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Montenegro 'Patriots' rally against changes to

Thousands of supporters demonstrated in Podgorica on Monday, demanding that the new government withdraw changes to the hotly disputed Freedom of Religion Law – which had angered ethnic Serbs and the Serbian Orthodox Church.



Democratic Party of Socialists vice president, Dusko Markovic attending so-called patriotic protests in Podgorica, Montenegro. Photo: BIRN/Samir Kajosevic

By Samir Kajosevic

Balkan Insight (28.12.2020) - <https://bit.ly/3mTaSyh> - Supporters of so-called patriotic organisations in Montenegro protested on Monday in the capital Podgorica against the new government's proposals to change the hotly disputed Freedom of Religion law, erasing all elements opposed by the powerful Serbian Orthodox Church.

Waving Montenegrin flags and chanting against the new government, thousands of protesters called on MPs not to support the changes due to be voted on in parliament by the end of the year.

One of the organisers, Nemanja Batricevic, accused the new government of giving away assets to the Serbian Orthodox Church, and to Serbia.

"They are handing Montenegrin cultural treasure to the Serbian Orthodox Church and to Serbia. Today, with the votes of the corrupted Montenegrins, they are handing over Montenegro again," Batricevic said.

Protests were staged in front of the parliament ahead of the debate about the proposed changes. Before the session started, former PM Dusko Markovic, vice president of the now opposition Democratic Party of Socialists, DPS, and party colleagues, greeted the protesters.

The protesters were also supported by some officials of the opposition Social Democratic Party, Social Democrats and Liberal Party.

After the last parliament passed the law in December 2019, Serbian Orthodox Church priests, believers and supporters staged numerous protests demanding its withdrawal. The Church – whose relations with the previous government were already poor – claimed the new law would allow the state to confiscate its property.

On August 30, three opposition blocs won a slender majority of 41 of the 81 seats in parliament, ousting the long-ruling DPS, which had passed the religion law.

After the election, the new Prime Minister, Zdravko Krivokapic, promised that changing the law would be a priority. On December 18, the new government said it would change the law by erasing all elements previously opposed by the Serbian Orthodox Church.

The changes erase the main bone of contention – an obligation on religious communities to provide clear evidence of ownership in order to retain their properties.

There will also be no registration of religious buildings and sites owned by the independent kingdom of Montenegro before it became part of the Serb-dominated Kingdom of Serbs, Croats and Slovenes in 1918, later renamed Yugoslavia.

The government is also withdrawing the obligation for religious communities to re-register, which angered the Serbian Church, which said its religious community had existed in Montenegro for eight centuries.

A DPS MP, Dragutin Papovic, said the proposals discriminated against two-thirds of Montenegrin citizens. "This government gives a monopoly to only one religious community and only one nation. We will not allow this and will use all democratic ways to protect our citizens," Papovic told a press conference.

Minister of Justice Vladimir Lepasovic said no discrimination between religious communities was intended. "With the changes to the law, the cultural property owned by religious communities has been strengthened. No one can transfer state property," Lepasovic said.

Montenegro alters contentious religion law, satisfies Serbian Church

Acting on its promise to make this issue a priority, the new government in Podgorica has proposed major changes to the last government's law on religion – which had infuriated the powerful Serbian Orthodox Church.

By **Samir Kajosevic**

Balkaninsight (18.12.20) - <https://cutt.ly/MhMYkp7> - The new Montenegrin government has changed the hotly disputed Freedom of Religion Law, erasing all elements previously opposed by the the powerful Serbian Orthodox Church, SPC.

On Friday, the new government proposed changes erasing the main bone of contention – an obligation on religious communities to provide clear evidence of ownership in order to retain their properties.

The new Minister of Justice, Human and Minority Rights, Vladimir Leposavic, said the changes had been proposed after wide consultations with religious communities.

“We propose a law that is religiously sensitive and that protects the rights of all religious communities, more than the previous one. In five days, this government has done more for dialogue with religious communities than the previous one did in five years,” Leposavic said.

“The previous law provoked large-scale protest and we had to change it urgently to ease the tensions in society,” the minister added.

Since the last parliament passed the law in December 2019, Serbian Orthodox Church priests, believers, and supporters have staged numerous protests in public demanding its withdrawal. The Serbian Church – whose relations with the previous government were already poor – claimed the new law would allow the state to confiscate its property.

On August 30, three opposition blocs won a slender majority of 41 of the 81 seats in parliament, ousting the long-ruling Democratic Party of Socialists, DPS. After the election, the new Prime Minister, Zdravko Krivokapic, promised that changing the controversial law would be a priority.

According to the changes, there will be no registration of religious buildings and sites owned by the independent kingdom of Montenegro before it became part of the Serb-dominated Kingdom of Serbs, Croats and Slovenes in 1918, later renamed Yugoslavia.

Also, the government is withdrawing the obligation for religious communities to re-register, which angered the Serbian Church, which said its religious community had existed in Montenegro for eight centuries.

On Friday, Bishop Joanikije of Budimlja-Niksic said the Serbian Church in Montenegro felt satisfied with the law changes, adding that the new government had found an acceptable solution.

“I have seen the text of the law and, if there are no amendments, I completely agree with what is proposed. This is certainly a more modern law than the one adopted earlier,” Bishop Joanikije told the daily newspaper *Dan*.

But other religious communities complained that the new government didn't give them time to submit suggestions. On December 17, members of the Islamic community, the

Catholic Church, and the Jewish community in Montenegro said they were ordered to submit comments on the law in just three days.

“We appreciate the efforts of the new government to improve legal solutions, but the deadline was so short that we could not send an official statement,” they said in a joint statement.

On Friday, the small and canonically unrecognised Montenegrin Orthodox Church said it was not consulted at all on the amendments, accusing the new government of favouring the Serbian Orthodox Church. It said all traditional religious communities should be consulted before the law is voted on.

The government announced that parliament will vote on the changes by the end of the year, before the winter break.

The Serbian Orthodox Church and the 2020 Montenegro elections

By Ermin Sinanović

Berkley Forum (15.10.2020) - <https://bit.ly/378iPJV> - The August 2020 elections in Montenegro produced one clear winner: the Serbian Orthodox Church (SOC). Between December 2019 and the elections in August 2020, the SOC led the protests against the then government of Milo Đukanović. The demonstrations were spawned by the controversial Law on Freedom of Religion that was passed in December 2019. The law aimed at appropriating some of the SOC property which the government claimed rightfully belonged to either the government or the Montenegro Orthodox Church (MOC). The MOC tried to establish itself as an autocephalous—self-governing and independent—church within the Eastern Orthodox churches. However, it is not recognized by the Ecumenical Patriarch in Istanbul. The SOC called the Serbs of Montenegro, who constitute almost 30% of the population according to the 2011 census, to public demonstrations. These protests were expressed as public liturgies (litija) and processions in major Montenegrin cities and towns. Both the Serbian government—as well as the government of Republika Srpska, the Serb-dominated entity in Bosnia and Herzegovina—supported the demonstrations.

Đukanović saw the law as a way to strengthen the Montenegro Orthodox Church and reduce the influence of the SOC. He badly miscalculated. The SOC mobilized its clergy and the faithful, thus strengthening the opposition to Đukanović. When the election results were announced, it became clear that Đukanović had no way to form the majority. Instead, three different coalitions came together to form the new government. The Serb-based political parties were the backbone of the new coalition, but they could not achieve a majority without the support of the Black on White coalition, led by an ethnic Albanian, Dritan Abazović. Eventually, the SOC emerged as a kingmaker of the new government. In an unprecedented move, Amfilohije Radović, the metropolitan bishop and the de facto head of the SOC in Montenegro, met with the leaders of the three coalitions. The meeting took place at the historic Ostrog Monastery. Many saw this as the SOC's direct involvement in governmental affairs. Regardless of how the coalition talks will end, it is clear that the SOC will have emerged as possibly the most powerful institution in Montenegro. How did this happen, and what are the sources of the SOC's soft power?

Historical background

Throughout its history, the Serbian Orthodox Church served the self-appointed role of a protector of true Christianity and as a gathering point for the Serbs of the Balkans. Its formation is usually dated to 1219 when St. Sava (Rastko Nemanjić) was consecrated as an autocephalous bishop within Byzantium. Autocephaly here refers to an autonomous status within Eastern Orthodox churches, who are all coequals and headed by the Ecumenical Patriarch of Constantinople. Istanbul is still the seat of the Eastern Orthodox churches.

Scholar Sabrina Ramet identified three main characteristics of the Orthodox churches in Southeastern Europe: "conservatism, intolerance (extending to both religious intolerance and homophobia), and nationalism" [1]. The SOC adds to these a strong anti-Westernism, which only increased after the NATO interventions against Serbia and the Bosnian Serbs in the conflicts of aggression against Bosnia-Herzegovina and Kosovo during the 1990s.

The SOC is based on three pillars that form its identity, shape its orientation, and generally inform its decision-making. These are (1) the cult of St. Sava (Svetosavlje); (2) the myth of Kosovo; and (3) Christoslavism.

The cult of St. Sava is the cornerstone of the SOC on which all other elements of its faith, ideology, and national orientation are built. St. Sava is venerated in Serbian society not only as the founder of the SOC but as a progenitor of the Serbian nation. He united the "national church," based it on "people's language" (Serbian, not Greek), established the Serbian monarchical dynasty, and was hailed as an educator and an enlightener. In short, Serbian nationalism owes its existence to St. Sava [2].

The Kosovo myth stems from the famous Kosovo Battle in 1389. For the Ottomans, this battle was just one in the series of battles that allowed them to penetrate the Balkans. For the Serbs, the story grew to mythic proportions in the nineteenth century as modern Serbian nationalism got consolidated. In this myth, the Serbian leader, Lazar, accepts his martyrdom against the Turks, thus choosing the heavenly kingdom over the earthly one [3]. For this reason, modern Serbian nationalism deems Kosovo "the cradle of the Serbian civilization" and finds it impossible to accept Kosovo's independence.

Finally, Christoslavism refers to "the premise that Slavs are by essence Christian and that conversion to another religion is a betrayal of the people or race" [4]. This, together with the Kosovo myth, explains a strong anti-Muslim sentiment within the SOC, which often morphs into an outright Islamophobia. For the SOC, Slavic Muslims (such as the Bosniaks) are traitors to their true faith and identity, and—as apostates—they are fair game.

The SOC, Greater Serbia, and soft power

The Greater Serbia ideology, the notion that all Serbs should live in one state, goes back to Ilija Garašanin's (d.1874) famous pamphlet, *Načertanije* (The Draft), written in 1844. This ideology was revived in the infamous Memorandum of the Serbian Academy of Sciences and Arts, published in 1986. It set in motion the Serbian expansionist nationalism, which culminated in the 1990s in the Serbian/Yugoslav aggression against Slovenia, Croatia, Bosnia and Herzegovina, and Kosovo. The SOC played a crucial role in the nationalist mobilization of the Serbs in Yugoslavia from the early 1980s. It revived the Kosovo myth, created a discourse on Serb victimhood in Slovenia and Croatia, portrayed Balkan Muslims as infidels, and "conflated Orthodoxy with Serbian national identity" [5]. SOC priests regularly blessed the Serb soldiers during the conflicts of aggression in the 1990s, most infamously just before the genocidal operation in and around Srebrenica, Bosnia [6].

The SOC has a special place among the Serbian populations of Southeastern Europe. It is the only transnational institution that crosses national boundaries and ensures the unified identity of the Serbs in various post-Yugoslav nations. The primary tool of its soft power is its churches, eparchies, and monasteries. They provide religious instruction and services, and they are often pilgrimage sites for the faithful. Religious instruction was introduced in Serbian schools in 2001. The military units have chaplains and patron saints, as do municipalities, schools, and cities (including in the Republika Srpska entity in Bosnia and Herzegovina) [7]. SOC priests are habitually present at various public events, offering blessings and prayers. Finally, the diasporic communities in North America, Europe, and Australia provide a strong connection to Serbian identity and contribute financially to the SOC and Serbia through remittances.

The Montenegro elections of 2020

The elections need to be understood against the historical backdrop above. With the dissolution of Yugoslavia, Serbia and Montenegro attempted to retain its name by proclaiming a federation. In 2006, Montenegro held a referendum which resulted in its independence. This event finally ended the existence of Yugoslavia. The former prime minister and president Milo Đukanović has been in power since 1991, with minor interruptions. Initially aligned with the Serbian strongman, Slobodan Milošević, Đukanović started charting a more independent path after 1996. He eventually advocated for Montenegro's independence and successfully navigated its accession to NATO in 2017. All the while, however, he was well known for corruption and connections to organized crime.

After the Law on Religious Freedom passed in parliament in December 2019, the SOC rightly interpreted it as an attack on its independence, financial freedom, and standing in Montenegrin society. It called the population to demonstrate against what it perceived as an unjust law that specifically targeted its institutions. What started as an opposition against the law morphed into a protest against the government. As 2020 was an election year, the demonstrations strengthened the opposition to Đukanović. SOC priests led the public liturgies, which included prayers, public processions, and largely peaceful demonstrations against the law. Soon, there were similar public liturgies and gatherings in cities across Montenegro, Serbia, and Bosnia and Herzegovina. The SOC proved to be a formidable opponent to Đukanović's government and a powerful transnational political factor. When the COVID-19 pandemic limited public gatherings, the demonstrators resorted to auto litije (car processions). At other times, they simply ignored regulations that limited public gatherings to 200 people.

While these processions were largely peaceful, some ethnic Serb lawmakers issued warnings to the Bosniak Muslim population of Montenegro. Muslims constitute close to 20% of the Montenegro population, almost half of whom are the Bosniaks (the rest are Albanians and other Muslim minorities). Andrija Mandić, president of the Democratic Front, issued a warning to the Bosniaks not to vote for the law in parliament in December 2019: "If you come after our church, we will come after your homes." After the election results were announced, vandals and hooligans sprayed some Bosniak Muslim homes and the building of the official Islamic Community of Montenegro with threatening messages. One such message read, "The blackbird has taken off, Pljevlja will be Srebrenica," recalling the Srebrenica genocide against the Bosniaks. Pljevlja is a majority-Serb city in Montenegro, with a small Bosniak Muslim population.

The role of the metropolitan Bishop

Such Islamophobic rhetoric comes from the very top of the SOC in Montenegro. Metropolitan Bishop Amfilohije Radović is known for his anti-Muslim statements and his

support of hardcore Serbian nationalists. When the leader of the Bosnian Serbs, Radovan Karadžić (himself of Montenegrin descent), fled Bosnia after the war because he was indicted for war crimes, many suspected he was kept in hiding by the Serbian Orthodox Church and its priests. Years later, Amfilohije, as he is known in the media, confirmed that he offered shelter to Karadžić. It is not clear if the latter accepted the offer.

A video that was produced by the opponents of Amfilohije compiled many of his statements in which he disputed Montenegro's independence, offered curses against those who oppose Russia, and uttered Islamophobic remarks against Muslims. The statements are very clear, and they can't be attributed to editing. There are many of his video interviews on YouTube which confirm the same message, time and again. Amfilohije opposes the current Montenegrin independence, questions Montenegro's statehood, supports the Kosovo myth, and calls the genocide in Srebrenica an act of revenge against the Bosniaks. Many of his statements are indisputably political and have very little to do with religion. He could be considered the biggest promoter of the Greater Serbia ideology in Montenegro.

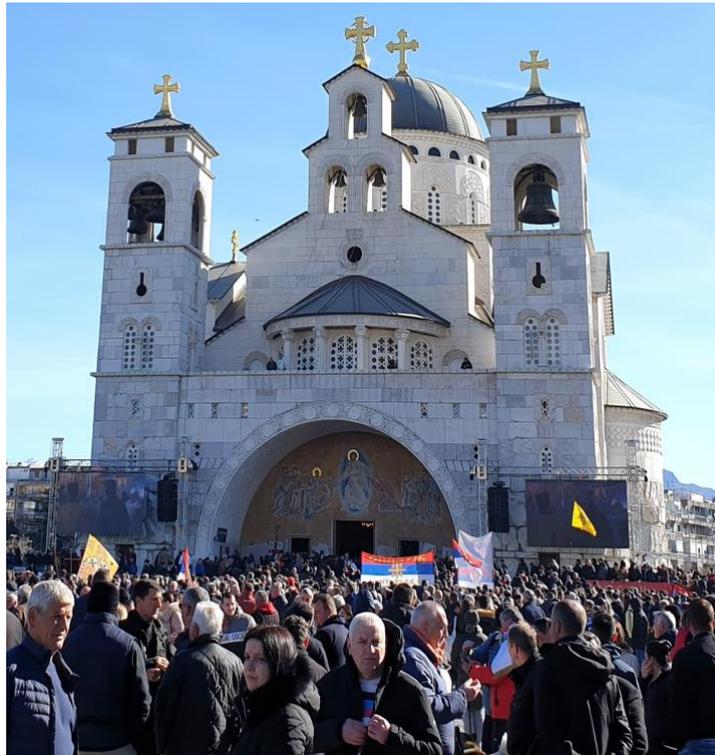
Having emerged as the winner in the elections, the SOC feels emboldened as evidenced by Amfilohije's hosting of the leaders of the winning coalitions. Given the recent history in the former Yugoslavia, it is to be expected that the SOC will continue to be a major player on the political scene of several post-Yugoslav nations.

Footnotes:

1. Sabrina P. Ramet, "The Orthodox Churches of Southeastern Europe: An Introduction," in *Orthodox Churches and Politics in Southeastern Europe*, ed. Sabrina P. Ramet (Basingstoke: Palgrave, 2019), 1.
2. Nikolaj Velimirović, "Nacionalizam Svetoga Save," [The Nationalism of St. Sava] in *Srpska Konzervativna Misao* [The Serbian Conservative Thought], ed. Mirko Đorđević (Belgrade: The Helsinki Committee for Human Rights in Serbia, 2003), 57–63.
3. See Branimir Anzulovic, *The Heavenly Serbia: From Myth to Genocide* (New York: New York University Press, 1999).
4. Michael Sells, *The Bridge Betrayed: Religion and Genocide in Bosnia* (Berkeley: The University of California Press, 1998), 51.
5. Jelena Subotić, "The Church, the Nation, and the State: The Serbian Orthodox Church after Communism," in *Orthodox Churches and Politics in Southeastern Europe*, ed. Sabrina P. Ramet (Basingstoke: Palgrave, 2019), 88.
6. Subotić, "The Church, the Nation, and the State," 89.
7. Subotić, "The Church, the Nation, and the State," 92–94.

How attacks on religious freedom threaten the Church in Montenegro

by **Evstatije Dragojevic**



Believers protest government plans to confiscate Serbian Orthodox Church property outside the Cathedral of the Resurrection of Christ, Podgorica, Montenegro, 29 February 2020 - Pavel Bushuyev/Tass/PA Images

The Tablet (25.08.2020) - <https://bit.ly/2EM160x> - Faiths across the globe are being challenged. This threat is now moving closer, as dark clouds threaten in Europe. Throughout the continent, violations of religious freedom are increasing with believers of all faiths suffering.

I want to tell you about my own country, Montenegro, where moves by the Government against my church – the Serbian Orthodox Church – has provoked a crisis. What is happening in our tiny country discards the modern European concepts of fairness and law. It could set an alarming precedent for larger countries in Europe.

Independent since 2006, Montenegro may be a new country, but it has a long historical tradition – especially through the church. It is one of the oldest Orthodox churches in the world, emerging from the break-up of the Byzantine empire over the Eleventh and Twelfth Centuries. Its ministry covers much of the former Yugoslavia and some 80 per cent of Montenegrins profess its faith.

But now the church and its members are under attack, as the government earmarks its property, including sacred churches, for their ownership. Under economic pressure predating the coronavirus, the government has looked for new revenue streams. It looks though they will come at the expense of believers.

This imminent land grab has mostly escaped international scrutiny. Seemingly, the country is on the right path, with incremental moves into the European sphere. Yet these trappings of modernity mask the corruption of basic values taking place.

Last December, under a thin veneer of legality, the government forced a new Law on Religious Freedom through parliament; forced because those members of the house

opposed were arrested and held, while the act was passed without a vote against. A state-issued license is now mandatory to practice religion. This, importantly, requires the assets of faith communities to be registered. Though in practice, this only applies to the Serbian Orthodox Church, due to special treaties with minority religions.

In effect, the law wholesale transfers the ownership of church buildings and estates built before 1918 to the state. The onus falls on the church to prove their property rights; if they can't, the state takes the property. But all arguments and evidence will be placed before an administrative government body (in fact, the same body that questions the ownership) packed with the President's placemen. There will be no recourse to judicial courts to challenge the decision: the government's word shall be final.

The consequences do not bear thinking about. We fear it will undoubtedly involve vandalism and destruction of cultural and spiritual artefacts, and the selling off land for redevelopment to build money spinning hotels and tourist facilities. The assets the government seeks have been founded and nurtured over centuries of Christian stewardship by our congregations and communities. They are holy places of Christian worship, monasteries, hostels for the homeless, and farms that feed many hundreds of families each and every day through soup kitchens.

This fear they will be seized extends beyond the clergy, to the faithful and, indeed, to anyone who believes in the property rights, the rule of law and the right of individuals to practice their faith free from harassment. That is why, before the coronavirus lockdown, they came out onto the streets across the country to protest this wrongful law. Sixty thousand alone gathered in the capital Podgorica – some ten percent of the entire population – to urge its recall.

The Government's push back swiftly escalated. In May a young minister, Father Radovic, was assaulted outside his church by local youths, motivated by Government claims that the Church is a foreign influence. Because we are called the Serbian Orthodox Church, this can unfortunately be made to sound credible in the parliaments of Europe and the corridors of the US Congress. Yet we have had the same name across the Balkans for eight hundred years.

In the same month, a service was led by Bishop Joanikije at the Monastery of Ostrog, one of the most revered sites in Balkan Orthodoxy. Due to coronavirus, the service was just the Bishop and his clergy. The Monastery announced the annual public Saint Basil's Day street procession was also cancelled. Yet the faithful still came in their thousands. Bishop Joanikije went to see them outside, urging them to return home.

The arrests began in the evening. When parishioners came out in towns and villages to protest our imprisonment, the police turned on them brutally. Then the forces moved on, detaining archdeacons and a further 25 priests.

Last month, more than 300 Montenegrin lawyers signed a petition labelling the law unconstitutional and a breach of human rights. In the UK, politicians across party divides have come together urging their Government to take action and sanction Montenegro. And in the US, members of Commission on International Religious Freedom, a State Department federal government agency, identified the worsening situation in Montenegro.

I appeal to our brothers and sisters in the Catholic Church for your support. Over the centuries, our church has faced persecution from the Ottoman Caliphate to communist Yugoslavia. Today we face a different threat. Instead of the blade of the sword or barrel of gun, we meet our aggressors in the banality of administrative edict. Yet like our Lord, and with your support, we can rise again from these dark times.

Evstatije Dragojevic is the Episcopal Dean to the Bishop of Budimlja and Niksic, Montenegro

Djukanovic: Montenegro must have its own church to resist interference from Serbia

Milo Djukanovic believes that Montenegro must have its own Orthodox Church in order to consolidate its national identity and oppose interference from Serbia.

World Remit (14.02.2020) - <https://bit.ly/2OXzvvh> - Djukanovic, who has been running the country for three decades, spoke about the controversial law on religious freedom, which triggered mass protests of the tens of thousands of believers who regularly take to the streets, a few months before the parliamentary elections in Montenegro.

The Serbian Orthodox Church (SPC), based in Belgrade, represents the vast majority of Orthodox believers in Montenegro. However, her relations with Djukanovic, who was an advocate of separation from Serbia in 2006, with whom Montenegro has been together for almost 90 years in 2006, have worsened in recent years.

The SPC is accused of being linked to the pro-Serbian and pro-Russian opposition to the ruling party, the Democratic Party of Socialists (DPS), headed by Milo Djukanovic, who has dominated political life in Montenegro since the 1990s.

According to him, Belgrade is using the SPC to interfere with Podgorica's internal affairs.

Djukanovic believes that SPC is one of "important instruments used by the ideologists of Greater Serbia nationalism against Montenegro, against its independence, its national, cultural and religious identity".

The law, passed in late December, provides for the state to take control of property that religious communities cannot prove to have belonged to them before 1918. That year, Montenegro lost its independence and integrated itself into the Kingdom of Serbs, Croats and Slavs.

The text of the law could refer to a large part of 650 churches and monasteries in Montenegro. The SPC accuses the government of wanting to confiscate her property, with mass prayers being held twice a week, and at these rallies, it is called for the law revocation.

"SPC uses a skillful form of manipulation to believe that the state wants to take away their holy sanctuaries," Djukanovic said, adding that state-controlled churches would continue to receive Orthodox believers.

"It is a blackmail. The SPC is trying to use believers as a way of pressure on the state to give up the law, or to force it to capitulate. This is absolutely unacceptable", the Montenegrin President said.

According to him, Montenegro should have its own church as a way of asserting its national identity 14 years after independence.

"We are driven by the indisputable need to improve spiritual, social and state infrastructure in order to strengthen citizens' awareness of their identity," he said, adding that there should be an autonomous Orthodox Church in Montenegro that would bring

together all Orthodox believers, "the members of the Serbian, together with the members of the Montenegrin nationality".

For 30 years, the small Orthodox Church of Montenegro, in the minority, has been trying to revive, but it has not been recognized in the Orthodox world. As parliamentary elections scheduled for fall are nearing, critics accuse Djukanovic of using this controversy to divert attention from economic problems, mass emigration or corruption. Djukanovic, who has almost continuously changed his position from prime minister to president, has also been criticized for being an obstacle to democracy.

He responds that voters have always been free to express themselves and that his opponents are bad losers.

"My opponents are deceived if they think we will do them a favor and give them power without elections," he said, adding that Montenegro, which has made the most progress in EU membership negotiations, will continue its path of reform.

"I think that we will be able to fulfill our commitments and that Montenegro will be able to join the EU in 2025," he said, adding that the issue of the date of accession is not a priority, but to succeed in the Europeanization of Montenegrin society is among the priorities.

Montenegro is rethinking the Law on Freedom of Religion

According to daily "Vijesti", the Government of Montenegro is ready to temporarily postpone the implementation of the Law on Freedom of Religion.

World Remit (07.02.2020) - <https://bit.ly/2uRKfES> - EU Enlargement and Neighborhood Policy Commissioner Olivér Várhelyi said that Montenegrin Prime Minister Dusko Markovic had informed him that the Government was ready to temporarily postpone the implementation of the Freedom of Religion Act.

Multiple sources confirmed to "Vijesti" that Várhelyi conveyed this message at a meeting with the Montenegrin opposition.

Markovic allegedly offered to postpone the implementation of the Act until the Constitutional Court's decision, and in case the initiative of the Metropolitanate of Montenegro and the Littoral was rejected, until the decision of the Court in Strasbourg.

Unofficially, the government explained to "Vijesti" that this was a logical move, because the law is a *lex specialis* and that the constitutionality of the law is very important.

"Vijesti" has not yet received an answer to the questions formally referred to the government.

"Everything was said at the conference"

After Montenegrin media wrote that the European Enlargement and Neighborhood Policy Commissioner Olivér Várhelyi had said at a meeting with the opposition that the Prime Minister of Montenegro, Dusko Markovic, had informed him that the government was ready to suspend the implementation of the Law on Religious Freedom, the Montenegrin

government briefly replied to CdM that Markovic said everything he had on that subject, at the press conference.

At a press conference held earlier today, Markovic did not mention any possible delay in the implementation of this law.

"The Prime Minister said at a press conference what he had to say on the subject of your question", the government told CdM in response to a question whether there had been any discussions during the meeting between Markovic and Várhelyi regarding delaying implementation of the Law on Religious Freedom.

Church Protests in Montenegro – Key Facts

USF.NEWS- BULGARIA (27.01.2020) - <http://bit.ly/2tNP3e2> - Large-scale protests, as well as some road blocks, began after the Montenegrin parliament adopted the law on December 27, 2019.

As lawmakers considered the bill, police shut down central Podgorica and halted a column of protesters headed by bishops and priests of the SPC; they instead held an open-air liturgy, denouncing the legislation.

People took to the streets in several other cities and towns in support of the Podgorica protest and some roads were blocked. Some towns saw unrest, with police using pepper spray to disperse crowds and arresting dozens.

The law envisages a register of all religious objects and sites that authorities say were the property of the independent Kingdom of Montenegro before it became part of the Serb-dominated Kingdom of Serbs, Croats and Slovenes in 1918, later renamed Yugoslavia.

Under the law, religious communities will have to provide clear evidence of ownership in order to retain their property, a provision that the SPC says is designed to allow the government to strip it of its holdings. The government denies harbouring any designs on Church assets.

Following adoption of the law, the SPC continued to lead daily protest marches, in Podgorica, Bar, Niksic, Berane, Bijelo Polje, Andrijevica, Herceg Novi, Danilovgrad, Pluzine and Zabljak.

After Orthodox Christmas on January 7, the protests became twice weekly, on Thursdays and Sundays. The SPC says some 50,000 people are taking part, in a country of just 650,000.

Who are the organisers?

Clergy of the SPC in Montenegro – led by Metropolitan Amfilohije – are organising the protests. National flags or those of political parties are notably absent.

Those attending sing church songs and chant, 'We will not give you holy places'. Each protest begins with a prayer in the local church and end in a speech by the priest or bishop leading it. There are no overtly political speeches.

What is the role of opposition parties?

Pro-Serbian opposition parties in Montenegro have called on their supporters to participate, but party leaders say they themselves are not involved in organising the protests.

Representatives of the Democratic Front, Democratic Montenegro, Socialist People's Party, United Montenegro and Pravedna have been seen at the protests but have on the whole avoided public statements during the marches.

On the day of the vote in parliament, MPs of the main opposition Democratic Front charged towards the speaker of the parliament, some shouting that they were "ready to die" for the Church. Police intervened, after which the assembly voted to approve the bill. A total of 22 people were detained over the incident, including 18 Democratic Front lawmakers, 15 of whom were later released.

Who is supporting the protests?

Serbian President Aleksandar Vucic and the government led by his Progressive Party have spoken out in support of the protests in neighbouring Montenegro, while Vucic has called for dialogue between the SPC and the government in Podgorica.

The issue was discussed during a meeting between Vucic and his Montenegrin counterpart, Milo Djukanovic, on the sidelines of the World Holocaust Forum in Jerusalem on January 22.

In Belgrade, SPC Patriarch Irinej has called on the Montenegrin government to annul the law. Serbs in the Bosnian city of Banja Luka have also protested in solidarity with the SPC, while in Belgrade fans of the Red Start football club marched on the Montenegrin embassy and launched fireworks at the Montenegrin flag flying from the building.

The Night Wolves, a pro-Kremlin Russian bikers group, has also expressed support.

Montenegrin Law on Religious Freedom: Polarization that benefits the government(s)?

By Sandra Maksimović



Protest of Serbian Orthodox Church supporters in Podgorica; Photo: Twitter / SavaJanjić

European Western Balkans (13.01.2020) - <http://bit.ly/2tNhoRL> - Tensions surrounding the new Montenegrin law on Religious Freedom have been high for more than two weeks since the law was passed in the Montenegrin parliament at the end of December, directly affecting the property of the Serbian Orthodox Church. The issue also led to tensions between Montenegro and Serbia.

Although the countries separated in 2006, many of Montenegro's citizens declare themselves as followers of Serbian Orthodox Church. Authorities in Podgorica and some members of the opposition supported the law, while the remaining opposition, including the pro-Serb Democratic Front (DF), strongly opposed it.

The day the law was being voted on, an incident occurred in the Montenegro's Parliament and 24 people including 18 MP's from the Democratic Front were detained. Since then, there have been daily protests by citizens in Montenegro, largely by those who declare themselves Serbs, expressing dissatisfaction with the law.

Despite disagreements, the law came into force January 8. According to the disputed Article 62, religious communities in Montenegro need to prove property ownership before 1918, otherwise the property will belong to the state of Montenegro. That means that Serbian Orthodox Church must prove ownership of the property including medieval monasteries and churches, meaning everything built before December 1, 1918, when Montenegro became a part of Kingdom of Serbs, Croats and Slovenes (Yugoslavia).

Serbian Orthodox Church in Montenegro pointed out that the law is "discriminatory and unconstitutional," and accused the Montenegrin authorities of "inciting divisions and hatred", while Bishop Amfilohije even said a civil war could ensue. The Montenegrin Government stated that Serbian Orthodox Church would still be able to use its property but that it should be known what state property is, and also warned that Serbian Orthodox Church is undermining the statehood of the state of Montenegro.

Divided opinions on the constitutionality of the law

Belgrade attorneys Milenko and Momir Radić filed an initiative last week to evaluate the constitutionality of the law with the Montenegrin Constitution and international treaties. Montenegrin analyst **Boris Marić** points out that there is a whole set of contentious issues in the law.

“First, the legal text itself contains a number of legal illogicalities, vagueness and conflicts of law. This is especially true when it comes to the issue of registration of religious communities, where no clear answer has been given and any discretionary decision has been removed as to who is obliged to register and who does not have that obligation”, said Marić.

Marić pointed out that the part which is placed in the transitional and final provisions, which currently concerns the Montenegrin, regional and international public at the most, and relates to the obligation to prove entry in the country’s property register, is in conflict with the legal system of the country, and therefore with the Constitution.

“Namely, the legal system of Montenegro is not insufficient in this part and it was not necessary to address it with the norms of the Law on Religious Freedom, and to produce the effect of re-regulation. In a situation where this law would be considered in practice as a *lex specialis*, it would, as written, produce a retroactive effect. In order for a legal text to have norms prescribing retroactivity, it must be enacted in a special procedure that would justify the public interest in introducing such norms into the country’s legal system”, stated Marić and added that if anyone wants to correct “historical injustice” there has to be a consensus in the society which can only be achieved through dialogue in democratic conditions.

Assistant professor at the Faculty of Political Sciences in Belgrade **Milan Krstić** has a similar opinion stating that the initiative to review the constitutionality of the law is good and he hopes that the Constitutional Court of Montenegro will be able to make a decision impartially and without pressure from the executive branch.

“I believe that this law violates some of the fundamental principles of constitutionality of Montenegro without a dilemma. First of all, it is a property right, which is also guaranteed by international agreements signed and ratified by Montenegro, such as the European Convention on Human Rights and the Stabilization and Association Agreement. A simple transfer of church property built before 1918 into state ownership, made possible by this law, effectively nationalizes property that is not state property outside ordinary court proceedings, contrary to the opinion of the Venice Commission”, said Krstić.

Krstić highlighted that the burden of subsequently proving ownership is shifted to religious communities. More specifically, this applies only to the Serbian Orthodox Church, since other religious communities are protected by special treaties signed with Montenegro. Krstić explained that by comparison, it is as if you considered someone *a priori* guilty in the criminal process and then shift the burden of proving the innocence to the person.

“However, what is important to note is that the essential intent of this law and its proponents virtually negates another fundamental principle of the constitutionality of Montenegro, as well as all contemporary states – namely the separation of religious communities from the state. In this context, I find it unacceptable that top state officials publicly state as their goal the status of autocephalousness of the Montenegrin Orthodox Church, which is a *par excellence* ecclesiastical issue into which a secular state should absolutely not interfere”, Krstić concluded.

Incitement of divisions?

Amid tensions in Montenegro, Serbian President Aleksandar Vučić cancelled his visit to Montenegro which was planned for Christmas Eve on 6 January. The decision was made after Vučić met with Patriarch of Serbian Orthodox Church Irinej for fear that “the Montenegrin authorities would use his visit to say it was an attack on independence and a constitutional order of Montenegro”.

The meeting between Vučić and Irinej came after Serbian Ambassador to Montenegro Vladimir Božović, following instructions from the Ministry of Foreign Affairs, refused to receive a protest note from the Montenegrin Ministry of Foreign Affairs. Concurrently, the same reaction came from a Montenegro’s Ambassador to Serbia who also refused to receive a note from the Serbian Ministry of Foreign Affairs.

Nonetheless, speculations that the incident with the law was deliberately made ahead of the elections in both Montenegro and Serbia could be found in the media. Executive Director of the Politikon Network, a think tank based in Podgorica **Jovana Marović** thinks that this scenario could easily be true.

“The ruling Democratic Party of Socialists of Montenegro is running out of materials for rhetorical acrobatics and explaining that reform processes are successful, that the state is making progress in the EU integration process, and that the economic situation is getting better and better. For these reasons, this party often resorted to the tried and tested recipe for further division of society. Therefore, it would not be strange to do so now, maintaining the differences from the time of the referendum [held in Montenegro on whether the country should separate from Serbia] or even from 1918, instead of reducing differences by working on the concept of a civic and multiethnic state, which is advocated, but only on paper”, says Marović for EWB.

She added that this law can also be interpreted as part of a strategy to strengthen the pillars of the Montenegrin nation, which the President announced in his inaugural speech. Regardless of whether such motives exist, Marović concluded that the sharpened rhetoric suits the political elites in both countries in an election year.

Milan Krstić believes that the political scientist Vladimir Pavićević, the President of the Montenegrin Party, is right in pointing out that the adoption of this law was done, among other things, with the intention of further fostering identity divisions in Montenegro in order to draw public attention from issues of democracy and free elections in Montenegro right before holding regular elections.

“Such a mechanism is not unusual for both the Podgorica and the Belgrade authorities, which have repeatedly used the raised tensions over pressing issues (especially in the context of Kosovo) to draw attention from a particular affair or democratic deficit. An extremely large number of Montenegrin citizens of all nationalities, who through peaceful walks try to defend the civil rights and constitutional values of Montenegro, are an excellent indicator of citizens’ attitude to this law”, said Krstić.

Opposed Appeals

Citizens’ attitude is also reflected in two appeals that have attracted attention across the region. The first was issued at the end of December under the name Appeal against Belgrade’s Threats to Peace in Montenegro and the Region, and was signed by 88 public figures from across the former Yugoslavia. Signatories accused Serbia of threatening peace and attempting to destabilize Montenegro.

In a response to this, the Appeal of the Academic Community and Civic Activists on the Adoption of the Law was published in Serbia, stating that the law is not adjusted “with

the basic principles of the functioning of a modern democratic state". Signatories of the appeal are led by Vladimir Kostić, President of the Serbian Academy of Sciences and Arts. Milan Krstić looks at this appeal as an attempt by a number of members of the academic community and civic activists to inform the public about the events.

"Not only about the events, but also about many other shortcomings and problems of this law, including ignoring the right to acquire property by maintenance, as well as the whole way of adopting this law with numerous democratic defects", said Krstić.

However, Appeal initially signed by 88 public figures now has more than 800 signatories. "The Republic of Montenegro is a target of attempted destabilization by violent means: its peace, territorial integrity, constitutional order, the rule of law, citizens' equality, and equal status of all churches and religious communities are under threat", the public appeal argues.

On the other hand, the Venice Commission made its commentary on the law long before the current events. In 2015, Montenegro submitted to the Venice Commission of the Council of Europe their proposal of a Law on Religious Freedom which would change the old Law on the Legal Status of Religious Communities from 1977, but the draft was shortly withdrawn due to numerous criticisms of the Commission. The revised draft was re-submitted in May last year, this time with positive evaluations from experts, but with the recommendation that religious communities be consulted with a view to reaching a joint decision before adopting the law.

The Venice Commission recognized precisely the Article 62 as one of the most controversial points. It stated that the state has the right to impose certain conditions on the use of property, but that it has to provide additional safeguards in court proceedings to prove the right to property of religious communities. Experts responded positively to statements by Montenegrin officials that the transfer of religious sites and land would not affect their use, but noted that it did not stem from the Draft Law.

Consequences for EU integration?

Experts EWB spoke to agree that this event could have consequences for both Montenegro and Serbia when it comes to the European integration.

"I sincerely hope that this crisis in Montenegro will be resolved institutionally – either by a decision of the Constitutional Court or by an amendment of this law by the Parliament. Otherwise, I believe that such a law could have consequences for the further European path of Montenegro", Milan Krstić pointed out and added that that would not be in the interest of the stability of this region.

Boris Marić expressed the same concerns saying that this event could have consequences for both countries in terms of the EU's insistence on pursuing a stable regional policy, which means interstate and regional cooperation that would demonstrate the capacity of our societies to be a part of the European space.

Jovana Marović concluded that regardless of certain inappropriate statements and activities, she wants to believe that our societies are mature enough not to be instrumentalized for the sake of anyone's interests and strategy games.

Moscow, Constantinople patriarchs support Serbian Orthodox Church

They term the law on religious freedom arbitrary

By Alex Chauvel

La Croix International (02.01.2020) - <https://bit.ly/39C7hPG> - "It is with pain and concern that we have learned of the discriminatory law adopted by the Parliament of Montenegro and directed against the Serbian Orthodox Church."

With these words, Patriarch Kirill of the Russian Orthodox Church extended his support to the Serbian Orthodox Church (SOC) over a law on "religious freedom", adopted in Montenegro.

Passed Dec. 26 by the parliament in Podgorica, the law provides for nationalization of church properties whose churches cannot prove that they belonged to them before 1918, the date of the end of Montenegro's independence.

Churches and monasteries

In a Dec. 28 letter to Patriarch Irenaeus of Serbia and the Episcopal Council of Montenegro, Kirill considers that the new law "constitutes an act of support for the schism."

He sees it as an "attempt to place (the SOC) in a humiliating and dangerous dependence on the state."

'An atheist regime in power'

For the Patriarch of Moscow and all Russia, "the principle of separation of religious communities from the state" as guaranteed by Article 14 of the Constitution of Montenegro, "is grossly violated".

He said that the churches and monasteries of the SOC "are under threat".

He says he fears "the spoliation of churches from their rightful owners" in the small republic of 620,000 inhabitants.

The patriarch of Moscow calls on "all local Orthodox churches" and "the international community" to guarantee the rights of religious communities.

"The outrage against the Church of God will not go unpunished. The people will not forgive attacks on their sanctuaries, and God will reward such a thing with condemnation in eternity."

Unfair law

For his part, Bartholomeos of Constantinople stated that Montenegro should remain under the jurisdiction of the Serbian Orthodox Church.

In an interview on Dec. 30 to the Serbian daily Kurir, the Ecumenical Patriarch of Constantinople said that "the only canonical Church in Montenegro is the Metropolitan Diocese of Montenegro and Littoral of the Serbian Orthodox Church".

"We will never give autocephaly to the so-called "Orthodox Church of Montenegro," he said.

Bartholomeos said that the new law "is not fair". He had written a letter in June 2019 to Montenegrin President Milo Djukanović opposing the draft law.

Additional reading

<https://www.irishtimes.com/news/world/europe/russia-and-serbia-concerned-as-montenegro-church-law-sparks-protests-1.4128992>

<https://www.rferl.org/a/protests-in-montenegro-carry-into-new-year-over-church-bill/30355770.html>

<https://www.rferl.org/a/open-letter-serbs-threatening-peace-montenegro-region/30357616.html>

<http://www.asianews.it/news-en/Montenegro,-clashes-over-law-confiscating-Orthodox-Church-assets-48938.html>

President of Serbia intends to help Serbian Church in Montenegro

By Anna Chuprinenko

Union of Orthodox Journalists (02.01.2020) - <https://bit.ly/39AJq2M> - Serbian President Alexander Vucic will discuss the situation with the Primate of the Serbian Orthodox Church and determine how Belgrade can help the SOC in Montenegro.

On December 31, 2019, the head of the Serbian state announced his desire to help the Serbian Orthodox Church in Montenegro due to the adoption of the law on religious freedom by the parliament of that country. It is reported by the Eadaily publication.

President Alexander Vucic is going to discuss the church situation with Patriarch Irinej of Serbia to find out how the authorities can help the Serbian Church in Montenegro.

At the same time, Vučić stressed that Serbia will not interfere in the internal affairs of Montenegro.

"We can only respect the decision of this nation, respect Montenegro, but we also respect our nation. At the same time, I do my best not to spoil relations with Montenegro," the president said on O2 television channel.

He also added that he intends to invite Patriarch Irinej to set up a commission of lawyers, which will decide what international organizations Belgrade can appeal to regarding the Montenegrin law on religious freedom.

"We will discuss how one can help our Church. I'm not good with metropolises and dioceses, for me there is only the Serbian Orthodox Church," said Vucic.

As reported by the UOJ, on December 28, the President of Montenegro signed the law "On Freedom of Religion and Belief and the Legal Status of Religious Communities", which threatens the property of the Serbian Orthodox Church, which caused a wave of protests from Montenegrin believers.

The Montenegrin police used force against protesters, among whom were representatives of the clergy and believers of the Serbian Orthodox Church; for example, during the protest rally on the Djurdzhevich Tara bridge, which is located at the crossroads between the cities of Mojkovac, Zabljak and Pljevlja, law enforcement officers brutally beat Bishop Methodije (Ostoich) of Diokleia, rector of the Cetinje Monastery, and several believers.

On the evening of December 31, 2019, in Montenegro in Niksic on Freedom Square, more than 10,000 believers gathered for a prayer in defense of the Serbian Orthodox Church.