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Montenegro, the most aggressive attack on private property recalls dark Communism time

Ladies and Gentlemen,

On 5 June 2017 Montenegro became the 29<sup>th</sup> member of the NATO alliance.

Soon after this historical event, on 30 September 2017 the local Parliament passed one of the most unpopular measures, the law of spatial planning and building establishing expropriation (in article 52) in favour of the realization of building projects of any kind.

Citizens shall be deprived of their right of property by law just like seventy years ago under the Communist rule. Since that time, it's the most aggressive attack on private property likely to bring dramatic consequences to the people.

Attached is an act of expropriation of 1946 operated under the "agrarian reform and internal colonization" where property came into collision with the agrarian law. By the way, those expropriated lands had never been used for agricultural purpose but for tourism exploitation.

The 2017 law of spatial planning represents a serious infringement of the right of property in Montenegro and recalls strict measures adopted by the past Yugoslav system.

On November 2017 PM Dusko Markovic speaking at the Foreign Investors Assembly in Podgorica called this law "*the most radical reform measure*" which is the exact replica of a communist policy if you compare it with the agrarian reform of 1946 that imposed a wide expropriation of lands.

No wonder if private property is still to be defined by the Montenegrin constitution as a an irrevocable fundamental right.

By virtue of the 2017 law of spatial planning what is likely to happen now to hundreds or thousands of Montenegrin and foreign citizens is the possibility to receive decisions of expropriation of their private ownerships, in case of realization of building projects. The purchase of property is not foreseen neither the compensation for expropriation and least of all the possibility of freely taking decision by the owner. The same law also provides that local municipalities be deprived of their authority on the territory in terms of spatial planning following the centralization of all operations and full power of decision on projects and delivering permission in the hands of the Ministry of Development and Tourism.

The government's propaganda calls it "*valorisation of the territory and creation of a business environment for investors*" but what is really taking place is the legalization of robbery. Actually this act may somehow create a risky business environment, at least for those investors looking for protection on their capital and properties.

The EU Enlargement Commissioner Johannes Hahn has taken a firm stance against such severe violation and decreed that protection of property right is the condition for negotiation of chapter 23 (Judiciary and Fundamental rights) in the frame of the accession of Montenegro to the European Union.

Since Montenegro is now a member of the NATO alliance it is expected to fully implement NATO standards. Conversely its government plans to crush upon a fundamental right like private property. According to the 2017 law of spatial planning legal owners shall be cancelled from the cadastre registers in connection with the realization of large projects promoted by the powerful lobby of builders closely tied up with the upper rooms.

In reference to private property, please note that Montenegro has not accomplished its restitution obligations of properties nationalized under the Communist rule despite the existence of a specific law (2004, 2007). While restitution remains neglected the government has carried out a wild privatization of properties to be returned and never shared the relevant profits with the original owners and claimants.

The NATO authority is expected to firmly react and to take a stance in front of the shocking degeneration of democracy and the attack against freedom and fundamental rights in Montenegro, in lack of which silence may be considered an oblique endorsement.

In faith,

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