state' (Shevel 2009, 282).

According to the 2007 Constitution, citizenship in Montenegro denotes the relationship between individuals and the state, rather than national or ethnic belonging. This is an important aspect of the concept of citizenship in Montenegro, where no ethnic or national group forms the majority.² The 2008 Montenegrin Citizenship Act clearly states that the term 'citizenship' does not imply 'national and ethnical origin' (art.1), along the lines of the 2007 Constitution. Indeed, these two legal acts largely reflect the political dynamic after Montenegro became an independent state. The post-referendum environment in Montenegro, within which the 2008 Citizenship Act has been adopted, was characterised by the persistence of the division over Montenegrin nationhood. The aim of the DPS-led government, which based its policies on the rhetoric of European integration and multiculturalism, was to retain the votes of minorities gained in the pre-referendum period (see Bieber 2003a) with the concept of the 'civic' state. That is, by embedding the 'image of the nation' defined in political terms in the 2008 Citizenship Act the ruling DPS avoided the conundrum over the separateness of Montenegrin identity from the Serbian one, while also circumventing the ethnic 'image of the nation' which would not be appealing to the minorities.

Moreover, the restrictive dual citizenship policy has played an important role for affirming the identity of the DPS as the champions of independent statehood. The division over statehood and identity in Montenegro, coupled by the overall political context in the Balkans made the debate on the issue of dual citizenship in Montenegro politically sensitive. This is so because dual or multiple citizenship raises concerns over whether the acquisition of citizenship of the second state may dilute an individual's relationship with their state of origin (Boll 2007). That is, the issue that arises as a result of dual citizenship is whether an individual can qualify as loyal to multiple states at the same time. In the context of Montenegro's relationship with Serbia in particular, dual citizenship is not only related to participation as argued by Džankić (2010), but also raises issues of loyalty to the newly established Montenegrin state, which has been the 'agenda' of the DPS's pro-independence camp since 2000. A recent case of withdrawal of Montenegrin citizenship to Predrag Popović, the leader of the opposition People's Party (NS) which emphasised the Serb origins of Montenegrins, on grounds that he had voluntarily acquired Serbian citizenship is illustrative of the contentiousness of dual citizenship in Montenegro (B92, web).

2.4. Citizenship between European norms and a contested 'image of the nation'?

The experience of CEE states has shown that international norms, and particular the European ones, shape the citizenship regimes of emerging democracies (Shevel 2009; Shaw and Štikš 2010). Although the norms of the Council of Europe (CoE) and the EU have indisputably had an effect on Montenegro's citizenship policy (see Džankić 2010), their

impact has been limited because the policymakers sought to preserve the ‘image of the nation’ already enshrined in the 2008 Citizenship Act. The minor changes to the citizenship law reinforced the DPS’s rhetoric on European integration both domestically and internationally. However, the partial effect of international and European citizenship norms sustained Montenegro’s restrictive citizenship policy.

On 22 June 2010, Montenegro ratified the European Convention on Nationality (ECN), which induced some changes to the country’s citizenship act. The 2010 amendments to arts. 8 and 11 of Montenegro’s 2008 Citizenship act clearly reflect the influence of the ECN on the domestic legislation. The change to art. 8 (military duty and release from citizenship of the state of origin) is evidently related to arts. 21 and 22 of ECN regulating military service in cases of dual nationality. As military duty has been abolished in Montenegro, an applicant who fails to obtain release from citizenship of their state of origin as they did not complete the military service in their respective state, will be able to voluntarily denounce that citizenship before Montenegrin authorities prior to their naturalisation. At the same time, the clarification of art. 11 related to the acquisition of the Montenegrin citizenship in cases of spouses of Montenegrin citizens has been influenced by art. 6 of ECN. While on the one hand, these limited changes reinforce the DPS’s political program of ‘[l]aws grounded on European legal standards’ (DPS Program 2011, web), it is worth noting that, in the post-Yugoslav context, Montenegro has been the only country that has placed a reservation on art. 16 of the ECN, dealing with dual citizenship. This reservation enables Montenegro to retain its restrictive dual citizenship policy, which is a contentious issue especially in relation to Serbia. Hence, while the ECN has instigated some cosmetic changes to Montenegro’s citizenship legislation, any substantial change has been hampered by the ‘image of the nation’ enshrined in the 2008 Citizenship Act.

In a similar way, the most recent changes to the country’s citizenship policy came as a result of a political compromise between the major political players required to adopt the new Election Law. In its 2010 Opinion, the European Commission (EC) conditioned the start of the accession negotiations by stipulating seven requirements, including the enhancement of the ‘legislative framework for elections in line with the recommendations of the OSCE-ODIHR and the Venice Commission’ (2010: 11). In the context of Montenegro’s internal debate over statehood and identity, one of the major obstacles to the adoption of new election legislation was the citizenship status of the people from other former Yugoslav republics residing in Montenegro (see Džankić 2010). Since the adoption of electoral legislation in Montenegro required a 2/3 majority support, the Montenegrin opposition conditioned any agreement on the election legislation by facilitated naturalisation for this category of people. The conferral of citizenship and thus voting rights upon over 25,000 of these people (UNHCR 2011), would threaten the electoral balance in Montenegro. Hence, it could potentially be threatening to the ruling DPS coalition, which was reluctant to make a major compromise on the issue for years (see Janković 2011). Notwithstanding, the approaching date of publication of the Progress Report of the EC, and the need to reaffirm the commitment to European integration, forced the political actors to reach an agreement upon the Election Law in September 2011. The compromise thus reached between the government and the opposition yielded a change in Montenegro’s citizenship legislation, resulting in a slightly facilitated naturalisation for citizens of the former Yugoslav republics.

According to the transitory provision of the Montenegrin Citizenship Act (art. 41v), in force until 31 January 2012,

‘citizens of one of the republics of the former Yugoslavia who registered residence in Montenegro at least 5 years prior to the date of Montenegro’s declaration of independence (3 June 2006) can be granted Montenegrin citizenship, provided they did not unregister their residency in Montenegro before submitting the application, and that they fulfil financial

conditions and have security clearance as stipulated in article 8, para 1, points 4, 5, 7, and 8 of the Montenegrin Citizenship Act’.

The underlying provisions were mostly applied to the people from Bosnia and Croatia who sought refuge in Montenegro in the early 1990s (who were predominantly of Serb ethnic background), registered lawful residence, but failed to naturalise previously as they could not obtain release from their citizenship of origin, either due to poorly kept registers, the consequences of the wars of Yugoslav disintegration, or who wanted to keep their primary citizenship.³ The number of these people in June 2010 was 2,809 (SNP 2010). Yet, a several times larger number of people seeking Montenegrin citizenship will remain unaffected by the new provisions.⁴ For them, the problematic aspect of the new provision is that the law still requires the applicants to have registered ‘residence’ in Montenegro. Most of the people (Roma and the Serbs from Kosovo) who fled the Kosovo war have registered with the Bureau for the Care of Refugees, which is an institution that does not grant residence status (see EUDO case law on Montenegro). Hence the amendment, although ostensibly liberalising, allowed a limited number of people to be naturalised (Džankić 2011, web), while proving the ruling elite’s commitment to ‘actively contributing to European integration’ (DPS Program, web).

The limited impact of the European norms on Montenegro’s citizenship regime due to the conflictual nature of nationhood in the country has further been confirmed by the recent debate over whether to extend the naturalisation deadline of the transitory provision 41v. While the extension was proposed and supported by Montenegro’s opposition parties, the ruling DPS maintained that it was a way ‘to sneak in dual citizenship’ (Pobjeda, 27 January 2011). The persistence on the ‘image of the nation’ that already exists in Montenegro’s current citizenship legislation reflects clear policy preferences of the ruling DPS. In that respect, it prevents the expansion of Montenegro’s citizenship to those people who are likely to have split loyalties between Montenegro and Serbia.

3. Citizenship and the ‘image of politics’

The studies of citizenship have revealed the multiple links between the membership in a state and the way power relations are organised therein. As a result of the DPS’s dominance in the process of adopting citizenship legislation, the ‘image of politics’ vested in Montenegro’s citizenship laws also displays an image of interest. As opposed to the countries in CEE (Shevel 2009), Montenegro has had a previous experience of managing its citizenship policy under communism, which made the legislators aware of its effect on other policy areas. In the former Yugoslavia, the republican citizenship was closely related to voting rights, as only republic-level registers of citizens existed until 1991. This fact enabled the DPS to use citizenship policies to manage the electoral processes, which according to Birch ‘represent both a conduit through which power is channelled and a medium through which power is displayed’ (2011: 703). In turn, electoral victories facilitated the DPS’s access to the country’s institutional structures, which, similar to the case of contemporary Russia, resulted in the abuse of ‘administrative resources’ for further victories at elections (Birch 2011; Ross 2011).

3.1. The practical side of citizenship: electoral dynamics

Citizens exercise the major political aspect of citizenship by ‘the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body’(Marshall and Bottomore 1997: 8). Franchise is particularly relevant in the case of Montenegro, which is a small country of an electorate of

less than half a million. Hence, it is argued here that citizenship has been used for regulating the electoral politics, because in a small country a minor change in the number of voters represents a greater fraction of the electorate, and can thus change electoral balances. This was accomplished through the 'electoral misconduct', or the 'deviations that reflect intentional efforts to manipulate elections for personal or partisan ends' (Birch 2011: 703). On grounds of their examination of electoral politics in different post-Soviet states, Birch (2011) and Ross (2011) have found that the manipulation of the electoral register has been one of the most commonly used techniques or ensuring electoral victories. Although the international observers have concluded that, since 1998, Montenegro's electoral register contained a margin of errors falling 'within the parameters of established democracies with similar registration systems' (OSCE 2000), the manipulation of the electoral register through citizenship policies is a less manifest form of 'electoral misconduct'. That is, the manipulation does not occur in the register itself. Rather, as voting rights are inseparable from citizenship, the regulation of the latter (managed by the Ministry of Interior), set the parameters for inclusion or exclusion of individuals in the former (Managed by a number of municipal bodies coordinated by the Republic Election Commission (REC)).

According to the 1990 Law on the Election and Recall of Representatives and Deputies, voting rights in Montenegro were granted to 'citizens of 18 years of age, who have residence on the territory of the Socialist Republic of Montenegro at least 3 months prior to the date of elections' (art. 4). In the context of Džankić's (2011) differentiation of the categories of citizens, the Law remained unclear as to whether the notion of 'citizens' (*građani*) referred only to the people who had the republican citizenship of Montenegro, or to those citizens of the socialist Yugoslavia who resided in Montenegro three months prior to the elections.⁵ The uncertainty over voting rights left the political elite enough room for manoeuvre in deciding on franchise and helped the League of Communists to win the elections. Hence, coupled with the seat distribution formula, citizenship policies allowed the former communists to obtain 83 out of 125 parliamentary seats by winning 56 per cent of the popular vote in the 1990 electoral race (CDT 2011).

The 'electoral misconduct' related to the link between citizenship and voting rights also manifested itself in the 1992 parliamentary elections in Montenegro, the first ones after the establishment of the FRY. The FRY Constitution instituted Yugoslav citizenship, and republican citizenship as its second tier (art. 17). Almost simultaneously, the Constitution of the Republic of Montenegro, enacted on 12 October 1992 established the category of Montenegrin citizenship, but no separate law was adopted (see Džankić 2010). As a consequence, at the time of the extraordinary parliamentary elections in 1992, citizenship of Yugoslavia, and not of Montenegro, coupled with residence was the determinant of voting rights.

In fact, the 1992 Election Law stipulated that voting rights were conferred to 'Yugoslav citizens of 18 years of age, who have legal capabilities, and who have residence on the territory of the republic of Montenegro for at least 6 months prior to the date of elections' (art. 11). This provision was supplemented by a legal definition of the term 'Yugoslav citizen', which referred to FRY citizens (art. 127). In addition, voting rights were granted to other citizens of the republics of the former Yugoslavia who resided in Montenegro for a year prior to the elections, which helped to increase the republic's electorate from 402,861 in 1990 to 429,045 in 1992 (CDT 2011). The substantial increase in the electorate was also due to the influx of people fleeing the wars of Yugoslav disintegration, who had registered their residence in Montenegro in 1990 and 1991. These people were (predominantly) of Serbian ethnic belonging. Hence, the addendum to the electorate helped to reinforce the political dominance of the ruling DPS that was close to Milošević at the time (see CDT 2011).

The intensification of the link between citizenship and electoral politics became apparent after the internal split in the DPS, and in that the content of the citizenship legislation shows the practical image of politics. According to Shevel (2005:9), '[p]ractical consequences of the first citizenship legislation will become apparent and will become an additional source of citizenship policy'. As a consequence of the previous knowledge of the ruling elite of the effects of citizenship on voting rights, the provisions of the 1999 Law on Montenegrin Citizenship were restrictive. The stringent provisions for naturalisation posed a barrier to citizenship (Džankić 2010), and thus to political participation, to a large number of displaced persons from Croatia and Bosnia and Herzegovina. The people who sought refuge in Montenegro at the time of conflicts in the former Yugoslavia were predominantly of Serb ethnicity. Thus, they were more likely to vote for the political faction that supported Milošević and – after his ouster – the common state with Serbia.

An additional consequence of the internal Montenegrin debate reflected in the link between citizenship and voting rights was that the 2000 Election Law also became more stringent in that voting rights were granted to 'citizens of Montenegro of 18 years of age, who have legal capacity, and residence on the territory of Montenegro for at least 24 months prior to the date of elections' (art. 11). This provision marked a clear departure from the previous legal order in which conferred voting rights to 'Yugoslav' citizens who resided in Montenegro for 6 months prior to the elections. As a consequence of this dynamic, the number of voters decreased from 457,633 in 1998 to 447,673 in 2001 (CDT 2011). Although a part of the change is due to the regular maintenance of the electoral register, the reduction in the number of 'Yugoslav' voters, which would have been more inclined to vote the opposition parties, helped the DPS to win in the subsequent election rounds. Along with its pro-independence coalition partners, Social Democratic Party (SDP) and the Liberal Alliance of Montenegro (LSCG), the DPS won the elections in 2001, as well as the 2002 elections, after the fallout with the LSCG over the DPS's decision to sign the 2002 Belgrade Agreement and put the referendum on independence on hold for three years.

The relation between citizenship and voting rights was also pronounced after the transformation of the FRY into Serbia and Montenegro in 2002. The legislation of the 'transformed' state stipulated a clear link between the voting rights and citizenship. According to the Constitutional Charter of Serbia and Montenegro, citizens of the constituent states had equal rights and duties in the other state, apart from electoral rights (art. 7). This fact was extremely significant at the time of the 2006 referendum on independence in Montenegro, and in the pre-referendum debate.⁶ The importance of the number of people who could take part in the political processes in Montenegro is best seen in the referendum results. Effectively, the number of voters that supported Montenegro's independence exceeded the required threshold of 55 per cent set by the European Union by 2,095 votes, or 0.5 per cent (CDT 2006). Thus, the fact that Montenegro continued to regulate its citizenship policies in the common state with Serbia was pivotal for maintaining the arithmetic of voting, which favoured the ruling DPS and its coalition partners at the time of the referendum on independence. The victory at the referendum, in turn, helped the DPS to foster its rhetoric on being the champions of the Montenegrin statehood and nationhood, and also to cement its institutional dominance in the new state.

After Montenegro became independent, the Constitution of Montenegro enacted on 19 October 2007 established a separate Montenegrin citizenship (art. 12), regulated by the 2008 Montenegrin Citizenship Act. In addition to the definition of citizenship, the 2007 Constitution of Montenegro also stipulated the conditions for the conferral of voting rights. Pursuant to art. 45 of the Constitution, voting became exclusive to the people who possessed the citizenship status in Montenegro.⁷ Such a legal provision excluded 25,000 people who had the republican citizenship of Serbia and who after the breakup with Serbia were not able

or willing to obtain the Montenegrin citizenship, particular as it would entail losing their citizenship of origin (Džankić 2010a; Džankić 2012, forthcoming). Given that the majority of these people would affiliate with the opposition parties, the link between citizenship and franchise helped the ruling elite to win the 2009 parliamentary elections.

The link between voting rights and citizenship came into play once again at the time of the adoption of the 2011 amendments to the Montenegrin Election Law (see Džankić 2011, web). Although voting rights remained related to the status of citizenship, the amendments sought to avoid the association of rights with the different categories of 'citizens' as outlined by Džankić (2010; 2012). As a consequence, the word 'citizen' (*građanin*) was substituted by the word 'elector' (*birač*) throughout the text of the Law. Yet, as explained in the previous section, the most recent change in the citizenship policy of Montenegro is likely to preserve the electoral balance in that it will have a limited effect on the number of electors and thus on electoral outcomes in the coming years (see Džankić 2011, web).

3.2. The 'spill-overs' of citizenship: state administration and the politics of interest

The link between citizenship and institutions of the state is not as direct and pronounced as the one between citizenship and elections. However, drawing on the electoral victories, which were directly influenced by the various citizenship policies, the ruling Montenegrin elite was able to cement itself within the institutions of the state. This, in turn, resulted in the indistinctiveness between the party and the state, which subsequently assisted the ruling elite in securing electoral victories ever since the first multiparty elections in 1990. Such effects of the 'spill-over' of citizenship policies mirror the politics of interest, which due to the previous experience of the ruling DPS with managing citizenship were 'pragmatic' and not 'ideal'. The exhibited pragmatism thus helped the DPS to remain in power in Montenegro through two interrelated arenas. First, the composition and size of the public and state administration, proved to be an important pool of votes for the DPS as well as a mechanism for ensuring the party dominance over institutions. Second, the dominance over institutions allowed the ruling Montenegrin elite to develop a form of corruption, which Hellman, Jones and Kaufmann (2000) defined as 'state capture'. In this context, state capture refers to the informal and preferential structures that affect the making and implementation of laws (Hellman, Jones and Kaufmann 2000). Such a capture of the state affected the development of electoral dynamics from 1990 to today and helped to cement the DPS power in Montenegro.

State administration in Montenegro is composed of line ministries headed by ministers, and other administration bodies which employ civil servants and state employees. The employment in state administration in Montenegro is conditional on the citizenship status, and this criterion has also undergone a change, in line with the shifts in the political environment. The 1991 Law on Civil Servants (art. 4) stipulated that the employment in state administration in Montenegro is conditional on the citizenship of the Socialist Federal Republic of Yugoslavia. Given the fact that the 1991 law remained in force until 2004, and that the socialist Yugoslavia was replaced with the FRY in 1992, the law remained ambiguous and thus provided the ruling elite with a large margin of discretion in employing civil servants and state employees. While it is empirically impossible to determine the direct link between employment in state administration and party membership, multiple sources (Rastoder 2010; Đuranović 1996, web) maintain that throughout the 1990s, the DPS 'purged' the state administration from the 'unsuitable and the unfaithful' (Rastoder 2010: 9).

Writing shortly after the 1996 parliamentary elections Đuranović (1996, web), reported that the then vice-president of the DPS and the then Prime Minister Milo Đukanović stated that

[w]e have to clean our house. We need to “thank” those people who have worked under the umbrella of the DPS and its government until now, opposing this government, and who have now finally shown their real face, by serving the opposition whose politics are based on accusations against the DPS and this government.

According to the same source, this statement of Đukanović was an announcement of the ‘complete merger of the party and the state, that is, the creation of the party dominated state’ (Đuranović 1996, web). Although Đuranović (1996) made his observations shortly before the 1997 split in the ruling party, these are applicable to the subsequent period as well. This is so because in the months immediately following the split, Đukanović co-opted powerful individuals to stand for his cause.⁸ The co-option of these individuals, who later received prominent positions in the government, gave Đukanović control over the party and a number of state institutions, including the State’s Security Agency (SDB) and the Ministry of the Interior’s Secret Service.

The party dominance over the state administration is also reflected in the statements of the DPS that ‘the Government of Montenegro literally provides for the 60 per cent of Montenegro’s population’ (Đuranović 1996, web). Even fifteen years after the aforementioned claims were made, ‘Montenegro’s relative wage bill for “general government” in 2006 was higher than Croatia and Slovenia’, countries which are larger in terms of their population (Cohen 2010: 10). According to Cohen, ‘Montenegro stands out in terms of the relative size of its state administration as a percentage of the employed population, i.e., civil servants and employees working in government agencies’ (2010: 10). Making up a fifth of the country’s workforce, state administration provided a large pool of voters and has been an important element that contributed to the DPS’s electoral victories since 1990. As a consequence, the party and the state became intimately related, helping the ruling elite to push for further electoral and citizenship policies that enabled them to stay in power.

These dynamics were particularly pronounced in the first years of Montenegro’s post-communist transition, when the DPS’s rule was reinforced by two factors. These factors, that is, ‘spill-overs’ of the intimate link between citizenship elections, are indicators of the practical link between the regulation of citizenship and other policy areas. First, the change of the overall system of governance occurred in such a setup that it allowed the *de facto* perpetuation of the (‘reformed’) communist party. As the heir of the communist party the DPS was able to retain most of its resources. Similar to the experience in other Central and East European states (Szeleny and Szeleny 1995), these resources allowed the DPS to seize the economic and political infrastructure of Montenegro. According to Jovanović (2012, web), the state became the major source of revenue for the DPS, not only through the state funds allocated to parties on grounds of the Law on the Financing of Political Parties but also through donations, most of which have been made by employees in public administration. In addition, the building of the Communist Party became property of the DPS and an important source of funds for the party (Jovanović 2012, web). The DPS (party) ‘rented’ the premises in that building to the DPS-government, while retaining the party offices inside as well. This allowed the party oversight over the government, thus facilitating the penetration of the ruling elite’s interests in the network of government’s institutions.

Second, political instability in Montenegro and the wars of Yugoslav disintegration had a twofold effect on the socio-political context in Montenegro. These circumstances largely facilitated the flourishing of nationalist sentiments, leading to a part of the Montenegrin population participating in the attacks of the Yugoslav People’s Army (JNA) on Croatia and Bosnia and Herzegovina. While marginalising the socio-economic issues, the rise

of nationalism further reinforced the DPS's political position. Effectively, the pauperised and insecure population of Montenegro looked up to the republic's leadership as a guarantor of stability. Yet, given the alignment of the Montenegrin elite with the regime in Belgrade, and its inability to resist the pressure thereof, these guarantees of stability took the shape of a Serbian nationalist rhetoric. Moreover, the economic embargo to the FRY and the country's isolationist politics facilitated the establishment of 'the schemes the elites in the Yugoslav republics used to develop and stimulate smuggling operations' (Hajdinjak 2002, 5). At that time, smuggling channels in Montenegro were developed in order to supply commodities such as oil and cigarettes. The illicit trade generated revenues of over one million dollars per day for oil, and two million dollars per day for cigarettes (Hajdinjak 2002). Initially, the revenues from cigarette and oil smuggling were used as Montenegrin contribution to the Serbian operations in Bosnia and Herzegovina, thus fuelling Serbian nationalism. However, as the profits increased, their major share was retained by the people involved in smuggling, which included the top level politicians in Montenegro (Ivanović 1999). These transitional irregularities allowed a small oligarchy of the ruling elites to use the power vacuum at the top of society created by the fall of the previous system (Medojević 2001; Uzelac 2007). In turn, the capture of the state, both institutionally and economically, helped the ruling DPS to secure electoral victories since 1990.

Conclusions

Albeit adopted in different contexts, citizenship policies always reflect the way a state has come into being and its political context. This is particularly true for the post-Yugoslav states, all of which have emerged from the Yugoslav citizenship regime but have manifestly different rules that regulate the link between the individual and the state (see Deželan 2011; Koska 2011; Sarajlić 2010; Vasiljević 2011; Krasniqi 2010; Spaskovska 2010; Džankić 2010). In that, citizenship policies mirror both the 'image of the nation' and 'the image of politics' in the new states in the Western Balkans. The argument of this paper is that, through those two images, citizenship policies in Montenegro have underwritten the longevity of the DPS's rule. The changing image of the nation enshrined in Montenegro's citizenship policy closely followed the political evolution of the party's stance towards Montenegro's nationhood and thus helped to reinforce the DPS's political rhetoric. The practical image of politics contributed to the creation of conditions favourable to the DPS's electoral victories, which in turn enabled the party to become embedded in the state's institutions.

Having in mind the reflection of the 'image of the nation' in citizenship policies, Štikš (2006) noted that, in the post-partition context of the former Yugoslavia, citizenship policies were used to determine membership. Hence, they became an indispensable tool of 'ethnic engineering' because they were deliberately used to reaffirm the numerical dominance of the majority group in the newly established states. Notwithstanding, citizenship policies in Montenegro were a peculiar variant of the post-Yugoslav model, in that citizenship was not a mechanism of ethnic homogenisation as the Montenegrin case does not completely fit the Balkans paradigm of ethnic citizenship (Džankić 2010). This fact is mostly due to the pluriethnic composition of Montenegro, whereby no ethnic group forms the majority of the population, which makes ethnic homogenisation virtually impossible. Instead, the development of the different aspects of citizenship in Montenegro has been framed through the transformation of the agenda of the ruling elite, which fluctuated from the closeness to Milošević in the early 1990s, through the opposition to the regime in Belgrade after the 1997 DPS split, to the management of the divide over Montenegrin statehood and nationhood in the last decade.

As a consequence of the ruling DPS's support of Milošević's politics in the early 1990s, the 'image of the nation' mirrored in the then republic's citizenship policy was equivalent to the FRY one. As such, it underpinned the Serb nationalist rhetoric of the ruling elite and contributed to their electoral victories at the time of the wars of Yugoslav disintegration. After the DPS split, citizenship policies were used as a means for detaching from Belgrade, and posed the pillars for the 'image of the nation' used by the DPS during the debate over statehood and nationhood. As such, it helped the DPS to establish its political identity as anti-Milošević and subsequently as pro-independence. Since Montenegro became independent the 'image of the nation' has been reflected in 2008 Montenegrin Citizenship Act, which due to the conflictual nature of national identity has become 'civic' by default (Shevel 2009). In addition to this, the conflictual nature of Montenegrin national identity is also reflected in the restrictive dual citizenship policy, which is seen by the ruling elite as a barrier to Serb influence in Montenegro. Hence, the citizenship policy remains crucial for maintaining the political identity of the DPS, and thus is an important catalyst for this party's rule since 1990.

Yet, the Montenegrin exception in terms of citizenship policy is not reflected in the 'image of the nation' and its relation to the ruling elite. Rather, it is contained in the 'image of politics', which contrary to Brubaker's (1992) claims is 'practical' and not 'ideal'. This particularity of Montenegro's citizenship policy stems from the country's experience in regulating the republican citizenship in the former Yugoslavia. While the former Soviet republics also had republican citizenship regimes, these played a symbolic rather than a pragmatic role. By contrast, in the former Yugoslavia numerous rights, including franchise, were regulated through republican citizenship. Consequently, when examining the image of politics in the citizenship legislation in the post-Soviet context, Shevel (2006) was able to examine the 'practical' elements in the amended citizenship legislation, and not in the first citizenship laws. In this respect, the case of Montenegro served as an important addendum to the growing literature on citizenship.

By looking at the practical 'image of politics' in Montenegro's citizenship policies in the context of electoral legislation, the paper proves that citizenship policies have underpinned the voting arithmetic. As such, issues of membership regulated by citizenship policies were crucial in preserving the electoral balances in favour of the ruling DPS. The linking of voting rights in Montenegro to Yugoslav citizenship in the early 1990s was in line with the closeness of the unified DPS with the regime in Belgrade. The federal citizenship policy, however, was not defined until 1996 which left a broad margin of manoeuvre to the political elite to manipulate electoral registers (see OSCE 1998). Similarly, after the split of the DPS in 1997, and Đukanović's detachment from the federal institutions, Yugoslav citizenship was no longer the prerequisite for franchise. Rather, it was the Montenegrin citizenship that was related to voting rights. In order to prevent the influx of voters from Serbia that would likely vote for the opposition parties, the Montenegrin citizenship regime was restrictive in terms of naturalisation requirements. A similar pattern has been observed in the post-independence period, which is also characterised by a close connection between the restrictive citizenship regime and electoral legislation, aimed at retaining the existing balance of votes among the political players.

The second aspect of the 'image of politics' that was an important catalyst for the longevity of the DPS's power in Montenegro is the relationship between citizenship and the institutions of the state, which is presupposed on the intimate link between citizenship and electoral victories. The dominance over the state administration not only proved to be an important pool of votes for the DPS, but it also facilitated the party's access to further economic and political resources. In turn, these embedded the party in the state, thus contributing to the DPS's political victories from 1990 to this day.

¹ Not all of the ‘Montenegrians’ believed that ‘Montenegrin’ and ‘Serb’ were mutually exclusive. For more details on Montenegrin identity (see Morisson 2009).

² According to the 2011 census (Monstat 2011), the ethnic composite in Montenegro is: Montenegrians (45 per cent), Serbs (28.7 per cent), Bosniaks (8.6 per cent), Albanians (4.9 per cent), Muslims (3.3 per cent), Croats (1 per cent), and Roma (0.3 per cent).

³ However, had they at any given moment unregistered their residence in Montenegro so as to regulate their citizenship of origin, they would not be covered by the scope of the amendment to the Citizenship Act.

⁴ In 2010, there were 24,019 persons registered as displaced persons and IDPs in Montenegro (UNHCR 2010). Although there are no exact numbers, the majority of them came from Kosovo, which is further corroborated by the fact that the above numbers include 10,951 IDP Roma (Informacija o preregistraciji 2009).

⁵ The latter implies an increase in the number of electors.

⁶ At the time of the pre-referendum debate, then President of Serbia – Vojislav Koštunica – requested that over 264,802 Montenegrians residing in Serbia receive voting rights in Montenegro. Because the voting population of Montenegro stood at 457,633 such a major addition of voters would have significantly affected the results of the plebiscite (voters from Serbia were likely to vote for the preservation of the common state).

⁷ In Montenegro, two terms are used to refer to the notion of the ‘citizen’: 1) general category of ‘citizen’ (građanin) and 2) the category of ‘citizen’ status (državljanin). Voting rights are granted only to the second category of ‘citizens’ (see: Džankić 2010a; Džankić 2012).

⁸ These influential individuals included Svetozar Marović (then Speaker of Parliament), Vukašin Maraš (then head of the secret service), Predrag Goranović (then Minister of Finance); Filip Vujanović (then Minister of Interior), etc (Monitor 16 May 1997).

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