

# The Challenges of Citizenship in a Small European State

Montenegro

Olivera Komar  
University of Montenegro

# Defining Citizenship

- How is citizenship is defined in your country?

Montenegrin citizenship is defined as a **legal connection** between a physical person and Montenegro as a state and does not imply national or ethnic origin (article 2 of the Law on Citizenship)

- “does not imply national or ethnic background”

Montenegro is defined as **civic state** by the Constitution 2007.

- How does the general public / NGOs / the state ... perceive the basis and rights of citizenship? Is there agreement?

Division in perception.

Montenegrins and minorities perceive it as rather fair, Serbs as rather unfair.

Public controversy about **economic citizenship** and some people that have received the citizenship on the basis of being people of special significance for the state.

# Routes to Citizenship

- Explain what are the main avenues for securing citizenship in your country.

## 1) Origin

- 1) If both parents at the time of child's birth have MNE citizenship
- 2) If one of the parents at the time of child's birth have MNE citizenship and the child is born in MNE
- 3) If one of the parents at the time of child's birth have MNE citizenship and the other has no citizenship or is known, and the child is not born in MNE
- 4) If one of the parents at the time of child's birth have MNE citizenship, and the child is not born in MNE if it is about to lose citizenship

## 2) Being born on the Montenegrin territory

- 1) If both parents are unknown, of unknown citizenship or the child is about to lose the citizenship

## 3) Being accepted into Montenegrin citizenship

- 1) In case the person applies and,
- 2) Is older than 18,
- 3) And has a legal dismissal from another state
- 4) And legally stays in MNE for 10 years prior to the application without interruption
- 5) Is not legally convicted on unconditional prison sentence longer than one year for the criminal act which is being prosecuted legally,
- 6) Knows Montenegrin language that enables him basic communication
- 7) There are no security or MNE defense related reasons
- 8) Has no tax or other unfulfilled obligations

- [Honorary citizenship](#)

## 4) On the bases of international contracts and agreements

## 5) Based on program of economic citizenship formally since 2018

# Types of Citizenship

- What categories of citizenship are possible in your country?

- 1) Origin
- 2) Being born on the Montenegrin territory
- 3) Being accepted into Montenegrin citizenship
  - Honorary citizenship
- 4) On the bases of international contracts and agreements
- 5) Based on program of economic citizenship since 2018

- Is dual/multiple citizenship allowed?

Dual citizenship is not allowed. The Law is ambiguous about it though. Many “variations”

Persons that had multiple citizenships on the May 21 2006 can keep them.

- Can citizenship be offered to foreigners in exchange for services rendered? Under what conditions?

Honorary citizenship

If a person is designated as a person of special interest for MNE's state, science, culture, economy, sport or other area s/he can be offered citizenship even though s/he doesn't fulfil criteria for obtaining citizenship by “accession”.

Such persons are suggested by President of the state, Prime minister or the President of the Parliament and Ministry of the Interior is in charge of the final decision.

# Challenges to Citizenship (1)

- Explain what are the main challenges that emerge as a consequence of the citizenship regime to your country.

Ambiguity regarding *dual citizenship* and restrictive rules regarding *naturalisation*

- Consequence of 2006 Referendum on Independence, where 2095 votes decided in favour of independence compared to the union with Serbia,
- The general rule is that dual citizenship is not allowed but there are exceptions,
- Political aspects of citizenship (right to vote and 2 years residence restriction)
- Voting as an expression of ethnic identity

Consequences of economic citizenship

- EU not happy about it – EU believes that it helps organized crime members to infiltrate to EU
- Formally, the legislation is still not implemented

# Challenges to Citizenship (1)

- Explain what are the main challenges that emerge as a consequence of the citizenship regime to your country.

## EU regulation regarding immigration

- Roma people and refugees cannot provide required documentation to apply for citizenship
- According to Dzankic, 2017 there are approximately:
  - 5798 displaced persons (people who fled Bosnia and Herzegovina and Croatia during the conflicts of Yugoslav disintegration)
  - 10987 internally displaced persons (persons who fled Kosovo during the 1998 and 1999 Kosovo crisis)
  - 25000 non citizens (Persons who have registered residence in Montenegro before 2006, who had FRY citizenship and Serbian republican citizenship)
  - 1500 stateless persons (Persons who have no legal link with any state, mostly RAE)

## Challenges to Citizenship (2)

- How does being a SMALL STATE nuance / exacerbate / influence these main challenges that have emerged as a consequence of citizenship policies in your country.

Ambiguity regarding *dual citizenship* and restrictive rules regarding naturalisation

- “fear” from bigger neighbour (Serbia)

# Responses to Citizenship

- Explain what are the main strategies and policies that have been developed (by the State, by NGOs, by local communities . . .) to address the challenges resulting from citizenship issues.

Ambiguity regarding *dual citizenship* and restrictive rules regarding *naturalisation* – protesting by pro-Serbian parties and Serbian reaction

Consequences of economic citizenship – investigative journalism and EU

EU regulation regarding immigration – IOMs' and UNHCHR's efforts to help refugees and RAE people



# Flashpoints

- Describe a particular episode/s that occurred in your country and which highlight/s some of the challenges in addressing citizenship issues appropriately.

Case of Thaksin Shinawatra, former Thailand prime minister being prosecuted for corruption has received honorary Montenegrin citizenship

Investments in Montenegro and business of people connected to the Government

The richest Montenegrin citizen – 1.8 billion eur

# Conclusion: Prospects

- Looking forward, what can one expect of citizenship policies and practices in your country?

Further harmonisation with EU legislation

Expansion of economic citizenship (limit 2000 economic passports currently)

No changes regarding dual citizenship restrictions