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## Political, legal and religious conflict in Montenegro – genesis, course, last clash

### Introduction

Montenegro (officially known as Montenegro in international relations) is a country located in the southern Europe which was created as a result of the break-up of the Socialist Federal Republic of Yugoslavia and then, was separated from Serbia on the basis of a peaceful agreement in 2006. It happened as a result of the independence referendum held on May 21, 2006, in which the Montenegrin society decided to separate from the existing so far federation with Serbia (Serbia and Montenegro). Ultimately, it was the Montenegrin parliament that approved this separation and proclaimed the country's independence on June 3, 2006. Geographically, the country is located on the Adriatic coast and borders five countries (Serbia, Kosovo [contested territory], Croatia, Bosnia and Herzegovina and Albania).

Based on international law, according to the trade union agreement, Serbia became the successor of the hitherto existing state of Serbia and Montenegro, and Montenegro started accession processes to international organizations of a collective nature. As a result, on June 28, 2006, it was admitted to the United Nations as a 192<sup>nd</sup> member, and on May 11, 2007, it became the 47<sup>th</sup> member state of the Council of Europe, an international governmental organization associating almost all European countries and a few from outside of the continent. This organization is primarily concerned with the promotion and protection of human rights, democracy and cooperation between member states in the field of culture (Council of Europe, 2022). On December 17, 2010, Montenegro obtained the status of a candidate for the European Union, and on June 5, 2017, it became a NATO member.

Despite the fact that Montenegro's separation from Serbia took place peacefully and both countries have a common history, culture and religion, there are some differences between them (mainly ethnic and clan-tribal), which are ruthlessly used in the political struggle for power in this small, but extremely important for strategic reasons, region of Europe. Therefore, the struggle for influence and keeping Montenegro in a specific zone of political intervention between the West and the East has become a significant

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catalyst for the ‘unfreezing’ of the conflict between these countries. Recently, the dispute has slowly started to gain strength, and the areas that turned out to be in dispute are issues of a legal, religious and especially political nature.

### 1. Montenegrins – a short description

The consequence of the Slavic migration of people, which lasted until the 7<sup>th</sup> century on the territory of the Balkan Peninsula, was the development of specific ethnic and political features of this region, manifested in the form of organized political groups of a tribal-clan nature. Serbs came to the Balkan territory in the 7<sup>th</sup> century and settled between the Dinaric Mountains, Shar Planina and Skopjeska Black Mountain and the Sava and Danube in the north. The southernmost Serbian tribe was the Duklans, settled from the 6<sup>th</sup> century in the ancient Dioclea, called Zeta from the 11<sup>th</sup> century and Crna Gora from the 15<sup>th</sup> century; in the Italian language version – *Montenegro* (Felczak, Wasilewski, 1985: 164).

From among the Serbian clan-tribal group, as a result of a certain evolution, a group of Montenegrins emerged, which was recognized as a separate nation, although with a very strong Serbian identity (community of culture, history and language). The dominant religion is Orthodoxy. Montenegrins became part of the Duklan tribe, and later part of the medieval Serbian state that in the 15<sup>th</sup> century were conquered by Turkey. However, due to specific ethnic features related to the difficult living conditions (mountain territory), Montenegrins successfully maintained a relative independence between formal affiliation to the Ottoman Empire (Felczak, Wasilewski, 1985: 28-31). Thus, they were able to continue the old Slavic traditions based mainly on the tribal-ancestral system of social life organization (e.g., blood community, territorial ties, brotherhood, bloody revenge) with a very strong patriarchal component, which have survived practically to this day. At the same time, it should be emphasized that the institution of the big family (*zadruga*) was maintained in Montenegro until the end of the 19<sup>th</sup> century. In South Slavic societies, this meant a family community usually consisting of 20-30 people – sons of one father and their wives and children living and working on one common farm. At the head of the *zadruga* was a host chosen by the community. The highest authority was the council, made up of all adult men and women, controlling the activities of the host. In general, the *zadruga* was shaped in the Middle Ages and was adapted to the fight against the fiscal policy of the feudal rulers. Its heyday fell on the Turkish rule. In the 19<sup>th</sup> century, the decomposition of this type of structure began. Currently, it functions in a rudimentary form, which survived in the Balkan countries until the mid-20<sup>th</sup> century (*Zadruga*, 2022).

Basically, the geographic location of Montenegro generated numerous political and civilization influences of foreign powers within its territory. Turkey, Venice and Russia had the greatest civilizational and cultural influence in the history of Montenegro's

statehood. Montenegro, under the command of its rulers, participated in almost all the wars that the above-mentioned countries waged with Turkey. During these wars, Russian influence was especially strengthened, and the cult of Russia became widespread in Montenegro (Felczak, Wasilewski, 1985: 233) and thus, the pro-Russian preferences in this country were significant.

In general, as Mirosław Dymarski rightly observes:

the independence of Montenegro (note MIS) from Turkey was shaped to a large extent as a result of its marginal importance for the Ottoman Empire. It was not easy for the Turks to subdue the country. The unanimous opinion was that the small forces of the Turkish army could not hold Montenegro depending on the sultan, while it was impossible to feed a large army in this rocky country. Hence the state in which Montenegrins felt that they were independent and rarely paid tribute to the Sultan – only at the moments of the Turkish invasion. This undefined state has become a Montenegrin tradition. Although Montenegrins were aware of the close ethnic ties with Serbs, the events of the following centuries brought the separation of two countries, two nations and two legal and international entities. Over the centuries, the separateness of Montenegro has been shaped by the isolation and self-isolation of this European Tibet – a mountainous, inaccessible, theocratic country. In the era of the formation of nation states, Montenegro was shaped as a tribal state with an independent Orthodox Church. Its future status later became a source of controversy as the country's independence was customary rather than formal. Also in the 20<sup>th</sup> century, as part of Yugoslavia, Montenegrins had the right to believe that they were independent of the Serbs, at least from 1974 – from the new constitution, as well as under the Socialist Federal Republic of Yugoslavia (FRY) after 1992 and from 2003 as part of the dualistic Serbia and Montenegro (Dymarski, 2013: 398).

Continuing Dymarski's argument, the last (2006) separation of Montenegro from Serbia was apparently a natural consequence of the nation's striving for independence from the 'twin/fraternal' bond with Serbia. At this point, it should also be clearly emphasized that 28.7% of the inhabitants of Montenegro define themselves as ethnic Serbs, therefore 44% of the total population of this country are Montenegrins, who in turn in the overwhelming majority declare their affiliation and loyalty to the Serbian Orthodox Church, declaring Serbian as a native language. In addition, the rest of the inhabitants of Montenegro are Albanians, Croats, Bosnian Muslims (Bosniaks), Turks and others (*Montenegro people*, 2022). Nevertheless, the Serbo-Montenegrin dispute continues and is also present today, and the evidence of its existence is the recent, quite turbulent, events in this country.

## **2. Serbo-Montenegrin conflict – legal, political and religious consequences**

As the above considerations show, Montenegrins practically throughout the period of domination in these territories of the Ottoman Empire and despite the undoubtedly heavy so-called Turkish yoke enjoyed relative independence, which in turn was reflected in constantly deepening of the sense of separateness from other Balkan nations.

On the other hand, the slow decline of Ottoman Turkey became a catalyst for the proclamation, as in the case for example of Bulgaria and Serbia, of the rebirth of Slavic state organisms. The turning point in this matter was 1918 when the kingdom of Serbs, Croats and Slovenes was established, which supposedly 'absorbed' Montenegro, identifying its inhabitants as *de facto* part of Serbian national fabric. This is, of course, about Skupszcina's decision to join Montenegro to the emerging Kingdom of Serbs, Croats and Slovenes, i.e., the future monarchist Yugoslavia. Skupszcina is a Serbian people's assembly and, then the name of the parliament in Serbia, Montenegro and Yugoslavia. (Skupszcina, 2022; Wojnicki, 2005).

However, for some Montenegrins, the decision from over a hundred years ago was at least controversial. Its determined opponents even formed partisan detachments in the mountains, which gave up their weapons only after a year of fighting. Currently, the Montenegrin parliament has formally canceled it. The authorities in Podgorica take the position that in 1918 Montenegro lost its independence, while suspecting Serbia of a desire to re-incorporate it (Wolska, 2020).

Subsequently, Montenegro became an integral part of the Socialist Federal Republic of Yugoslavia as one of its union republics. This nation was so loyal to its new leader Josif Bros Tito that it renamed its capital to Titograd. The return to the old name took place only after the collapse of socialist Yugoslavia, and it did not happen until April 2, 1992.

Another chapter of the complicated Montenegrin statehood concerned the short relationship between Serbia and Montenegro – a union state existing in Europe in the years 2003-2006. It was created on February 4, 2003 as another modification of Yugoslavia, this time as a confederation of two republics: Montenegro and Serbia. The country had a joint union parliament, a president and some ministries, as well as separate parliaments, presidents and governments of both republics. As a result of the independence referendum on May 21, 2006, the Montenegrin society voted for the dissolution of the confederation and the creation of two separate states: Serbia and Montenegro. From that moment on, there was a slight stabilization in this part of the Balkans until 2016, when there was a failed coup in Montenegro. The authorities in Podgorica accused officers of the Russian military intelligence and Serbian nationalists of organizing it (Wolska, 2020).

The next chapter of the described Serbo-Montenegrin conflict concerned a diplomatic dispute over a highly unfortunate statement by ambassador Vladimir Božović (November 2020), which concerned historical threads related to the establishment of the Kingdom of Serbs, Croats and Slovenes. The statement was met with a harsh reaction from the Montenegrin authorities and the ambassador's recognition as *persona non grata*. In addition, the ambassador had already received seven warnings from the Montenegrin Ministry of Foreign Affairs for statements that were considered disrespectful towards Montenegrin statehood (Wolska, 2020). In the end, this incident was resolved, but as it turned out later, only temporarily.

The next stage of the escalation of the described conflict was the demonstrations of tens of thousands of protesting citizens of Montenegro, which began at the end of 2020, organized in all major cities of this country. The immediate reason for the protests was the enactment by the Montenegrin Skupština on December 26, 2019 of the new Law on Religious Freedoms, especially the part concerning the ownership of Orthodox property in Montenegro. This event took place during the Covid-19 pandemic, during which the Montenegrin authorities organized the arrests of opponents of the aforementioned law – first Amfilohija, the metropolitan of the Serbian Orthodox Church, and then the Episcopal (bishop) Janikija (loyal to the Serbian church). In this way, Montenegro's membership in NATO was tried to be used politically and in violation of national and international legal norms to confiscate the property of the Serbian Orthodox Church in Montenegro (Babić, 2020).

Generally speaking, as Marco Babić rightly comments on the situation, the described conflict takes place on several levels: legal, historical, and above all, related to the dilemma of the identity of Montenegrin society.

The first layer of the dispute is undoubtedly a legal dispute concerning the ownership of movable and immovable property (i.e., complex property) that so far has been at the disposal of the Serbian Orthodox Church (SCP) in Montenegro (Марјановић, 2001). Supporters of this law agree that Serbian Orthodox property, which is not documented as property of the Church before 1918, is allegedly the property of the state by law. The opposing party is of the opinion that these are goods and real estate that have been handed over to the Serbian Orthodox Church since the Middle Ages as voluntary gifts and it is practically impossible to present these deeds of ownership (Babić, 2020).

The second level of dispute concerns historical issues related to the organization and Orthodox religious life in the country. Currently, these functions are performed by two antagonistic churches. One of them is the Serbian Orthodox Church. It is chaired by the Montenegrin-Primorsky metropolitan who recognizes the Serbian patriarch. Unfortunately, on October 30, 2020, the head of the Serbian Orthodox Church died due to complications caused by infection with the COVID-19 virus. Metropolitan Amfilohije performed his function for almost 30 years, starting from 1991.

This Church has the status of a canonical Church, i.e., is officially recognized by other churches (an institution comparable to international recognition). International recognition means a legal act in which the subject of international law states the occurrence of certain facts while granting them certain legal effects. In a narrower sense, recognition may apply to the state, government, insurgents, the militant party and the nation. In a broader sense, recognition may apply to many other legal situations, e.g., titles, competences or claims. (Bierzanek, Symonides, 2008: 40).

The second one is the Montenegrin Orthodox Church (CCP) established in 1993. Under the applicable canon law, it does not have the status of autocephaly (independence). However, mainly for political reasons, it has the support of the current Montene-

grin authorities. The Montenegrin Orthodox Church argues its canonical authority referring to history, citing the actual autocephaly of the Montenegrin Orthodox Church established during the Ottoman occupation in the 18<sup>th</sup> century, and its subsequent cassation as a result of unification with the Serbian Orthodox Church after the establishment of the Kingdom of Serbs, Croats and Slovenes in 1918 (Babić, 2020).

Thus, the dispute is quite serious, because both churches consider themselves heirs of the medieval Montenegrin Orthodox Church and, above all, of its quite significant property in Montenegro. At the same time, it should be clearly emphasized that the Montenegrin Orthodox Church has a small pastoral and territorial range (only a few chapels in Cetyń and one church in Kotor) and makes demands on all Orthodox sacred buildings that have so far remained under the authority of the Serbian Orthodox Church. The situation is complicated by the fact that the secular authorities of Montenegro fully support the 'self-proclaimed' Montenegrin Orthodox Church, mainly for political reasons, and its ardent supporter is the country's president, Milo Đukanović. Initially, he was an activist of the communist party (from the age of 15), then a member of the Democratic Party of Socialists of Montenegro (DPS). In the years 1991-1998, he was the Prime Minister of Montenegro; until 1996 a supporter of Slobodan Milošević, in time a leading advocate of the independence of Montenegro. From 1998, he was the chairman of the DPS. In the years 1998-2002, he held the office of the President of Montenegro (as part of Yugoslavia) and from 2002 again of the Prime Minister. Đukanović contributed to the transformation of Yugoslavia into a federation of Serbia and Montenegro (2003) and since then he has been striving for the independence of the state of Montenegro and binding it to the West; after the proclamation of independence (June 2006) and the victory of the DPS in the parliamentary elections (September), he resigned as the Prime Minister (November 2006), to which he returned in 2008 (resigned in December 2010) and in 2012 (until 2016), and from 2018 he became the president of the country again (*Đukanović Milo*, 2022).

Milo (because that's what the inhabitants of the country call him affectionately) in the most difficult moment of the conflict began to accuse Serbia, and indirectly also Russia, of escalating the dispute, but his political assumptions were not finally confirmed, as Serbia is not a side of this clash. Moreover, its rational and balanced attitude towards the situation should not raise any objections, and the fact that Serbia has a positive attitude to the position of the Serbian Orthodox Church is exceptionally natural, because the Serbian side defends its centuries-old national-religious heritage. Moreover, Montenegrin pro-Serbian opposition parties centered around the Democratic Front (FD) of Andrija Mandić (Babić, 2020) are on the side of the Serbian Orthodox Church.

The last, but extremely important level of Montenegrin-Serbian antagonism is the dispute over the Montenegrin national and ethnic identity, in which the organization of the local Serbian structure is no less important. The current Montenegrin government, and in particular the aforementioned Đukanović, accuse the Serbian Orthodox Church

of denying the existence of an independent Montenegrin nation, detached from Serbian identity. This matter was also considered as one of the points of the independence referendum and, according to the president, was settled in the Montenegrins favour.

Babić analyzes this situation very accurately and explains that “the Montenegrin authorities are trying to strengthen their legitimacy as well as the sovereignty and stability of the state, *inter alia* by creating an autocephalous Montenegrin Orthodox Church on which the state could rely. In short, we are dealing with a politically motivated attempt to establish autocephaly” (Babić, 2020). However, obtaining autocephaly does not mean that a given church declares it independently, but that obtaining this status must have the recognition of other autocephalies and have the independence of consecration of bishops. In fact, the Montenegrin Orthodox Church has never had such attributes, so the position of the Serbian Orthodox Church is fully justified that the Montenegrin Orthodox Church, unauthorized within the Orthodox community, was never *de facto* autocephalous (Babić, 2020.).

In general, declaring autocephaly is very often directly related to politics. The well-established centuries-old tradition of Orthodoxy confirms that the creation of an independent state is also associated with the legalization of autocephaly, i.e., this autocephaly allegedly confirms the existence of a separate nation. However, in the case of Montenegrins, there is a lot of controversy as to the unequivocal statement of the existence of the Montenegrin nation. Such voices appear both in Serbia and Montenegro and confirm the thesis that Montenegrin identity is only a regional identity, not a national one, and is allegedly symbiotic and inseparable from Serbian national DNA (similar identity dilemmas apply to Ukraine, North Macedonia and Kosovo).

## Conclusions

Undoubtedly, it should be said that the relatively small territorially and demographically Montenegro is deeply divided politically, religiously and identically. This conflict brings to mind the beginnings of the break-up of the Socialist Federal Republic of Yugoslavia, which also began in inconspicuous Slovenia and led to the fall of socialist Yugoslavia like falling dominoes. Whether this time Montenegro be the black swan heralding the next stage of destabilization in this region of Europe and, thus have an impact, as in the case of the recent armed conflicts in the Balkans, not only on Europe but also on the world. Black swan is a term used in economics for an unexpected event that (almost) no one can predict. Such events often have a huge impact on the world and have a negative impact on the economy and society (Taleb, 2014). There is no doubt that in the Western Balkans, for centuries, the interests of the world's powers, both the East (the currently emerging Russia and China alliance) and the West (the USA and the so-called West) have been crossing, and this region was starting a new stage in the history of mankind.

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**Abstract:** Contemporary Montenegro was created as a result of the break-up of the Socialist Federal Republic of Yugoslavia. Although this country was for a short time an integral part of Serbian Republic and functioned on the international arena as the so-called new Yugoslavia, Montenegrin society decided in a referendum to proclaim independence in 2006. Despite the fact that the separation took place in a peaceful manner, the frozen conflict between these countries slowly began to intensify. The areas it covered were legal, political and especially religious issues. The dispute reached its climax during the Covid-19 epidemic, when the Montenegrin authorities put to a parliamentary vote a draft of the Law on Religious Freedoms, which would *de facto* deprive all property of the Serbian Orthodox Church that has been operating in Montenegro for centuries. This led to mass protests by the indigenous Serb population identifying with the Serbian Patriarchate. The regulations against which the supporters of the pro-Serb opposition protested provided that religious communities would have to prove the transfer of ownership of real estate and land they had acquired before 1918, when Montenegro became part of the Kingdom of Serbs, Croats and Slovenes – a state created after the World War I, which was renamed Yugoslavia on January 6, 1929. The main goal of the article is to present the genesis and development of the conflict summarized above, as well as to show its legal, religious and political consequences not only for the Montenegrin state, but indirectly for the entire region. The article consists of two main parts. The first one covers a short description of the Montenegrin nation/regional/ethnic group with the general problem of its identity outlined. The second describes the genesis, essence and recent events of the Serbo-Montenegrin conflict, which is taking place on the legal, political and cultural-religious level. The text includes an introduction and final conclusions.

**Keywords:** Montenegro, nation, ethnic group, conflict, law, politics, religion