



## Resolution 1514 (2006)<sup>1</sup>

# Consequences of the referendum in Montenegro

### Parliamentary Assembly

1. Following the referendum on the status of Montenegro on 21 May 2006 and the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006, the state union of Serbia and Montenegro was dissolved and Montenegro has become an independent and sovereign state with full international legal personality. This decision, taken in a democratic manner, has to be respected.
2. The Parliamentary Assembly congratulates both Montenegro and Serbia on the peaceful and democratic way in which the dissolution took place. This process exemplifies the willingness of both states to respect European values and is all the more significant given the background of conflict and bloodshed that accompanied the creation of independent states in the territory of the former Yugoslavia. Likewise, Montenegro should be praised for its good organisation of the referendum, which took place in accordance with relevant international standards.
3. The Assembly hopes that, by satisfying the aspirations to independence of Montenegro and thus marking the end of the dissolution of the former Yugoslavia as a federation, the outcome of the referendum will contribute to the further regional stabilisation of the western Balkans.
4. The months to come, however, will be fraught with daunting challenges for the two states concerned, domestically, internationally and in their bilateral relations.
5. Montenegro will be engaged in drafting a new constitution and reforming its institutions and administrative structures. A process of constructive dialogue will have to be established with the political forces that were in favour of preserving the state union and continue to refuse to recognise the referendum results, and have been boycotting the work of the parliament. In this regard, the parliamentary elections due next autumn will be a major test for the democratic viability of the newly independent state.
6. The Assembly resolves to assist Montenegro in facing the challenges ahead, even before a final decision is reached regarding its application for membership of the Council of Europe as set forth in two letters addressed by the Minister for Foreign Affairs of Montenegro to the Secretary General of the Council of Europe on 6 and 12 June 2006. The participation of an ad hoc parliamentary delegation from Montenegro in the Assembly's third part-session is a step in the right direction.
7. Furthermore, the Assembly welcomes the commitment expressed by Montenegro in its membership application to respect and implement all the Council of Europe conventions and protocols that had been signed and ratified by the state union of Serbia and Montenegro. Similarly, the Assembly commends the decision of the Committee of Ministers, as an ad interim measure, to invite representatives of the Government of Montenegro to attend its meetings and to take part in all the intergovernmental committees of experts as observers.
8. Moreover, the Assembly takes positive note of the decision of the European Union and its member states to "develop further their relations with the Republic of Montenegro as a sovereign, independent state" as well as of Montenegro's recent acceptance as a participating state of the Organization for Security and Co-operation in Europe (OSCE) and its membership of the United Nations.

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1. Assembly debate on 29 June 2006 (22nd Sitting) (see [Doc. 10980](#), report of the Political Affairs Committee, rapporteur: Lord Russell-Johnston). Text adopted by the Assembly on 29 June 2006 (22nd Sitting).



9. The Assembly will spare no effort to support Serbia, where there is a risk that the multiple challenges that it is currently facing in a climate of political instability would further increase the feeling of isolation and frustration amongst Serbian citizens and the support for radical nationalist forces. Now is the time for Serbia to concentrate on its own priorities, such as to replace the Milosevic era constitution, to engage in urgently needed reforms, to solve the problem of the new ministries, especially those of foreign affairs and defence, to negotiate the future status of Kosovo and to deal with the consequences of the suspension of the negotiations with the European Union for a stabilisation and association agreement (SAA) because of its failure to comply with the requirements of the International Criminal Tribunal for the former Yugoslavia (ICTY).
10. As the successor state of the state union of Serbia and Montenegro, Serbia continues its membership of the Council of Europe. However, its obligations and commitments will have to be reviewed and redefined to adapt to the new situation.
11. As regards bilateral relations between Montenegro and Serbia, the Assembly strongly affirms the importance for the two countries of establishing friendly and neighbourly relations and ensuring that all the issues pertaining to the dissolution of the state union are handled in the most constructive and responsible way. In this respect, the Assembly welcomes the recognition of the Republic of Montenegro by Serbia as well as the promise made by the Serbian Government to grant Montenegrin residents Serbian citizenship and to allow Montenegrin students to pursue their studies under the same conditions as Serbs. For its part, Montenegro had honoured its commitment to allow Serbian citizens to freely travel to Montenegro without visa or passport obligations.
12. The Assembly notes that following pressure from the European Union, the state union of Serbia and Montenegro agreed to a 55% threshold in the referendum, in a clear political attempt to maintain the state union. The Assembly believes that this threshold should not be considered as a precedent for future referendums and that the Council of Europe should establish common criteria for referendums both in terms of turn-out and threshold.
13. In light of the above, the Assembly decides to:
  - 13.1. allow the participation of an ad hoc delegation of the Parliament of Montenegro in its activities, upon its request, pending a decision on the membership of Montenegro of the Council of Europe;
  - 13.2. pursue and step up its programme of parliamentary assistance to both Serbia and Montenegro by adjusting it to the specific needs of the two republics;
  - 13.3. instruct its Political Affairs Committee to devote the greatest attention to the issue of the political stability in the western Balkans;
  - 13.4. instruct its Monitoring Committee to:
    - 13.4.1. review and redefine the commitments originally entered into by the state union of Serbia and Montenegro, to make them applicable to the Republic of Serbia, in co-operation with the Serbian authorities, and present a report to it at its earliest convenience;
    - 13.4.2. contribute to the negotiation of the commitments that Montenegro will enter into upon accession by fully taking into account the applicable commitments entered into by the state union in 2003 as well as those which stem logically from the initial obligations, and those related to the Statute of the Council of Europe, which are applicable to the present situation;
  - 13.5. instruct its Committee on Migration, Refugees and Population to continue to follow the issue of displacement in the Balkans and report to it when appropriate.
14. The Assembly also calls on Montenegro to:
  - 14.1. reform its institutions and administrative structures to adapt them to its new status as an independent state in the most efficient and democratic manner, in full co-operation with the Council of Europe and other international organisations;
  - 14.2. ensure the efficient functioning of parliament and a spirit of constructive and inclusive dialogue between political forces, including those who object to the referendum results;
  - 14.3. adopt a new constitution as soon as possible, in full compliance with European standards and in consultation with the European Commission for Democracy through Law (Venice Commission);
  - 14.4. organise and hold free and fair parliamentary elections under international observation;
  - 14.5. guarantee in law and in practice the rights promised to Serb citizens;

- 14.6. guarantee the protection of national minorities;
  - 14.7. ensure that there are no gaps in the protection of internally displaced persons (IDPs) present on its territory, including those originating from Kosovo, irrespective of their ethnic origin, as well as refugees, and take all the appropriate steps to avoid statelessness;
  - 14.8. complete the reform of the judiciary;
  - 14.9. fight efficiently against corruption, organised crime and trafficking in human beings;
  - 14.10. ensure full co-operation with the ICTY and pursue programmes aimed at enhancing public understanding and acceptance of its objectives;
  - 14.11. endeavour to create all the preconditions conducive to the signature of a stabilisation and association agreement (SAA) with the European Union as soon as possible.
15. Moreover, the Assembly calls on Serbia to:
- 15.1. reform its institutions and administrative structures to adapt them to its new status in the most efficient and democratic manner, in full co-operation with the Council of Europe and other international organisations;
  - 15.2. adopt a new constitution as soon as possible, in full compliance with European standards and after due consultation with the Venice Commission;
  - 15.3. in the meantime, not to delay the reforms which are already possible within the present constitutional framework and which are crucial for the fulfillment of Serbia's obligations and commitments to the Council of Europe, such as those of the judiciary and decentralisation;
  - 15.4. find constructive legislative and institutional solutions to problems faced by national minorities and between ethnic groups in different areas of the Republic of Serbia;
  - 15.5. ensure full co-operation with the ICTY and pursue programmes aimed at enhancing public understanding and acceptance of its objectives, as well as educational and public awareness activities aimed at raising the level of understanding of the population with regard to the crimes of the Milosevic regime;
  - 15.6. continue and strengthen domestic prosecution of war crimes;
  - 15.7. act with resolve to comply with all the other relevant recommendations previously made by the Assembly in the context of the monitoring procedure of the then state union of Serbia and Montenegro and in particular those concerning the media, NGOs, religious communities, the reform of the police, the army and security services, the fight against corruption, organised crime and trafficking in human beings and the situation of refugees and IDPs.
16. In addition, the Assembly calls on Montenegro and Serbia to settle all matters related to the dissolution of the state union in the fastest, most efficient, democratic and consensual way.
17. Finally, the Assembly calls on the European Union to:
- 17.1. pursue its involvement in Serbia despite the suspension of the negotiations on the stabilisation and association agreement, by maintaining appropriate channels for political dialogue and stepping up financial assistance;
  - 17.2. begin negotiations with Montenegro for the conclusion of a stabilisation and association agreement as soon as the relevant conditions are met.