

RESILIO ACCESS Country Report Montenegro

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1. Introduction

The development of democracy and rule of law in Montenegro has been strongly influenced by the country's transition in 2006 from a constituent country of the Federal Republic of Yugoslavia to an independent state. Although this analysis primarily focuses on the post-independence period, the late Yugoslav period is important for understanding the historical context; it was at that time that the Democratic Party of Socialists (DPS) emerged as the dominant political party, before remaining in power for almost three decades.

Four major political events mark the past 20 years of Montenegrin history. First, the referendum on Montenegro's independence in 2006 broke up the state union of Serbia and Montenegro. Following the consolidation of its state institutions, Montenegro set European Union membership as one of its key strategic goals – a goal it is still pursuing today.

Second, in 2012 Montenegro officially started EU accession negotiations, with the rule of law being set as one of the key reform areas. This was reflected in Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security), which determine the overall dynamic of Montenegro's accession process. However, despite the country's declarative commitment to the EU, there has been a lack of reform and insufficient progress on rule of law. Key institutions have been established, such as the Special State Prosecutor's Office and the Agency for the Prevention of Corruption. But they have had limited effectiveness – particularly in delivering tangible results in high-level corruption and organised crime cases – resulting in the process stagnating.¹ Montenegro became an example of how *stabilitocracy*² functions in practice. With the same people in government for so long, the line separating the leading DPS party from the state itself disappeared. Regular institutions, norms and practices stopped functioning or functioned very poorly in a political context that had been frozen for decades.³ Even when it has been achieved, progress has generally been technical, rather than directly focusing on politically sensitive issues. As a consequence, the approach of successive governments towards the EU accession agenda has

¹ Institute Alternative, Centre for Civic Education, Centre for Development of NGOs, and Centre for Monitoring and Research, Montenegro: Between Reform Leader and Reform Simulacrum, 2018 <https://media.institut-alternativa.org/2018/04/simulacrum-en.pdf> (last checked: 13.8.2026)

² Countries with obvious democratic shortcomings that at the same time claim to work towards democratic reform and offer stability. See Wouter Zweers et al., The EU as a Promoter of Democracy or 'Stabilitocracy' in the Western Balkans? (Clingendael Institute, 2022)

³ Institute Alternative, Montenegro under the Watchful Eyes of Đukanović and EU, 2011, <https://media.institut-alternativa.org/2012/07/institute-alternative-montenegro-under-the-watchful-eyes-of-djukanovic-and-eu-en.pdf> (last checked: 5.8.2026).

largely been declarative – mimicry of reforms, rather than actual commitment to essential implementation of democratic principles and rule-of-law standards.⁴

Third, Montenegro's accession to NATO in 2017 attracted greater attention from international partners towards Montenegro. The accession process contributed to broader changes within the security sector, such as the reorganisation of the police, reforms of the intelligence sector and the strengthening of parliamentary and civilian oversight of the security and defence sector.⁵

Fourth, a major turning point for the country occurred in 2020, when DPS lost power in parliamentary elections, followed by a peaceful transfer of power. This represented an important democratic milestone, and was followed by a period of political instability and frequent changes of government. The current government formed in late 2023; led by the Europe Now Movement (PES), it comprises a broad and ideologically heterogeneous coalition. This, alongside the geopolitical context, has contributed to renewed focus on Montenegro's EU integration process and greater attention to long-stalled reforms in the area of the rule of law.

These developments led to Montenegro receiving positive Interim Benchmark Assessment Reports (IBAR). In June 2024, the IBAR on the fulfilment of the interim benchmarks in Chapters 23 and 24 was a prerequisite for further progress in the accession negotiations. Following the receipt of the IBAR, Montenegro accelerated the provisional closure of negotiation chapters, setting itself the ambitious goal of becoming the 28th member of the European Union by 2028.⁶ By July 2026, Montenegro had provisionally closed 18 of the 33 negotiation chapters. While these developments marked a turning point in Montenegro's accession process, they also shifted attention from legislative reform to the more demanding task of demonstrating tangible and sustainable results in the area of the rule of law.

⁴ Milena Milošević and Stevo Muk, Back to Basics: Re-affirming the Rule of Law in the Western Balkans (Podgorica: Institute Alternative, 2017), <https://media.institut-alternativa.org/2017/02/reaffirming-the-rule-of-law-in-the-western-balkan.pdf> (last checked: 5.8.2026).

⁵ Centre for Democratic Transition (CDT), Vladavina prava: Reforme na papiru ili u praksi? Koliko se Crna Gora promijenila u procesu NATO integracija, 2017, https://www.cdtmn.org/wp-content/uploads/2017/09/Policy-Transformativni-efekat-NATO-a_ispravljena-verzija.pdf (last checked: 13.8.2026)

⁶ See the Government of Montenegro's 28 by 28 initiative, <https://28by28.eu/> (last checked: 5.8.2026).

2. Analysis of the country case along the RESILIO-ACCESS model

2.1 The most important primary resilience resource: Criminal justice

Among the primary resilience resources in the RESILIO-ACCESS model – the core institutional and legal foundations that determine a state's capacity to uphold the rule of law – three stand out for Montenegro. Equality before the law comes first; this is measured through V-Dem's Equal Protection Index which reflects how evenly the state guarantees protection across different social groups regardless of gender, ethnicity or income. Civil liberties follow closely, measured by V-Dem's Private Civil Liberties Index which tracks freedom of movement, freedom of religion, freedom from forced labour and property rights. Order and security completes the three, drawn from the World Justice Project's Rule of Law Index, covering how well the state protects people and property from crime and violence. On paper, Montenegro's legal framework and its ability to keep public order intact hold up fairly well – better than might be expected given the picture that emerges elsewhere in this analysis.

Although criminal justice does not currently rank among Montenegro's strongest primary resources, recent developments suggest that it has become the most revealing indicator of the country's capacity to strengthen rule-of-law resilience through institutional self-correction and the prosecution of high-level corruption and organised crime. The relevance of criminal justice as a resilience resource stems from a series of institutional developments that have fundamentally altered the functioning of the prosecution service. For much of the period following independence, the effectiveness of Montenegro's criminal justice system was questioned because of its limited record in prosecuting high-level corruption and organised crime. Successive European Commission reports pointed to the absence of a convincing track record of convictions in cases involving corruption and organised crime⁷, while domestic observers frequently criticised selective justice and the perception that politically influential individuals remained largely beyond the reach of criminal prosecution⁸.

The change of government in 2020 did not transform the criminal justice system, nor did it immediately eliminate entrenched patterns of political influence. It did, however, create the political conditions necessary for long-delayed reforms of the prosecution system to begin.

⁷ European Commission, Annual Montenegro Reports, available at https://enlargement.ec.europa.eu/countries/montenegro_en#key-documents (last checked: 8.9.2026)

⁸ Institute Alternative, Institutions to Be More Proactive in the Fight against Corruption, May 3, 2018. Available at: <https://institut-alternativa.org/en/institutions-to-be-more-proactive-in-the-fight-against-corruption/> (last checked: 8.9.2026)

Legislative amendments adopted in 2021 reconfigured the governance of the prosecution system, enabling changes in the composition of the Prosecutorial Council and the appointment of a new Chief Special Prosecutor in 2022. Alongside enhanced cooperation with Europol and the use of evidence from Sky ECC (an encrypted communication service used by criminal networks), these reforms created the conditions for a more proactive approach to investigating high-level corruption and organised crime.

The opening of several high-profile criminal cases in 2022 highlighted the large-scale infiltration of the public sector by organised crime. On the other hand, these cases sparked initial optimism towards the new chief special prosecutor and their potential to curb the rampant corruption and organised crime in the country.⁹ An OSCE survey conducted in September 2022 found that over 40 percent of respondents had noticed positive changes in the work of the State Prosecution Service over the preceding 12 months, while nearly 60 percent considered it generally efficient. The same survey pointed to a longer-term trend. Slightly less than half of citizens (44.5 percent) held a generally positive attitude toward the service, while the share expressing a negative attitude dropped sharply – from 43.6 percent in a 2020 survey to just 12.3 percent.¹⁰

Since March 2022, the Special Prosecution Office has pursued a broad range of former senior officials across the judiciary, the prosecution service itself, the security and police sectors and state and local administration. Charges have ranged from creating a criminal organisation to drug and cigarette smuggling and abuse of office (more details on these cases follow in the next sections).¹¹ According to the European Commission's 2023 Report for Montenegro, the Special Prosecution Office acted with alacrity in launching several high-profile investigations that appear to point to a deep infiltration of corruption and organised crime into state structures, including at the top level of the judiciary and law enforcement. The report also stressed that Montenegro's justice system needs to demonstrate a "strong, stringent, coherent and unambiguous response".¹² International support for this shift extended beyond the EU; in December 2023, the U.S. State Department named Chief Special Prosecutor Vladimir Novović a recipient of its Anti-Corruption Champions Award,

⁹ Milena Muk and Marko Sošić, Montenegro, in Freedom House Nations in Transit 2023; <https://freedomhouse.org/country/montenegro/nations-transit/2023> (last checked: 5.8.2026).

¹⁰ OSCE Mission to Montenegro, OSCE Mission to Montenegro Publishes Opinion Poll on Public Perception of State Prosecution Service, December 15, 2022, <https://www.osce.org/mission-to-montenegro/535005> (last checked: 5.8.2026).

¹¹ Lela Šćepanović, Koga je sve uhapsio novi specijalni tužilac Crne Gore?, Radio Free Europe, April 21, 2023, <https://www.slobodnaevropa.org/a/novi-specijalni-tuzilac-cg-hapsenja/32372425.html> (last checked: 5.8.2026).

¹² European Commission, Montenegro 2023 Report, 2023, SWD(2023) 694 final.

recognising individuals who have demonstrated leadership, courage and impact in preventing, exposing and combating corruption.¹³

Although many proceedings remain ongoing and several cases have not yet reached their final conclusions, the significance of these cases extends beyond their outcomes. From the perspective of resilience, criminal justice institutions have demonstrated a willingness to investigate actors who exercised considerable influence over the functioning of the justice system. However, the distinction between initiating politically sensitive investigations and securing legally robust final convictions remains one of the principal challenges for Montenegro's criminal justice system. Recent progress should not be interpreted as evidence that Montenegro has overcome its structural weaknesses.

Yet even when prosecutors secure results, other parts of the system can fail to follow through. In January 2026, a first-instance verdict sentenced former Supreme Court president Vesna Medenica and her son to ten years in prison for organised crime – but her son vanished on the day of sentencing and has remained at large under an Interpol red notice ever since. Barely a week later, a former special prosecutor convicted of abuse of office followed the same path, evading the institutions responsible for enforcing her sentence and disappearing before she could be taken into custody.¹⁴ These episodes show that strengthening prosecutorial capacity alone is not enough. Without matching reform of judicial efficiency, law enforcement follow-through and the legal framework governing the enforcement of sentences, convictions can be secured and still fail to produce accountability.

Whether this emerging resilience becomes a permanent feature of Montenegro's rule of law will depend on the sustainability of institutional changes and the ability of courts to transform high-profile investigations into credible, impartial and legally sound final judgements, as well as ensuring their effective enforcement and the execution of imposed sentences.

2.2. The most important subsidiary resilience resource: Civil society

Civil society is one of the most important subsidiary resilience resources for Montenegro, according to the RESILIO-ACCESS data. In the context of rule-of-law resilience, civil society contributes to

¹³ U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Recognizing the 2023 Anti-Corruption Champions, December 7, 2023, <https://2021-2025.state.gov/recognizing-the-2023-anti-corruption-champions/> (last checked: 5.8.2026).

¹⁴ Aleksandra Mudreša, , Crna Gora: Uhvati me ako možeš, Deutsche Welle, February 6, 2026.

strengthening democratic accountability by monitoring institutions, advocating for transparency and providing external oversight. Cooperation with civil society was recognised as a significant factor even before Montenegro began negotiations with the European Union. The Stabilisation and Association Agreement from 2007 embedded civil society in Montenegro's European integration framework. Its preamble refers to the development of civil society and democratisation as part of Montenegro's political, economic and institutional stabilisation.¹⁵ Strengthening cooperation with civil society was identified by the European Commission as part of one of the seven key priorities Montenegro needed to fulfil to open accession negotiations with the EU.¹⁶ A formal mechanism for the participation of civil society organisations (CSOs) was established at the start of EU accession negotiations in 2012; CSO representatives were included in Montenegro's negotiating structure, including working groups for Chapters 23 and 24.¹⁷

However, the existence of formal mechanisms for civil society participation has not always translated into consistent and meaningful influence over decision-making processes. This gap between formal participation and genuine influence has been repeatedly highlighted by the European Commission in its annual reports, which have consistently stressed the need to ensure more meaningful involvement of CSOs in policy-making processes. The relationship between state institutions and civil society in Montenegro has varied depending on the broader political context. During periods of strong political dominance, CSOs that challenged government policies or exposed shortcomings in the rule-of-law framework have often faced political pressure and attempts at delegitimisation. Critically-oriented non-governmental organisations (NGOs) have faced various forms of pressure, including smear campaigns against organisations and their leaders, limited inclusion in policy-making processes, insufficient consideration of their recommendations and obstacles affecting their operational capacity, including access to funding.¹⁸

Nevertheless, these pressures did not prevent civil society actors from maintaining their role. One of the clearest examples of the contribution of civil society to rule-of-law resilience was the initiative of several prominent NGOs in 2018 to call on the EU to consider activating the overall balance clause

¹⁵ European Communities and their Member States and Republic of Montenegro, Stabilisation and Association Agreement between the European Communities and Their Member States, of the One Part, and the Republic of Montenegro, of the Other Part, signed October 15, 2007, entered into force May 1, 2010, Official Journal of the European Union L 108 (April 29, 2010),

¹⁶ European Commission, Commission Opinion on Montenegro's Application for Membership of the European Union, COM(2010) 670 final.

¹⁷ Government of Montenegro, Decision on Establishing the Negotiating Structure for Accession to the European Union, 2012, Službeni list Crne Gore [Official Gazette of Montenegro], no. 9/2012.

¹⁸ Institute Alternative et al., Montenegro: Between Reform Leader and Reform Simulacrum.

in response to concerns over the stagnation of Montenegro's accession process. In their call for action, these organisations argued that the EU should strengthen its conditionality mechanisms by ensuring that the balance clause represented a credible instrument of pressure, rather than a mere formal possibility. They also called for clearer and more substantive benchmarks in Chapters 23 and 24, focusing on tangible and sustainable reform outcomes instead of formal reporting and statistical progress as well as stronger political support and protection for critically-oriented NGOs and independent media facing increasing pressure in Montenegro.¹⁹

Beyond their role in monitoring the overall progress of EU-related reforms, CSOs in Montenegro have also contributed to strengthening rule-of-law resilience through their engagement in individual cases of suspected corruption, conflicts of interest and abuse of office. A number of proceedings related to conflicts of interest, suspected corruption and abuse of power have been initiated or brought to public attention by CSOs. Through advocacy, investigative reports, monitoring of public officials, access to information mechanisms and submissions to the Agency for Prevention of Corruption and prosecutorial authorities, CSOs have contributed to identifying violations and placing cases under institutional and public scrutiny.

Although the change of government in 2020 was an important democratic milestone, it did not eliminate the institutional practices and challenges that had characterised the previous period. CSOs have continued to play an important external oversight role, voicing concerns about institutional shortcomings, particularly in the context of the accelerated dynamics of the EU accession process and the adoption of numerous laws affecting the rule-of-law framework. Concerns have been raised about legislative initiatives in the security sector, particularly the laws on internal affairs and the National Security Agency,²⁰ alongside continued advocacy for compliance with final court decisions concerning the governance of the national public broadcaster. This is confirmed by data from the V-Dem Civil Society Participation Index measuring the state of civil society. This is a measure of a robust civil society – one that enjoys autonomy from the state and in which citizens freely and actively pursue their political and civic goals, however

¹⁹ Institute Alternative, Centre for Civic Education, Centre for Development of NGOs, and Centre for Monitoring and Research, Montenegro: *Between Reform Leader and Reform Simulacrum*, 2018 <https://media.institut-alternativa.org/2018/04/simulacrum-en.pdf> (last checked: 5.8.2026).

²⁰ Ana Vujnović, Draft Laws on ANB and Internal Affairs Withdrawn from Parliamentary Procedure, MINA, July 31, 2025, <https://mina.news/article/draft-laws-on-anb-and-internal-affairs-withdrawn-from-parliamentary-procedure> (last checked: 5.8.2026).

conceived; it reached its highest value to date in 2024, with no change recorded in this regard in 2025.²¹

As well as civil society, academic freedom also stands out as a comparatively strong predictor of rule-of-law capacity in Montenegro, approaching the EU27 average.²² Nonetheless, these comparatively favourable conditions for academic freedom in Montenegro have not translated into a more visible and proactive role of the academic community as an active contributor to public debate on key processes shaping the country's development.

2.3. The most important stressor: Organised crime

Organised crime is the most important stressor affecting the rule of law in Montenegro among all eight variables within the RESILIO-ACCESS model, its value exceeding the level typically recorded among EU Bottom 9 countries. Organised crime has long been recognised as one of the most pressing challenges to Montenegro's rule of law. This reflects a long process in which criminal networks developed influence within parts of the state apparatus, rather than remaining the external threat that institutions were positioned to contain and suppress. Montenegro's location along regional drug-trafficking routes is not new. The development of organised crime in Montenegro was closely linked to the broader political and economic transformations of the 1990s. Cigarette smuggling through the port of Bar developed into a large-scale, state-tolerated enterprise, later giving way to other forms of organised crime such as drug trafficking.

Weak institutions and concentration of political power created the conditions for the emergence of organised criminal networks. According to the government's own threat assessments, the number of high-risk organised criminal groups (OKGs) operating in the country has changed only marginally in recent years. According to Europol's Serious and Organised Crime Threat Assessment (SOCTA) reports, 10 groups were identified in SOCTA 2021 (adopted in 2022), rising to 11 in SOCTA 2024, with two newly identified groups offsetting one that was assessed as no longer active. The headline figure suggests stability, rather than proliferation. The real shift is in OKGs' reach and integration. SOCTA 2024 describes these structures as covering every stage of the international cocaine-trafficking chain, increasingly networked with foreign criminal groups from Turkey, Georgia, Russia

²¹ Varieties of Democracy (V-Dem) Institute, Civil Society Participation Index, in V-Dem Dataset v15, 2025, <https://www.v-dem.net/data/the-v-dem-dataset/> (last checked: 5.8.2026).

²² Varieties of Democracy (V-Dem) Institute, V-Dem Dataset v15, indicator v2xca_academ (Academic Freedom Index), 2025, <https://www.v-dem.net/data/the-v-dem-dataset/> (last checked: 5.8.2026).

and other Eastern European states. These groups still benefit from ineffective judicial proceedings that allow indicted members to remain at large and consolidate their organisations.²³

Internal conflicts within Montenegrin crime groups have led to violent clashes domestically and internationally, demonstrating the high stakes of the cocaine trade. The decade-long feud between the Kavač and Škaljari clans began after the split of a previously connected criminal network in 2014, and has resulted in more than 60 deaths across Montenegro and Europe – with some estimates exceeding 70 victims.²⁴ The conflict has continued through 2025 and 2026, remaining an active and transnational security challenge. In July 2025, two alleged Kavač clan members were killed within days of each other in separate targeted attacks in Barcelona and Podgorica. The Barcelona killing was reportedly linked to a broader cycle of retaliation between the two clans, while incidents in Spain this year again demonstrated that clan-related violence continues to spill beyond Montenegro's borders.²⁵

Concerns about organised crime have shifted from the existence of organised crime itself to its alleged links with political elites, law enforcement agencies and parts of the judiciary. This was confirmed by a series of cases that came to light after 2020. Investigations and prosecutions reached senior officials across key institutions, including former heads of the Supreme and Commercial Courts, a former Special Prosecutor and senior figures within the police, security services and customs. Evidence from Europol's Sky ECC operation added further weight, identifying direct channels between organised criminal groups and parts of the state apparatus. Transcripts from encrypted communications also raised concerns about the involvement of criminal groups in political processes, including alleged illegal financing of campaigns and the provision of political protection in exchange for financial benefits.

The judiciary has made some progress in prosecuting organised crime and corruption, as reflected in a rise in convictions in recent years. Despite the significant number of proceedings initiated by the Special Prosecution Office, their final outcomes remain to be seen; first-instance verdicts have

²³ Government of Montenegro, Operational Cooperation Bureau, SOCTA 2024: Assessment of the Threat of Serious and Organised Crime in Montenegro, November 20, 2024, <https://www.gov.me/dokumenta/d56f67a7-5d3d-4812-8687-aff237ba5c52> (last checked: 5.8.2026).

²⁴ Svetlana Đokić, Continued Clashes Between Two of the Most Notorious Criminal Clans: No Sign of an End to the War, Monitor, July 18, 2025, <https://www.monitor.co.me/nastavljeni-obracuni-dva-najozloglasenija-kriminalna-klana-bez-naznake-kraju-rata/> (last checked: 5.8.2026).

²⁵ Antonio Baquero, Guillem Sanchez, and German González, Blood in Barcelona as Balkan Crime Clans Kill Each Other in the Streets, Organized Crime and Corruption Reporting Project (OCCRP), April 27, 2026, <https://www.occrp.org/en/news/blood-in-barcelona-as-balkan-crime-clans-kill-each-other-in-the-streets> (last checked: 5.8.2026).

only recently begun to be issued. These proceedings have not resolved the system's underlying problems: poor working conditions, lengthy trials and an insufficiently reformed legal framework capable of speeding up proceedings and preventing procedural abuses. And the continued clashes between organised crime groups suggest that despite the arrest of high-ranking members, the system has not managed to sufficiently dismantle their financial resources, operational networks and assets; individual arrests have yet to translate into lasting disruption of the groups themselves.

In light of these problems, the fight against organised crime has been one of the priorities in the area of the rule of law since the opening of accession negotiations with the EU. To close Chapter 24, Montenegro is expected to complete legal alignment with the EU acquis and European standards on organised crime, while building a stronger track record of investigations, prosecutions and convictions across all forms of serious and organised crime, as well as more effective asset seizure and confiscation.

According to the Global Organised Crime Index, Montenegro's resilience score made only a modest improvement between 2023 and 2025. This was driven mainly by gains in international cooperation and political leadership – linked to closer coordination with Europol and the 2022 ban on tobacco storage in the Port of Bar's Free Zone. This reflects only a somewhat stronger resilience; indicators capturing the depth of criminal embeddedness, including mafia-style groups and state-embedded actors, remained unchanged at the highest possible scores.²⁶

Among the other stressors, clientelism stands out, with values almost as high as those recorded for organised crime. Decades of one-party dominance under the DPS entrenched informal networks of political patronage across public employment, procurement and access to state resources. Political changes since 2020 replaced the ruling coalition without dismantling these practices, and the new governing structures have largely continued the same clientelist logic.²⁷ In this context, clientelism acts as an enabling condition for organised crime; it weakens merit-based administration and facilitates informal influence over public institutions.

²⁶ Global Initiative Against Transnational Organized Crime, Global Organized Crime Index: Montenegro, 2025, <https://ocindex.net/country/montenegro> (last checked: 5.8.2026).

²⁷ Nikola Dragaš, "Talas promjena nestao 'po dubini': Trideseti avgust, tri godine poslije – šta se promijenilo, a šta ostalo isto," Vijesti, August 30, 2023, <https://www.vijesti.me/vijesti/politika/671564/talas-promjena-nestao-po-dubini-trideseti-avgust-tri-godine-poslije-sta-se-promijenilo-a-sta-ostalo-isto#> (last checked: 13.8.2026)

3. The effect of the EU integration process

European integration has been one of the key drivers of rule-of-law reforms in Montenegro. By setting accession conditionality and establishing benchmarks that had to be fulfilled, the EU created an external incentive framework for institutional and legislative change, including the strengthening of anti-corruption mechanisms, judicial reform and the establishment of institutions such as the Agency for the Prevention of Corruption and the Special State Prosecutor's Office. The period characterised as 'stabilitocracy' demonstrated the limitations of the EU's transformative effect. In the case of Montenegro, one of the key criticisms has been the EU's "overly technical orientation", closely linked to an "insufficient specification of the rule of law".²⁸ The EU has been criticised for placing too much emphasis on technical compliance and legislative alignment – insufficiently addressing deeper structural problems, including institutional ineffectiveness, links with organised crime and the limited implementation of adopted reforms. Critics have argued that the EU has not always made full use of the available mechanisms to ensure that reforms have resulted in genuine institutional transformation rather than formal compliance.²⁹

The granting of the IBAR in June 2024 demonstrated that despite the political changes in Montenegro and renewed efforts to accelerate reforms, progress in the accession process continues to rely heavily on legislative compliance as a measure of progress. While these legislative changes were an important step towards meeting the interim benchmarks, civil society groups warned that some amendments prioritised formal compliance over deeper institutional reform. This was particularly evident in the laws on prevention of corruption, the Special State Prosecutor's Office and the judiciary, all of which required further amendments and revisions shortly after the IBAR – highlighting the persistent gap between legislative alignment and substantive reform.

The process has also exposed the limits of external conditionality when domestic political will falters. The European Commission's 2025 report notes that the legislative alignment process on certain chapters slowed in early 2025 (notably Chapters 23 and 24) due to domestic political challenges.³⁰

Despite these limitations, the EU accession process remains the most significant external driver of rule-of-law reforms in Montenegro. The EU's pressure and monitoring have often been decisive in

²⁸ Wouter Zweers et al., The EU as a Promoter of Democracy or 'Stabilitocracy' in the Western Balkans?, Clingendael Institute and Think for Europe Network, 2022, <https://www.clingendael.org/pub/2022/the-eu-as-a-promoter-of-democracy-or-stabilitocracy/> (last checked: 5.8.2026).

²⁹ Ibid.

³⁰ European Commission, Montenegro 2025 Report, SWD(2025) 754 final/2.

overcoming institutional blockages that domestic actors were unable or unwilling to resolve independently, such as the judicial appointments essential for the functioning of the rule of law. A notable example was the prolonged crisis of the Constitutional Court; after the disputed removal of one judge in late 2024 and the failure to appoint replacements, the Court operated without its full composition for almost two years, preventing it from deciding on matters of major constitutional importance. It regained its full seven-member bench only in July 2026, following repeated calls from the European Commission.³¹

4. Conclusion

Montenegro's experience demonstrates that rule-of-law resilience is neither static nor determined solely by formal legal frameworks, but by the capacity of institutions and society to respond to persistent challenges and restore accountability under pressure. The country continues to face structural weaknesses: judicial inefficiency, political influence over institutions and the pervasive impact of organised crime. But recent developments suggest that important resilience mechanisms have begun to emerge.

We identified criminal justice as the most consequential primary resource, not because it is Montenegro's strongest institutional asset, but because it offers the clearest evidence of the system's capacity for self-correction. Reforms of the prosecution service, stronger international cooperation and a greater willingness to investigate high-level corruption show that accountability is becoming increasingly attainable, even for politically influential actors. Sustaining this progress will depend on the entire criminal justice chain – from investigation to final judgment and enforcement – functioning independently and consistently.

Civil society has proven an equally important subsidiary resource, maintaining public scrutiny and advocacy when formal institutions were unable or unwilling to act. Organised crime remains the most significant stressor, continuously testing state institutions through corruption, political influence and institutional capture. Montenegro illustrates that rule-of-law resilience should be understood as the capacity to recognise, confront and gradually overcome institutional failures. Preserving it will require sustained political commitment, independent institutions and continued reform beyond formal compliance with EU accession requirements.

³¹ Biljana Matijašević, 'Elect Judges without Delay': European Commission Calls for Urgent Filling of Constitutional Court, Vijesti, October 23, 2025 <https://en.vijesti.me/news-b/politika/780092/Select-judges-without-delay-European-Commission-calls-for-urgent-filling-of-Constitutional-Court> (last checked: 5.8.2026).

About the author

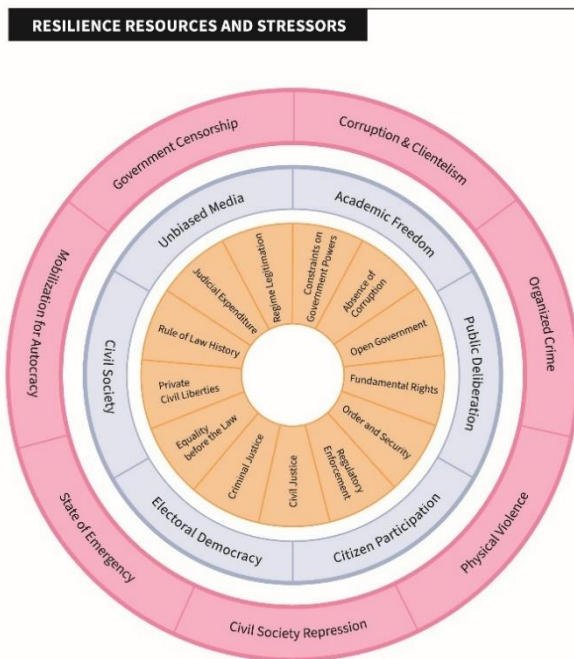
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About the project

RESILIO-ACCESS investigates the resilience of the rule of law in the current (potential) candidate countries for EU accession. The project explores how to measure resilience and how to assess the potential of the EU's enlargement policy toolbox to foster sustainable resilience in the region. Resilience here means the capacity of the rule of law to prevent, cope with, or recover from hazardous events or incremental threats – without losing its core function, structure, and purpose.

About the paper

This paper is part of the **RESILIO-ACCESS Country Reports**, a collection of compact analyses that assess the source of rule of law resilience in EU aspirant countries by using the analytical framework of the RESILIO-ACCESS model.



The RESILIO-ACCESS model is based on *three* dimensions: The system of the rule of law itself provides *primary resilience resources* such as an effective judicial system, the protection of fundamental rights, and democratic elections. These resources are embedded into a social environment with *subsidiary resilience resources* such as civil society, academia, and the media. However, these resources are constantly being challenged by *threats* such as autocracy, corruption, violence, or censorship. The characteristics of each dimension, their interactions and their conditions of resilience resources determine the overall resilience capacity of the rule of law.

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