

Executive Summary Common Country Assessment

Montenegro

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1. Introduction

1.1 Preparation of Phase II of the Integrated UN Programme

This Executive Summary Common Country Assessment has been prepared as a key reference document to support the preparation of **Phase II of the Integrated UN Programme for Montenegro (2012 – 2016)**. Phase I of the Integrated UN Programme was prepared in 2009 and represented the consolidation of programmatic and operational efforts by the UN system in Montenegro, together with Government, to implement the UN reform agenda at the country level from 2010.

The Government of Montenegro indicated its interest in supporting UN coherence as early as 2007. The UN Regional Directors Team (RDT) for Europe and the Commonwealth of Independent States (CIS), nominated Montenegro for the Expanded Funding Window (EFW)¹ for Delivering as One in May 2009 and this was confirmed by the UN Development Group in July the same year.

In June 2009, the UNCT in Montenegro agreed on the formulation of the Integrated UN Programme, Results and Budgetary Framework for the period from 2010 to 2015 and creation of a UN Country Fund, as part of its submission to the EFW.

The goal of the Integrated UN Programme for Montenegro is to enhance development results and impact by bringing together the comparative advantages of the UN system within a single strategic framework. The bedrock of the Integrated UN Programme is a set of three pillar Vision Statements on Social Inclusion, Democratic Governance and Sustainable Economic Development and Environmental Protection. These Vision Statements succinctly describe the progress that the Government and UN want to see in the country as a whole over the next 5 or 6 years and provide the context for a set of Outcomes that form the basis of the Results and Budgetary Framework for the UN Programme. Phase I of the Integrated UN Programme reconfirmed existing commitments and agency agreements with Government, including: the UNDP Country Programme (2007-2011)², the UNHCR Comprehensive Plan 2010, the UNICEF Country Programme Document (2010 – 2011)³ and the Biennial Collaborative Agreement between the Ministry of Health and the Regional Office for Europe of the World Health Organisation – 2010 / 2011⁴, as well as on-going projects of IOM, and a number of regionally-based agencies and organisations, including FAO, UNEP, UNESCO, and UNIDO. These commitments, programmes and projects formed the content of Phase I, reconfigured under the Outcomes of the three Pillars.

Preparation of Phase II of the Integrated UN Programme began in 2010 in order to ensure that there would be a valid strategic framework for new UN commitments and agreements for 2012 and beyond. Both UNDP and UNICEF needed to prepare new 5-year Country Programmes (2012 – 2016) and WHO needed to prepare a new Biennial Collaborative Agreement (2012 – 2013) in 2011. The traditional UN mechanism for providing a strategic framework is the United Nations Development Assistance Framework (UNDAF). However, in the case of Montenegro, such a framework already exists in the form of the Vision Statements, Outcomes and Results Framework that were prepared for Phase I of the Integrated UN Programme. Therefore, in order to comply with the UNDAF guidelines⁵ but also consolidate the experience of Delivering as One, the UNCT, in consultation with the RDT (and its Peer Support Group), agreed on a roadmap for preparation of key analytical documentation,

¹ The EFW is a multi-donor facility for supporting the UN to Deliver as One¹ and with specific objectives of increasing the UN's contribution to poverty reduction and the MDGs, providing a channel for additional resources, allowing donors to support Delivering as One, and reducing transaction costs, by ensuring the more effective use of UN resources at the country level

² UNDP Country Programme (2007-2011), 8 November 2006

³ UNICEF Country Programme (2010 – 2011), 22 July 2009 (E/ICEF/2009/P/L.9)

⁴ Biennial Collaborative Agreement between the Ministry of Health and the Regional Office for Europe of the World Health Organisation – 2010 / 2011, 16 September 2009

⁵ UNDG (2010): *How to Prepare an UNDAF – Part II, Technical Guidance for UN Country Teams*; UNDG, UN NY, Jan. 2010

as well as a “Validation Retreat” with Government, as part of the process of preparing Phase II of the Integrated UN Programme.

1.2 The purpose and structure of the Executive Summary Common Country Assessment

Since Montenegro regained its independence in 2006, a wealth of analyses has been produced by Government, inter-governmental and UN agencies, donor development partners and civil society. The aim of this Executive Summary is to extract the most relevant parts from these analyses and present them in a form that is useful for strategic planning purposes by the UN system, in the first instance, but also for those with whom the UN agencies, funds and programmes work in Montenegro, especially the Government itself.

This Executive Summary is structured around the UN development agenda of the Millennium Declaration and MDGs. However, in line with the structure of the Integrated UN Programme, the country analysis is consolidated under the three pillars of Social Inclusion, Democratic Governance and Sustainable Economic Development and Environmental Protection. Where appropriate, the EU development agenda is also used, reflecting the priority that it has had in recent years and will continue to have in the medium-term for Montenegro.

While Montenegro was on the path of recovery even prior to regaining independence, a key challenge remains to strengthen the capability of the State to promote human development in the post-transition context, interacting with markets and participatory political and social systems. This challenge is closely connected to its other development challenges, which include pro-poor growth, sustainable social security and adequate protection of the most vulnerable, as well as effective adaptation to the effects of climate change. Montenegro is fortunate in that accession to the European Union is an achievable medium-term objective and a driving force for addressing development challenges. Although it was recommended for “candidate status” in November 2010, a date for the opening of negotiations on accession has not been set and a series of benchmarks have been established against which Montenegro must make progress before a date can be set.

2. The Human Rights-Based Approach to development cooperation

In recent years the United Nations system has been applying a human rights-based approach (HRBA) to development which aims to provide assistance to Member States in meeting their human rights obligations and in taking steps progressively towards implementation of the human rights instruments. Nowadays, development cooperation tends to follow the UN Statement of Common Understanding of the Human Rights-Based Approach to Development Cooperation which specifically refers to an HRBA to development cooperation and development programming by UN agencies. It guides UN agencies, funds and programmes to apply consistently an HRBA to common programming processes at global and regional levels, and especially at the country level. This approach is defined by three guiding principles provided below.

**United Nations Common Understanding of the
Human Rights-Based Approach to Development Cooperation (2003)**

1. All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

3. Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

The UN Common Understanding makes it clear that Montenegro can count on UN agencies to provide technical assistance particularly in the area of capacity building, and the necessary guidance in a more systematic manner through its programme of cooperation to further the realization of human rights. This should lead towards greater compliance with the duties and obligations arising from the human rights instruments it has ratified.

3. Montenegro's obligations pursuant to international human rights law

The Universal Declaration of Human Rights (UDHR), together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the so-called *International Bill of Human Rights*. A series of international human rights treaties and other instruments adopted since 1945 have conferred legal form on inherent human rights and developed the body of international human rights. Other instruments have been adopted at the regional level reflecting the particular human rights concerns of the region and providing for specific mechanisms of protection. Most States have also adopted constitutions and other laws which formally protect basic human rights. While international treaties and customary law form the backbone of international human rights law, other instruments, such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development. Respect for human rights requires the establishment of the rule of law at the national and international levels.

The Constitution of Montenegro provides a foundation for the protection of basic human rights and freedoms in the country. It guarantees human rights and freedoms to all persons in Montenegro, not merely its citizens, prohibits the generation of hatred and all other forms of discrimination and gives precedence to international legal instruments over national legislation⁶. In addition, Montenegro has ratified the main international human rights instruments including: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Torture (CAT) and the Convention on the Rights of Persons with Disabilities (CPRD).

By ratifying the 1951 United Nations Convention Relating to the Status of Refugees⁷ (modified by the 1967 Protocol Relating to the Status of Refugees) and the 1954 UN Convention Relating to the Status of Stateless Persons⁸, Montenegro committed to strengthen the protection of human rights and freedoms to all persons within the borders of the State, including refugees, asylum seekers, displaced, internally displaced and persons who are stateless or at risk of statelessness. Montenegro has not yet indicated whether and when it will accede to the 1961 UN Convention on the Reduction of Statelessness⁹. Accession to this Convention would strengthen Montenegro's legal framework by addressing the causes and consequences of statelessness universally, and would demonstrate Montenegro's commitment to human rights in this context.

⁶ The Constitution of Montenegro, 2007, Articles 6-9

⁷ Available at: <<http://www.unhcr.org>>

⁸ Available at: <<http://www.unhcr.org>>

⁹ Available at: <<http://www.unhcr.org>>

4. Montenegro's obligations pursuant to the Millennium Declaration and the achievement of the MDGs

At the UN General Assembly of 2000 - The Millennium Summit - the representatives of all United Nations Member States agreed that it was necessary to take decisive steps in order to reduce and eradicate the inequalities in human development worldwide and recognized "their collective responsibility to uphold the principles of human dignity, equality and equity at the global level." At the end of the Summit, a Millennium Declaration was issued containing eight chapters.

The Millennium Declaration, by chapters:

- I. Values and principles
- II. Peace, security and disarmament
- III. Development and poverty eradication
- IV. Protecting our common environment
- V. Human rights, democracy and good governance
- VI. Protecting the vulnerable
- VII. Meeting the special needs of Africa
- VIII. Strengthening the United Nations

In addition to the Declaration, the Summit agreed a set of numerical and time-bound goals and targets, known as the Millennium Development Goals (MDGs). The goals are the blueprint of the United Nations system's action, and all United Nations Member States have committed themselves to the achievement of the development goals by 2015.

The Millennium Development Goals (MDGs)

- Goal 1. Eradicating extreme poverty and hunger
- Goal 2. Achieving universal primary education
- Goal 3. Achieving gender equality and empowering women
- Goal 4. Reducing child mortality
- Goal 5. Improving maternal health
- Goal 6. Combating HIV/AIDS, malaria and other diseases
- Goal 7. Ensuring ecological sustainability
- Goal 8. Developing a global partnership for the development

Montenegro, as a UN member state, also assumed all the responsibilities related to the MDGs. Accordingly, during 2009 and 2010, the government prepared its medium-term progress report that uses MDGs as a framework to assess the current status of development in the country¹⁰. In so doing, each MDG was placed in the development context of Montenegro and a series of national targets for 2015 were formulated, while retaining the scope of the overall commitment.

The 2010 MDG Report confirms that some of the goals have already been achieved (MDG 1, except in the area of employment), MDG 2, 4, 5 and 6) and the majority of the others are on-track to be achieved by 2015. However, despite the registered progress in areas such as economic growth and stability, development of strategic or planning documents, reforms of legislative frameworks and social reforms, certain challenges remain in the areas of social inclusion, the rule of law and democratization, regional development disparities and revitalization of the economy, especially in light of global economic fragility since 2008.

¹⁰ Government of Montenegro: *Medium-term Report on Millennium Development Goals in Montenegro*; Podgorica, July 2010

5. EU Accession Criteria

By global standards, Montenegro, as an upper-middle-income country, has a relatively modest unfinished development agenda. The path towards EU accession provides one very important framework for addressing the development agenda. Any country seeking membership of the European Union (EU) must conform to the conditions set out by Article 49 and the principles laid down in Article 6(1) of the Treaty on European Union. Relevant criteria were established by the Copenhagen European Council in 1993 and strengthened by the Madrid European Council in 1995.

To join the EU, a new Member State must meet three “Copenhagen criteria”¹¹:

- political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
- acceptance of the Community *acquis*: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

For the European Council to decide to open negotiations, the political criterion must be satisfied.

Membership criteria also require that the candidate country must have created the conditions for its integration through the adjustment of its administrative structures, as underlined by the Madrid European Council in December 1995. While it is important that European Community legislation is transposed into national legislation, it is even more important that the legislation is implemented effectively through appropriate administrative and judicial structures. This is a prerequisite of the mutual trust required by EU membership.

In October 2007 a Stabilisation and Association Agreement (SAA) between the European Communities and their Member States and Montenegro was signed. The SAA came into force in May 2010 after its ratification by the parties. In June 2008 the Government of Montenegro adopted its National Programme for Integration in the European Union for the period of 2008-2012 (NPI). This document represents a plan for the adoption of the *acquis*, providing for short-term and medium-term priorities. Montenegro presented its official application to the European Union on 15 December 2008 and on 9 November 2010 Montenegro was recommended for “candidate” status¹². By the European Council decision of 17th December 2010, Montenegro was granted candidate status for EU membership.

6. The Impact of the global financial crisis¹³ on unemployment

For the first time since independence Montenegro registered a decline in GDP of some 5.3% in 2009, and a recent study analyses the impact of the crisis on the labour market¹⁴. The most significant decrease in the number of employees was recorded in industrial sub-sectors, as a consequence of the restructuring of big companies such as Aluminium Plant KAP, the Steel Factory in Niksic and the Bauxite Mine. But, the self employed and family workers were also hit hard, as were foreign workers. There is no significant evidence that females suffered more from the crisis up to now. However, the young and elderly were the first affected by the crisis. The most significant rise of unemployment was recorded in Podgorica and Niksic, as the two biggest administrative and economic centers, as well as

¹¹ <http://europa.eu/scadplus/glossary/accesion_criteria_copenhagen_en.htm>

¹² CEC (2010): *Commission Opinion on Montenegro's application for membership of the European Union*; Brussels, 09/11/10, SEC(2010) 1334

¹³ At the time of preparing this Executive Summary CCA there was considerable anecdotal evidence of the distress being felt in some sectors and some areas of Montenegro as a result of the global financial crisis. However, very little data and analysis have been available to substantiate the situation and this is acknowledged in the government's MDG Report.

¹⁴ CEED Consulting (2010): *Crisis Impact on Labour Market in Montenegro*; CEED/UNDP Podgorica, April, 2010

in Budva, the main tourism destination. Surprisingly, data shows that new entrants to the labor market with tertiary education were significantly affected by the crises due to reduced vacancies.

The Montenegro labour market is traditionally characterized by low activity rates as well as significant structural unemployment. These longstanding challenges now have accompanying problems of increasing unemployment and reduced vacancies. Some of these negative trends are expected to be overcome in the short and medium-term, after the stabilization of economic activity (especially in sectors such as tourism, construction and trade), stabilization of the banking sector as well as further inflows of foreign direct investments. However, some issues, including the mismatch between demand and supply of labour – specifically the better harmonization of the educational system and labour demand - could exist as a challenge for the longer-term.

7. Social Inclusion¹⁵

**Millennium Declaration Chapter II: Development and poverty eradication, and
MDG 1. - Eradicating extreme poverty and hunger**

Millennium Declaration Chapter VI: Protecting the vulnerable

MDG 2. - Achieving universal primary education

**MDG 4, 5 and 6. - Reducing child mortality, improving maternal health and combating
HIV/AIDS as well as other diseases**

7.1 MD – Chapter II: Development and poverty eradication, and MDG 1. – Eradicating extreme poverty and hunger

Development and poverty in a human rights setting

The International Covenant on Economic, Social and Cultural Rights (ICESCR) establishes that everyone has a right to an adequate standard of living, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The steps to be taken by a State to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual. Furthermore, since the eradication of poverty does not rely solely on economic growth, the State must also take steps to ensure that the poor can fully exercise their human rights such as protection and non-discrimination, as well as participation in the decisions related to their living standards.

Legislative and policy framework

In November 2003, the Government of Montenegro adopted the Development and Poverty Reduction Strategy (DPRS)¹⁶ that in total envisaged some 400 projects addressing various facets of poverty, including: promoting economic growth through private sector development to reduce the number of people close to the poverty line; reforming the social sector to provide safety nets for the poor and

¹⁵ The EU defines social inclusion “as a process which ensures that those at risk of poverty and social exclusion gain the opportunities and resources necessary to participate fully in economic, social and cultural life and to enjoy a standard of living and well-being that is considered normal in the society in which they live. It ensures that they have greater participation in decision-making, which affects their lives and their access to their fundamental rights”¹⁵. The social inclusion concept complements the human development approach by introducing an analytical framework to identify the individuals and groups at risk of social exclusion that require the immediate attention of government and society.

¹⁶ Government of the Republic of Montenegro (2003): *Development and Poverty Reduction Strategy (DPRS) 2004 – 2006*; November 2003.

vulnerable and, at the same time, reduce the risks associated with poor infrastructure, in general, and the health and education sectors in particular; addressing pockets of severe poverty and social exclusion of vulnerable groups. Based on this document, credit arrangements were agreed with the World Bank to support reform in the area of education, health, the pension system and environmental protection. However, due to insufficient budget support and limited donor support, just a few of these projects have been implemented.

Recognising the relevance of the EU social inclusion process the Government of Montenegro adopted a range of policy strategies addressing social exclusion from 2007. The Poverty Alleviation and Social Inclusion Strategy (PASIS)¹⁷ is specifically aimed at decreasing the economic vulnerability of the population and ensuring social stability. The PASIS is composed of specific activities to be undertaken from 2007 to 2011 in the education, health, social welfare and employment sectors. The PASIS includes social policies targeting vulnerable groups. Other policies address the needs and circumstances of targeted 'at risk' groups, such as Displaced Persons¹⁸, the Roma, Ashkaelia and Egyptian (RAE) population¹⁹, children and socially vulnerable groups²⁰, people with disabilities²¹, and the elderly²². The government estimates that about €100 million is spent annually on various programmes contributing directly or indirectly to poverty reduction in Montenegro²³.

Summary of the current situation

The 2009 National Human Development Report (NHDR) provides an important analysis of the incidence of poverty in Montenegro²⁴, based on data up to 2008. The findings of the Report are summarised below.

The value of HDI dramatically decreased between 1991 and 1999 as a direct result of political crises, the war in the Balkan region and sanctions. The HDI value has been increasing since 1999 and exceeded the 1991 level in 2003. The HDI for Montenegro increased from 0.775 in 2002 to 0.828 in 2007. **Montenegro ranks 64th out of 179 countries with an HDI for 2006 of 0.822, confirming it belongs to the group of countries with a high level of human development²⁵. However, improvements in the HDI are not consistent across the different regions and municipalities of the country**, where Podgorica has the highest HDI rating of 0.863, while the northern region has the lowest HDI rating of 0.789.

The poverty rate has only slightly decreased since 2003. Although Montenegro's GDP increased by an impressive 8.6% in 2006 and 10.3% in 2007, poverty levels remained steady with 10.8% of the population still living below the poverty line (€162 per month per household member) in 2008.

Poverty is relatively high in the north of the country. More than half the poor (62%) reside there. High unemployment, illiteracy among the elderly and women, and low income levels contribute to high poverty rates.

¹⁷ Ministry of Health, Labour and Social Welfare of Montenegro, *Poverty Alleviation and Social Inclusion Strategy (PASIS)*, 2007.

¹⁸ National Strategy for Resolving Issues of Refugees and Internally Displaced Persons 2005-2008.

¹⁹ National Action Plan of the Decade of Roma Inclusion 2005-2015 in Montenegro and The National Strategy for Improving Position of RAE Population in Montenegro 2008-2012.

²⁰ Ministry of Health, Labour and Social Welfare of Montenegro, *Strategy for Social and Child Welfare Development in Montenegro, 2008 – 2012*; 2007

²¹ Ministry of Health, Labour and Social Welfare of Montenegro, *Strategy for Integrating Persons with Disabilities in Montenegro*; 2007

²² Ministry of Health, Labour and Social Welfare of Montenegro, *Strategy for Development of Social Protection for the Elderly in Montenegro, 2008-2012*; 2007.

²³ Government of Montenegro (2010): *Medium-term Report on Millennium Development Goals in Montenegro*; p.14

²⁴ UNDP (2009): *National Human Development Report: Montenegro – Society for All*; UNDP, Podgorica

²⁵ Human Development Indices as well as a 2008 statistical update for all countries can be accessed at: <<http://hdr.undp.org/en/statistics>>.

Some population groups are poorer than others. The RAE are the most vulnerable population with a poverty rate of 36%; followed by displaced persons 34%, social welfare recipients 30%; pensioners 15.7%; the long-term unemployed 12.3% and people with disabilities 11.9%.

Montenegro has very high and increasing inequality. Inequality is measured by decile ratio, which presents the ratio of the average consumption of the richest 10% of the population divided by the average consumption of the poorest 10%. The level of inequality in Montenegro increased from 6.0 in 2004 to 9.8 in 2008.

Social exclusion is concentrated among certain vulnerable groups of the population. The percentage of socially excluded households in each of six categories of vulnerable group was as follows: social welfare recipients (11.9%); the long-term unemployed (10%); pensioners (8.9%), people with disabilities (5%), the RAE population (14.1%); and displaced persons (8.3%).

Official statistical data for 2009²⁶, largely supports the findings of the NHDR but also indicates some new concerns that may be partly or wholly attributable to the global economic down-turn. In particular, **the incidence of poverty increased between 2008 and 2009**, from 4.9% of the population to 6.8%, respectively. This increase was registered in both urban (0.2%) and rural (5.9%) areas, but more significantly in rural areas where there is already a higher risk of poverty. In 2009, the poverty rate in urban areas rose to 2.6% and in rural areas to 14.8%. **This urban – rural disparity also manifested itself in regional disparities.** The risk of poverty in the northern region (13.2%) was three times higher than the risk of poverty in the southern (4.4%) and central (4%) regions.

The rise in poverty rates also caused an increase in national disparities with the Gini Coefficient increasing from 25.3% in 2008 to 26.7% in 2009. The consumption share of the poorest 20% of the population declined from 9.5% (2008) to 9.2% (2009) while the consumption share of the richest 20% of the population increased from 36.2% (2008) to 37.3% (2009).

Poverty according to activity status is strongly related to the labour market status. The highest poverty rates were recorded amongst the unemployed (13.7%) and children under 15 (11.1%). The lowest poverty rates were recorded amongst the retired (4.1 %) and the employed (2.7 %).

MDG progress and future challenges

The Montenegro MDG Report redefines and adjusts the targets for this MDG in order to make them more relevant to the country context.

Target # 1 – Halve the proportion of the population living below the poverty line by 2015, as measured by the Poverty Rate (from 11.2% in 2005 to 5.6% in 2015), Poverty Gap Ratio (from 2.1% in 2005 to 0.9% in 2015) and Severity of Poverty (from 0.7% in 2005 to 0.3% in 2015). In relation to all three indicators considerable progress was registered by 2008. The poverty rate had dropped to 4.9% (i.e. below the target for 2015) and the poverty gap ratio and severity of poverty were 0.9% and 0.3% respectively (i.e. the same as the targets for 2015).

Target # 2 – Reduce inequality in the distribution of consumption by 2015, as measured by the Gini Coefficient (from 25.9% in 2005 to 24% in 2015) and Ratio of Quintile Shares (from 3.7 in 2005 to 3.6 in 2015). While there is some evidence that the growth in inequalities peaked in 2007, the richest quintile of the population still had 3.8 times higher consumption than the poorest quintile in 2008.

Target # 3 – Reduce regional developmental disparities by 2015, by halving the poverty rates in the North (from 17.8% in 2006 to 8.9% in 2015) and in rural areas (from 16.5% in 2005 to 8.2% in 2015). In rural areas, the highest poverty rate was recorded in 2006 (17.6%). In 2008, the poverty rate declined in both urban and rural areas. Despite these improvements, however, the rural

²⁶ MONSTAT (2010): <http://www.monstat.org/cg/page.php?id=101&pageid=101>

population is at much higher risk of poverty than the urban population. The depth and severity of poverty is also higher in rural areas.

Target # 4 – Reduce unemployment to 9% by 2015. The official unemployment rate peaked at 30.3% in 2005. Since then, it declined to a low of 16.8% in 2008 (15.9% for men and 17.9% for women). However, unemployment rates have remained higher in 2009 (averaging over 19%; over 18% for men and over 20% for women) with the unemployment rate for women in the North reaching over 37% at times²⁷.

7.2 MD – Chapter VI: Protecting the vulnerable

Protecting the vulnerable in a human rights setting

States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognize the right of everyone to social security, including social insurance, that “the widest possible protection and assistance should be accorded to the family”, “special protection should be accorded to mothers during a reasonable period before and after childbirth” and “special measures of protection and assistance should be taken on behalf of all children and young persons”²⁸. Since 1945, however, there have been a number of landmark international human rights treaties²⁹ and other instruments adopted to reflect new challenges in protection and the evolution of attitudes towards it.

Legislative and policy framework

The Constitution on Montenegro provides a favourable legal framework for the protection of the most vulnerable in terms of human and minority rights. The 2007 Strategy on Poverty Alleviation and Social Inclusion (PASIS) in Montenegro defines the national development priorities and the achievable goals contributing to poverty reduction, by integrating the social, macroeconomic and structural elements and identifying the instruments for measuring progress towards those goals. The social welfare system is regulated by two laws: the Social and Child Welfare Law (2005) and the Family Law (2007). The Social and Child Welfare Law defines the basic rights and eligibility criteria for social benefits. The 2007 Strategy for Social and Child Welfare Development in Montenegro 2008-2012 defines the conditions in the field of social and child protection, the goals and priorities and the means to achieve them, as well as the resources required for its efficient implementation.

Policy developments in the field of **labour and employment** are stipulated by labour legislation and two major strategic documents: the National Strategy for Employment and Development of Human Resources 2007-2011, revised in 2008, and the accompanying Employment National Action Plan 2008-2009, adopted in 2008³⁰. The policies envisage enhancement of active labour market measures, individualised approaches, and vocational training, partnerships with local authorities in public works, life-long education and special incentives for hard-to-employ-groups.

The Pension Fund of Montenegro makes disbursements of retirement pensions, disability pensions, family pensions (to survivors of a family member), allowances for people with disabilities due to labour injury or a longstanding illness caused by work conditions and allowances for caretakers of a family member.

²⁷ MONSTAT (2009 and 2010): *Labour force survey 1st Quarter 2009*; No: 59, Podgorica, 16. 07. 2009; *2nd Quarter 2009*; No: 76, Podgorica, 01. 10. 2009; *3rd Quarter 2009*; No: 95, Podgorica, 11. 12. 2009; *4th Quarter 2009*; No: 21, Podgorica, 22. 03. 2010; *1st Quarter 2010*; No: 69, Podgorica, 22. 07. 2010.

²⁸ International Covenant on Economic, Social and Cultural Rights (ICESCR), Part III, Articles 9 & 10

²⁹ Including, Convention on the Rights of the Child (CRC), with two Optional Protocols, Convention on the Rights of Persons with Disabilities and its Optional Protocol, UN Convention relating to the Status of Refugees, UN Convention relating to the Status of Stateless persons, UN Convention on the Reduction of Statelessness,

³⁰ Both documents are available at <<http://www.gov.me/minzdr/vijesti.php?akcija=rubrika&rubrika=354>>.

Pension system reform began in 2001 and in 2003 the Law on Pension and Disability Insurance was adopted. The law deals with reform of the Pillar I financing system (public pension or 'pay-as-you-go' system.) but it envisaged a three-pillar pension system:

- Mandatory public pension insurance (pay-as-you-go system);
- Mandatory individual capitalised savings; and,
- Voluntary pension insurance.

However, the mandatory second pillar has not yet been introduced. The Law on Voluntary Funds³¹ (Pillar III) was adopted in 2007 but the development of such funds is still in its infancy.

The Law on Alterations of Pension and Disability Insurance, adopted in 2010, sets up new retirement conditions, pension adjustment formula and new retirement age requirements. It is envisaged that the current retirement age of 65 for men and 60 for women will be harmonized and raised to 67 (for men and women) by 2027.

The policy framework for **Persons with Disabilities (PWD)** was enhanced with the adoption of the Strategy for the Integration of Persons with Disabilities in Montenegro 2008-2016. The Strategy covers policy measures in the thematic areas of healthcare, social welfare, education, vocational training and employment, accessibility, culture, sports and recreation, as well as PWD associations.

The Law on Rights and Freedoms of **Minorities** (2006) introduced affirmative action to enhance the political representation and employment of minorities, and to support their educational preferences. Minority councils, responsible for representing minorities and implementing relevant policies, were also established at that time, including the Roma Council. The State is participating in the Decade of Roma Inclusion 2005-2015. To formalize the Government's commitment, the National Action Plan for the Decade of Roma Inclusion 2005 -2015 in Montenegro³² and the national Strategy for Improving Position of RAE Population in Montenegro 2008-2012 were adopted. Among its most urgent tasks and goals, is the combating of all types of discrimination and inequality that affect the RAE. The Law on Prohibition of Discrimination was adopted on 30 July 2010 and implementation started on 14 August 2010. However, the benefits of the new Law cannot be expected before adoption and full implementation of the draft Law on the Ombudsman³³.

"Displaced and internally displaced persons"³⁴ arrived in Montenegro between 1991 and 1999 as a result of conflict in the region following the dissolution of SFR Yugoslavia. These people were welcomed and hosted by Montenegro, but not legally recognized as refugees or granted the same rights as refugees under Montenegro's Law on Asylum or the 1951 Refugee Convention and 1967 Protocol.

The government's "displaced person" status is based on the 1992 Decree on the Care of Displaced Persons, which defines "displaced persons" as "citizens of the former Yugoslav republics and other persons who, because of persecution on ethnic, religious or political grounds, had to leave their homes and seek refuge in the Republic of Montenegro."

³¹ The text of the law is available at: <http://www.gov.me/files/1167137746.pdf>.

³² "The Decade of Roma Inclusion 2005–2015" is an unprecedented political commitment by European governments to improve the socio-economic status and social inclusion of Roma. The Decade is an international initiative that brings together governments, intergovernmental and non-governmental organizations, as well as the Romani civil society, to accelerate progress towards improving the welfare of Roma and to review such progress in a transparent and quantifiable way. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming." – Official website of the Decade of Roma Inclusion, at <<http://romadecade.org>>.

³³ According to a UNDP/ISSP Social Exclusion Survey conducted in April 2008, some 59% of RAE had the perception that there was inequality and ethnic tension in society.

³⁴ The term "displaced and internally displaced person" is used as an umbrella title for all categories of individuals residing in Montenegro as a consequence of armed conflicts in neighbouring countries, without prejudice to their current or future legal status.

When the large wave of arrivals from Kosovo began in 1999, the government granted them “internally displaced person” status as an *ad hoc* administrative measure.³⁵ Many were granted access to health and education services in the country, with the support of both national and international humanitarian organizations. However, the displaced person status remained largely undefined in written law, although both “internally displaced person” and “displaced person” status were temporarily continued following Montenegro’s independence in 2006.

Between 2005 and 2008 the Government was guided by a National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons in Montenegro. On 17 September 2009 the Government adopted the *Action Plan for Resolution of the Status of Displaced Persons from the Former Yugoslav Republics and of the Status of Internally Displaced Persons from Kosovo in Montenegro*, in order to create a mechanism for displaced and internally displaced persons to have access to the status of Foreigner with Permanent Residence. This status provides the full spectrum of rights as Montenegrin citizens with the exception to the right to vote. In accordance with the Action Plan, this change in status was made possible by the adoption of the *Law on Amending the Law on Foreigners* on 23 October 2009.

A *Decree*³⁶, to guarantee displaced and internally displaced persons access to rights until the acquisition of the new legal status of Foreigner with Permanent Residence, was adopted on 8 July 2010. This temporary measure secures “displaced and internally displaced persons” access to the existing scope of rights in the area of education and health care and offers new access to employment, pension, social and child protection like Montenegrin citizens, until 7 January 2012. The Employment Bureau has started implementing this Decree by registering unemployed displaced and internally displaced, while the most vulnerable 130 families continue to receive monthly social allowance through UNHCR’s project with the Ministry of Labor and Social Welfare³⁷. Health care is provided in accordance with the Law on health care and the Law on health insurance. According to the record keeping system on services delivered to displaced persons and internally displaced persons, Montenegro allocated 2,812,382 Euros in 2009 for these services, and 2,616,910 Euros in 2010³⁸. Before mentioned Decree was adopted, there were some obscurities regarding the scope of services, which in practice resulted in certain inequalities in exercising health care services outside public health care institutions in Montenegro.

Montenegro succeeded to the 1954 Convention Relating to the Status of Stateless Persons, to which the former State Union of Serbia and Montenegro had been a party, but has not yet acceded to the 1961 Convention on the Reduction of Statelessness.

Summary of the current situation and future challenges

Despite policy efforts to ensure that families and individuals in need receive a minimum income, the social benefit entitlements are limited and barely cover basic needs; thus individuals are exposed to the risk of poverty. The 2008 Social Exclusion Survey³⁹ found that 30% of social welfare system beneficiaries live below the poverty line and less than a fifth can afford their households’ monthly needs. Most social welfare beneficiaries are young (43%) - many belonging to the age category 20-49, which is normally the optimum age for work. The Committee on the Rights of the Child noted that the support provided to families with children and especially to families in a crisis situation due to

³⁵The population from Kosovo includes a number of Albanian citizens, of Serb and Montenegrin ethnicity, who were granted refugee status under the federal laws of the former Yugoslavia. These persons arrived in Yugoslavia in 1991, and have subsequently moved throughout Serbia and Montenegro (many residing in Kosovo until 1999 and then fleeing to Montenegro).

³⁶Decree on the Manner of Exercising the Rights by Displaced Persons from the Former Yugoslav Republics and Internally Displaced Persons From Kosovo Residing in Montenegro

³⁷ Access to social assistance is constrained by administrative obstacles and lack of budget provisions on the part of government in 2010 and 2011.

³⁸ Fund for health insurance, Montenegro; data received on 15th May 2011

³⁹ UNDP/ISSP Social Exclusion Survey conducted in April 2008

poverty, families caring for children with disabilities and to single-parent households remains insufficient and sporadic⁴⁰.

Unemployment in Montenegro tends to be long-term, with 56% of individuals experiencing lengthy unemployment periods in 2008 and 2009. In 2007, the average unemployment period was 3.7 years⁴¹. Long-term unemployment mainly affects those aged over 50, and it is longer for those with lower educational levels. Unemployment benefit is not designed to provide for security but rather to stimulate the unemployed to seek employment. Not all the long-term unemployed are eligible for benefits⁴². A new Law on Employment and Insurance in case of Unemployment, which was adopted at the beginning of 2010, provides for monetary remuneration for unemployed persons amounting to 30% of the minimal monthly salary.

Montenegro has an **ageing population**. According to the 2009 NHDR, some 17% of the country's population is elderly (men 44%, women 56%) and pensioners represented a significant share (35%) of the non-active population in 2007. The average monthly pension is slightly more than the poverty line but less than half the average salary. The minimum monthly pension is less than half the poverty line. The Strategy for the Development of Social Protection for the Elderly recognized three key concerns. First, there is an inability of the system to meet the needs of all categories of the elderly, and especially the poor, ill, and self-supporting, as well as the elderly with disabilities. Second, there is inadequate and insufficient knowledge of the elderly population's needs. And, third, the institutional system of social welfare is rather underdeveloped in relation to the elderly.

The majority of **PWDs** in Montenegro are passive recipients of compensation, instead of active participants in society, as a result of the inherent social stigma towards them. The World Health Organization (WHO) estimates that the number of individuals with disabilities in Montenegro is 7-10% of the total population. The 2008 Social Exclusion Survey⁴³ revealed that 5% of PWD households are socially excluded and that 11.9% of them live below the poverty line. The Ministry of Education and Science registers the number of children with disabilities and children with developmental difficulties currently enrolled in the formal education system⁴⁴. However, it does not register those who are not enrolled. Thanks to the strong commitment of the Ministry of Education and Science and their joint efforts with PWD associations, the 2008 Strategy for Inclusive Education was developed. It envisages the early inclusion of children with special educational needs (with special focus on children with impairments and disabilities) and the development of an expert support network at all levels. While significant results have been achieved, progress is still needed in many of the areas identified by the Strategy.

When it comes to **children** in need of special protection, the Ministry of Labour and Social Welfare estimates their number in the range of 6,000-7,000⁴⁵. Generally, statistical information on this segment of the population is largely unavailable. Of particular concern are children residing in institutions, especially since their number is not decreasing⁴⁶. Around 350 children reside in institutions either the whole year or for most of the year. Out of this number, approximately 150 children are year-round in the Children's Home "Mladost", in Bijela, and 10 are in the special institution for children and adults with learning disabilities "Komanski Most", in Podgorica, while another 170 children are most of the year in special boarding schools for children with sensory, learning or physical disabilities⁴⁷. A further 20 children are in an institution for children in conflict with

⁴⁰ Committee on the Rights of the Child (2010): *Concluding Observations: Montenegro*; CRC/C/MNE/CO/1, 1 October 2010

⁴¹ UNDP/ISSP Social Exclusion Survey conducted in April 2008

⁴² UNDP (2009): *National Human Development Report: Montenegro – Society for All*; UNDP, Podgorica

⁴³ UNDP/ISSP Social Exclusion Survey conducted in April 2008

⁴⁴ There are some 3,416 children with disabilities (1,311 girls and 2,105 boys) enrolled and they constitute 3% of total enrolled students - Ministry of Education and Science (2009): *Report on Education of Children with Special Needs*.

⁴⁵ UNDP (2009): *National Human Development Report: Montenegro – Society for All*; UNDP, Podgorica

⁴⁶ Committee on the Rights of the Child (2010): *Concluding Observations: Montenegro*; CRC/C/MNE/CO/1, 1 October 2010

⁴⁷ All data provided by the respective institutions, in accordance with their own records.

the law⁴⁸. Some 20% of children placed in “Mladost” are under the age of three and only six children are orphans without a living parent. Other children placed in the institution are so called ‘social orphans’ who had been abandoned by their parents, despite the fact that at least one of their parents is alive. A weak and poorly resourced child care system is one of the main reasons for the high rate of institutionalization in the country. There is limited support for vulnerable families, the rate of adoption is low and fostering exists only in the form of kinship care, leaving little alternative to institutionalization. “Komanski Most” has attracted the attention of CoE, the Committee on the Rights of the Child⁴⁹ and the EU but, since 2010, has been the focus of support in terms of transformation and de-institutionalization. Activities related to the opening of daycare centers for children with disabilities are in progress. Daycare centers have been opened in Bijelo Polje, Nikšić, Ulcinj and Pljevlja, while centres in Herceg Novi, Berane, Bar, Cetinje, Plav and Mojkovac are planned. Creating the daycare center network will enable children with disabilities to live with their families.

Young people, 15 to 29 years of age, make up some 23% of the entire population⁵⁰. A five-year National Youth Strategy (2007 – 2011) was adopted in 2006. The strategy identifies nine priority areas (education, employment, health, social inclusion, human rights, culture, leisure time, access to information and mobility, and family) and is implemented via annual action plans. However, there remains a dearth of data and analysis on youth problems. In February 2010 the responsibility for youth policy implementation was assigned to a Directorate for Youth and Sports, linked to the Ministry of Education and Science. This Directorate cooperates with other state institutions, municipalities, NGOs and youth organizations, as well as international organizations. Attempts to constitute a National Youth Council (Montenegrin Youth Forum) under the auspices of the European Youth Forum⁵¹, are ongoing and supported, financially and otherwise, by the new Directorate of Youth and Sports. The Directorate and Youth Forum work together to improve multi-sectoral cooperation in the area of youth policy planning and implementation. The current National Youth Action Plan (2011) envisages a Law on Youth which will define the competencies in the field of youth policy, as well as youth care, youth participation and youth organization mechanisms. The Directorate of Youth and Sport in partnership with IOM is implement a two-year project (March 2009 – March 2011) - Youth Social Revitalization with the goal of improving the implementation of the National Youth Action Plan through strengthening all relevant stakeholders in the governmental and non-governmental sectors, as well as young people themselves. Preparation of Local Youth Action Plans is in progress in several municipalities, as well as establishment of local Youth Offices and Youth Councils, with the support of the Directorate. Youth has been introduced as a field of academic study through selective obligatory subjects at several departments at the Faculty of Philosophy in Nikšić (through a project Tempus IV). After 2011, a Masters programme will be developed which will greatly contribute to the development of youth policy and work with young people.

The census conducted in 2003 established the number of the **RAE population** at 3,000 persons, which represents only 0.42% of the total population. As this result was not considered realistic, a survey among the RAE population was conducted in 2008⁵². The results show that there are 9,934 RAE, both native and displaced persons from Kosovo living in Montenegro. The survey aimed at establishing a RAE database for the purpose of the Strategy for Improving Position of RAE Population in Montenegro 2008-2012. However, the RAE population continues to live in extreme poverty. The RAE are subjected to severe social prejudices and negative stereotyping. The 2008 UNHCR & UNICEF survey found that around one third of persons belonging to these communities, mainly children, have no personal documents and are thus impeded from exercising their fundamental rights.

⁴⁸ All data provided by the respective institutions, in accordance with their own records.

⁴⁹ A series of recommendations relating to “Komanski Most” are contained in: Committee on the Rights of the Child (2010): *Concluding Observations: Montenegro*; CRC/C/MNE/CO/1, 1 October 2010

⁵⁰ Government of Montenegro (2007): National Youth Action Plan; National Youth Coordinating Committee

⁵¹ The European Youth Forum holds ECOSOC Consultative Status, and has working relations with some UN specialised agencies and the World Bank.

⁵² UNHCR / UNICEF (2009) *Civil Registration and the Prevention of Statelessness: A Survey of Roma, Ashkaelia and Egyptians in Montenegro*; UNHCR / UNICEF Podgorica, May 2009

The Committee on the Rights of the Child also noted that RAE children faced limited or inequitable access to health care services and barriers to accessing education⁵³. The majority of the funds for the RAE strategy are allocated to housing, but in segregated areas.

In relation to minorities such as **lesbian, gay, bisexual and transgender (LGBT)** persons as well as **persons living with HIV/AIDS** (PLHIV) the EU has noted discrimination, “including on the part of state authorities”.⁵⁴

According to the registries of the Ministry of Internal Affairs and Public Administration (MIAPA) and the Bureau for the Care of Refugees, Montenegro is host to 10,788 **internally displaced persons** from Kosovo and 5,127 **displaced persons** from Bosnia & Herzegovina and Croatia, as of 28 March 2011.

Displaced and internally displaced persons who acquire the status of Foreigner with Permanent Residence under *the Law on Foreigners* will have access to Montenegrin citizenship after ten years of lawful residence as permanent residents. However, it remains unclear how many displaced and internally displaced persons will be able to acquire this status. Of particular concern are some 3,000 internally displaced persons of Roma, Ashkali and Egyptian ethnicity. Some 1,500 of them reside in the Konik camps I and II in Podgorica with limited access to basic utilities in deteriorated wooden barracks. In the nearby shanty settlement another 500 people, mainly local Roma, Ashkali and Egyptians live in dwellings made of wood, cardboard, tin and other recycled material, with no access to basic utilities (electricity, water, sewage). Poor housing, lack of social inclusion, together with the lack of basic civil documents, further limit their prospects for socio-economic integration and impede access to adequate services of health, education, and social protection.

In order to obtain the Foreigner with Permanent Residence status, “displaced persons” in the records of MIAPA’s Asylum Office and re-registered “internally displaced persons” should submit an application. They must also provide a valid travel document from their country of origin, along with birth and citizenship certificates, and must also have a clear criminal record in Montenegro. These requirements can be an obstacle for some applicants. Obtaining a valid travel document from the country of origin can pose a serious challenge to persons who are unable to travel outside Montenegro to process the necessary paperwork⁵⁵. Proving citizenship can also be a challenge, in particular for Roma, Ashkali and Egyptians, due to either never having been registered at birth or having had their records destroyed. The costs of an application can also be an obstacle, especially for the poorest. The Government of Montenegro decreased application costs by amending the *Law on Improvement of Working Environment* in July 2010. Nevertheless, there are still costs associated with obtaining Foreigner with Permanent Residence status, include those related to the processing and collection of documents from countries of origin.

According to the *Action Plan 2009*, the Government will continuously review the situation of those unable to meet the requirements of the status of Foreigner with Permanent Residence to identify

⁵³ Committee on the Rights of the Child (2010): *Concluding Observations: Montenegro*; CRC/C/MNE/CO/1, 1 October 2010

⁵⁴ CEC (2010): *Analytical Report (on Montenegro's application for membership of the European Union)*; Brussels, 09/11/10, SEC(2010) 1334

⁵⁵ According to Article 105(a)5, of the *Law on Amending the Law on Foreigners*, displaced and internally displaced persons unable to present a valid travel document can still apply for Foreigner with Permanent Residence status and will be granted temporary residence for foreigners, with all the rights accorded to the permanently residing foreigner. They will then have three years of temporary residence to obtain valid travel documents and have their status changed to that of permanent resident. At the end of the three years of temporary residence, those who will not be able to acquire a permanent residence will be considered as foreigners unlawfully staying in Montenegro.

solutions. To ensure durable and sustainable solutions for RAE and other displaced and internally displaced persons residing in the Konik area, the Government, in close co-operation with the UN and the EU, is preparing a strategy to provide those who opt for integration in Montenegro a legal status, improved living conditions and access to rights including housing, employment, education, health and social services. Ultimately, this will lead to the closure of Konik camp, as recommended by the EC in the framework of Montenegro's European Union accession process and reflected in the Government's Action Plan on the EC's Opinion⁵⁶.

Integration of **migrants** and reintegration of Montenegrin nationals re-admitted under re-admission agreements have not yet been sufficiently addressed. Further progress is needed on collection of data on migration. The EU reported that detention facilities for those foreign nationals who illegally overstay are not yet adequate⁵⁷.

7.3 MDG 2. - Achieving universal primary education

Education in a human rights setting

The Convention on the Rights of the Child (CRC) has established the right of every child to an education and that it is not only a matter of equal access but also of ensuring its quality for all children. The CRC calls for education to be child-centred, child-friendly and empowering by providing the child with life skills and to strengthen his or her capacity to enjoy the full range of rights – civil, political, economic, social and cultural. Thus, the education system must be mindful of the inherent dignity of the child and of the child as a subject of rights when it comes to developing the curriculum, the educational processes, the pedagogical methods and the environment within which education is provided. Guaranteeing the right to equal access to education and standards of quality in education for all is one of the most effective ways that the State can promote social inclusion and prevent the marginalization of children belonging to minorities and other groups that are regularly excluded.⁵⁸

Legislative and organisational framework

The educational system in Montenegro, under the direction of the Ministry of Education and Science, includes preschool education and upbringing, primary education, secondary general and vocational education, university education and adult education.

There are 21 public preschool facilities, 9 private preschool facilities, 162 primary schools, 26 secondary vocational schools, 11 mixed secondary schools with gymnasium and vocational secondary education programmes, 10 state gymnasiums and 1 private gymnasium. Classes are taught in Albanian in two preschool institutions, 13 primary and 3 secondary mixed schools.⁵⁹ There is also one private international school for children of foreign citizens, situated in Podgorica, which was established in January 2006. In 2008 the Government of Montenegro adopted the Strategy of Inclusive Education in order to provide full systematic support to children and young people with special needs.

Preschool education in Montenegro is defined by the Law on Preschool Education and Upbringing of 2002 and 2010 amended Law. In the academic year 2007/2008, there were preschools operating in 20 out of 21 municipalities of the country and in the academic year 2008/2009 in all 21 municipalities.

⁵⁶ Government of Montenegro (2011): *ACTION PLAN FOR MONITORING IMPLEMENTATION OF RECOMMENDATIONS GIVEN IN THE EUROPEAN COMMISSION'S OPINION*; Ministry of Foreign Affairs and European Integration, Podgorica, 17 February 2011 (see: 9. *ACTION PLAN FOR PERMANENT RESOLUTION OF STATUS OF REFUGEES AND DISPLACED PERSONS IN KONIK CAMP I and II*)

⁵⁷ CEC (2010): *Analytical Report (on Montenegro's application for membership of the European Union)*; Brussels, 09/11/10, SEC(2010) 1334

⁵⁸ General Comment 1 of the Committee on the Rights of the Child, *The Aims of Education*, CRC/GC/2001/1, April 2001

⁵⁹ Ministry of Education and Science

The total number of children registered in preschools in September 2008 was 12,089,⁶⁰ which means that only 25% of children of preschool age attend nursery (0 – 3 year olds) or kindergarten (3 – 5 year olds). Due to an increased demand for preschool institutions, privately owned kindergartens have flourished in recent years and are being registered as NGOs. However, they are not certified by the Ministry of Education and Science. It is expected, therefore, that the new Strategy for Early and Preschool Education and Upbringing for the period 2010-2014, adopted in September 2010, will incorporate private kindergartens into the regular educational system.⁶¹ The guiding principle of the Strategy is to provide all children in Montenegro, from birth until they start school, with good quality early development and learning services, in order that they can realize their full potential and become active and productive members of society.

The exercising of the right to primary education has been regulated by the Law on Primary Education and Upbringing (2002) which makes it compulsory for all children from 6 to 15 years of age. Mandatory nine-year primary education, with three cycles of three years each, beginning from age 6, was introduced gradually from 2004 to 2008. The parent or the guardian must ensure that their child fulfils the duty of attending nine years of primary school. No tuition fee is required for acquiring primary education. The education of children with special needs is regulated by the Law on Education and Upbringing of Children with Special Needs (2004) which has been revised in line with EU legislation and adopted (2010) in order to fulfil the rights of children with special educational needs and to support implementation of the Strategy of Inclusive Education.

Secondary general education is regulated by the Law on Gymnasiums (2002) and the Law on Secondary Vocational Education (2002). Secondary education is not mandatory and lasts three or four years in education institutions delivering general secondary and vocational secondary curricula.

In accordance with the education system reform initiated in 2000, Montenegro has introduced new approaches to teaching using interactive methods to stimulate and encourage active and meaningful participation of children, placing them at the centre of the education process and seeking to create a safe and enabling school environment. In this child-friendly environment, one of the principal objectives is to develop the child's full potential in accordance with his or her abilities.

Summary of the current situation

The Montenegro MDG Report and the 2010 UNICEF Situation Analysis⁶² provide details of the current situation in pre-school, primary and secondary education in Montenegro. The findings can be summarised as follows:

Overall, only 3% of children from 0 to 3 years of age attend nursery.⁶³ **The total net enrolment rate in state-run pre-school educational institutions in 2008/2009 was 31.12% (boys: 31.14%, girls: 28.23%).** Of the total number of children in preschool institutions in that year, **only 2% were children with special educational needs. Only 13.8% of RAE children attended kindergarten that year,** of which the majority were aged 5.⁶⁴

The net primary enrolment rate in 2008/2009 was 99.25% according to the MDG Report (boys: 99.87%, girls: 98.58%). Data from the MICS3⁶⁵ shows that gender parity for primary school is close to 1.00, indicating no difference in the attendance of girls and boys. **Of the total number of children enrolled in primary education in the academic year 2008/2009, only 3% were children with special educational needs.** According to estimates by UNICEF, only a little over one third of

⁶⁰ Ministry of Education and Science

⁶¹ Ministry of Education and Science

⁶² UNICEF (forthcoming): *Situation Analysis of Children – Draft III*, 5 July 2010

⁶³ Johanna V. Crighton (2008): *Uncertain Equality: Inclusive Education for RAE Children*, sponsored by UNICEF, p.9

⁶⁴ MONSTAT (2009): *Database on the RAE Population in Montenegro*, p.29

⁶⁵ MONSTAT / SMMRI (2007): *Montenegro Multiple Indicator Cluster Survey (MICS) 3 – 2005*, UNICEF Podgorica

primary-school-aged RAE children are enrolled in primary schools. However, after the initial enrolment, the drop-out rate among RAE is very high. Even if they begin primary education on time, usually the majority of RAE children, especially girls, drop out by the age of 10. The drop-out rate in first grade is 12%, in the second grade 9.4%, while in the third grade of primary school it is 14.7%.⁶⁶ As a result, **only 18% of RAE children complete primary education.**⁶⁷ A 2008 survey of RAE most-at-risk adolescents⁶⁸ identified that among this population group some 24% of the boys and 44% of the girls had never enrolled in school. One significant cause of non-attendance and school drop-out is that diplomas are not issued to children without birth certificates and thus these children cannot be enrolled in the next grade.

The data of the Ministry of Education and Science (MoES) shows that about 97% of those completing primary school enrol in secondary schools, although this percentage is slightly higher in urban areas. According to the same source, about 95% of the enrolled school students successfully finished secondary school. Data from the MICS3⁶⁹ shows that gender parity close to 1.00 continues into secondary school. **Of the total number of children enrolled in secondary education in the academic year 2008/2009, only 0.51% were children with special educational needs.** In the academic year 2008/2009, the Ministry for Human and Minority Rights Protection provided **scholarships for 15 RAE secondary school students already enrolled from before, and for 16 new RAE students** who enrolled in the first grade of secondary schools in 2008.

According to the 2003 population census, 2.35% of the total population is illiterate, the majority are women, and in the case of illiterate men they are the elderly who mainly live in rural areas. According to research by Monstat⁷⁰, **the illiteracy rate of the RAE population is 42%, with the rate for women (55%) being almost double the rate for men (29%).** The problem of illiteracy is found in both domiciled and displaced RAE populations. The illiteracy rate is the highest among the RAE population aged 65 and over (57%) and lowest among the population aged from 40 to 44.

MDG progress and future challenges

The Montenegro MDG Report redefines and adjusts the targets for this MDG in order to make them more relevant to the country context. The national targets are not confined to primary school enrolment but recognise the challenges posed by low pre-school attendance and the persistence of illiteracy amongst children in vulnerable households.

Target # 1 – Achieve 40 % coverage with pre-school education for girls and boys by 2015.

There are huge regional differences in pre-school attendance. The pre-school enrolment rate in the north of Montenegro is very low (for example, just 5% in Rožaje), in the central region the rates are higher (Podgorica 30%; Nikšić 28%), and in the south the highest rates are found (reaching 46% in Tivat)⁷¹. In Podgorica and coastal municipalities there is a lack of facilities to meet the needs of children and families, while in the northern region facilities are under used. Although there are increasing numbers of children with disabilities and developmental difficulties included in pre-school institutions, it is necessary to ensure coverage for these children from the moment the disorders are detected. Furthermore, pre-school services should not just expand but also innovate in order to serve better the children from the most vulnerable groups, including the RAE population, family allowance beneficiaries and families living in remote rural areas. The Strategy for Early and Pre-school Education (2010-2015) defines the ways through which the coverage of children with pre-school education could reach the 40% target by 2015.

⁶⁶ Johanna V. Crighton (2008): *Uncertain Equality: Inclusive Education for RAE Children*, sponsored by UNICEF, p.14. Original source: Roma Education Fund (2004): *Assessment of Montenegrin needs*, p.20, where quantitative data from the Ministry of Education and Science is quoted

⁶⁷ Roma Education Fund (2009): *Advancing Education of Roma in Montenegro – 2009 Country Assessment*; REF, Podgorica

⁶⁸ IPH/UNICEF (forthcoming): *Knowledge and behaviour of the RAE youth living in Collective Centres in relation to HIV/AIDS (2008)*; UNICEF Podgorica

⁶⁹ MONSTAT / SMMRI (2007): *Montenegro Multiple Indicator Cluster Survey (MICS) 3 – 2005*; UNICEF Podgorica

⁷⁰ MONSTAT (2009): "RAE population database in Montenegro", Podgorica, May 2009

⁷¹ Internal database of the Ministry of Education and Science

Target # 2 – Achieve 100% coverage with elementary education for girls and boys by 2015.

The net primary enrolment rate in 2003/2004 was 92.27% and, since then, the rate has steadily increased. Reaching the last 1% implies successful integration of the RAE population into the educational system and further efforts in the promotion of complete integration into the regular system (inclusive education) for children with disabilities and developmental difficulties. Currently, due to the high school drop-out rate for RAE pupils, the attendance rate is much lower than the enrolment rate, but it is impossible to calculate due to insufficient data.

Target # 3 – Reduce the illiteracy rate of children above the age of 10 to 1% by 2015. To achieve this target, successful integration of the RAE population into the education system will not be enough. There will be a need also for out-reach services that promote functional literacy for those out-of-school or beyond school age.

7.4 MDGs 4, 5 and 6. - Reducing child mortality, improving maternal health and combating HIV/AIDS as well as other diseases

Health in a human rights setting

International law has established that health is a fundamental human right and indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health which is essential for living a life in dignity.⁷² The right to life and health is guaranteed by various international human rights instruments all acceded to by Montenegro.⁷³

Legislative and organisational framework.

Since 2003, considerable effort has been put into health care reform, guided by the “Health Services Policy in the Republic of Montenegro Up to the Year 2020” (2001) and the “Strategy for Health Care Development in Montenegro” (2003). The four strategic goals of reform are: 1.) to prolong life expectancy through preventive health programmes and services; 2.) to improve the quality of health services; 3.) to narrow the gap and improve access to health services for all, giving priority to individual needs, rather than population categories; and, 4.) to provide insurance against financial risk⁷⁴. Steps taken to date have primarily resulted in the development of the legislative framework and strategy papers, as well as reorientation of the primary health care level.

The Montenegrin health care system is organised as a unified system and is predominantly based on the public sector, with a network of services at the primary, secondary and tertiary level. There are 18 primary health care centres in the country. In-patient care is provided through 7 general hospitals at the secondary level, 1 clinical centre at the tertiary level and 3 specialised hospitals. The health care system also includes the Institute for Public Health, the Pharmaceutical Institution ‘Montefarm’ and the Health Fund. The Institute for Public Health is a highly specialised tertiary level health care institution and one of the pillars of the health protection system in Montenegro which conducts numerous programmes within its competences organised around five centres: (i) the Centre for the Development of the Health System; (ii) the Centre for the Promotion of Health; (iii) the Centre for the Control and Prevention of Diseases; (iv) the Centre for Health Ecology; and (v) the Centre for Microbiology. Three additional services which have a very important role in the protection and exercise of rights of children and women are: the Health Care Service for Preschool Children, the Health Care Service for Schoolchildren and the Young, and the Health Care Service for Women.

⁷² The right to the highest attainable standard of health, General Comment of the Committee on Economic, Social and Cultural Rights No. 14, E/C.12/2000/4

⁷³ International Covenant on Economic, Social and Cultural Rights - ICESCR (Article 12); Convention on the Rights of the Child – CRC (Articles 6, 7 and 24); Convention on Elimination of all Forms of Discrimination against Women - CEDAW (Article 10h, 11f, 12 paragraph 1, and 14 paragraph 2b); Convention on Elimination of All Forms of Racial Discrimination - CERD (Article 5e iv)

⁷⁴ Government of the Republic of Montenegro (2003): *Strategy for Health Care Development in Montenegro*; MHLWSW, Podgorica

There are a growing number of private health care institutions including smaller clinics, specialised outpatient facilities, dentists, laboratories and pharmacies. These private health institutions are not part of the public healthcare system but are regulated by the Law on Health Protection (2004) and other relevant legislation.

Financing health care is based on a model of obligatory health insurance which requires a contribution fee by the individual subject of the insurance, employer, the Bureau for Employment (in the case of the unemployed), the Fund for Pension and Disability Insurance (for pensioners and disabled), as set by the Law on Health Insurance (2004).

Summary of the current situation

Infant and child mortality

Since 2007, there has been a steady improvement in the health indicators for infants and children. Montenegro is clearly on track to meet the universal MDG targets and WHO targets for middle-income countries in the European Region.

In Montenegro, **the breastfeeding rate is rather low and only one in five children (19%) up to 6 months and one in four (26%) up to three months are breastfed, which is significantly below the recommended level.** In addition, on average, every fourth child (25%) is breastfed during the first hour after the delivery. It is noted that the percentage of women breastfeeding within the first hour after birth is much higher in the north of Montenegro, estimated at 58%, whereas in the south it is only 5%. Currently, **an estimated 12.9% of under-5 children are overweight⁷⁵**, highlighting the emergence of a new health threat for children and adults linked to obesity.

Maternal and reproductive health

Since 2004, there was only one registered case (in 2007) of maternal mortality during pregnancy, at birth, or in the postpartum period. All women in Montenegro deliver in the presence of skilled health personnel. However, **most women treat their health inadequately** and routine visits to a gynecologist are far from universal, especially in rural areas.

Presently, there is a noticeable trend in Montenegro of postponing the first pregnancy, with the average age of women giving birth to their first child estimated at age 26. At the same time, the age for engaging in first sexual relations is lowering. This is illustrated by the fact that out of the total number of live births in 2007, 5% of mothers were between 15-19 years of age.⁷⁶ **The incidence of pregnancies and childbirth at later ages as well as of abortions in case of unwanted pregnancies, are all increasing, leading to numerous risks for women's health** and an impact on their offspring.⁷⁷

It is a matter for concern that, according to available data, **almost two thirds of girls/women between the ages of 15-49 who are married or living in a union do not use any form of contraception.** There is evidence that the use of condoms is almost symbolic (used by less than 5% of girls/women using some form of contraception).⁷⁸

The situation among Roma mothers and children differs greatly from the general population. There is a higher infant mortality rate and a higher incidence of children with disabilities. **The poor health indicators among Roma can be attributed to: a very high incidence of early marriages; the high**

⁷⁵ MONSTAT / SMMRI (2007): *Montenegro Multiple Indicator Cluster Survey (MICS) 3 – 2005*; UNICEF Podgorica

⁷⁶ MONSTAT, *Statistical Yearbook 2008*, p.49

⁷⁷ MONSTAT / SMMRI (2007): *op. cit.*

⁷⁸ MONSTAT / SMMRI (2007): *Montenegro Multiple Indicator Cluster Survey (MICS) 3 – 2005*; UNICEF Podgorica

incidence of pregnancies among girls younger than 17 years and women older than 36 years; multiple and frequent births; poor nutrition; smoking and exposure to other risk factors in the society; and, insufficient medical care during pregnancy as well as home delivery due to the lack of health insurance⁷⁹.

HIV / AIDS, tuberculosis (TB) and some non-communicable diseases

Montenegro is a country with a **low HIV/AIDS prevalence**. According to official statistics, between 1989, when the first registered HIV positive case was recorded, and 2007 a total of 40 people with HIV and 40 with AIDS have been registered and 26 people have died from the disease. When it comes to HIV transmission, heterosexual intercourse (50%) and bi-homosexual intercourse (24%) are dominant means. Other means of transmission are relatively rare (intravenous drug users - 6%; transmission from mother to child - 4%; blood transfusions - 4%; and, unknown methods of transmission - 12%).⁸⁰ **It is believed that there are more HIV infected people in the country than the official statistics reveal** with the actual figure ranging between 380 and 500 people⁸¹. Further, a 2008 survey of Roma most-at-risk adolescents⁸² and HIV data reveal that, among Roma girls, there is a high incidence of unprotected sex. This, combined with underage marriage and childbearing, which are common and attributable to traditional patterns of behaviour, raises wider concerns about the sexual and reproductive health as well as exposure to the risks of HIV for this group of girls.

An analysis of newly registered TB cases over the period 1992–2006 shows that the last significant increase in cases occurred during 1998 and 1999. **Since 2006 the number of newly registered cases and the number of Multi-resistant Tuberculosis (MDR) cases has steadily declined to a very low level.**

The **cardiovascular disease is the leading cause of death** in Montenegro and **cancer is the second leading cause**. Cardiovascular and cancer related mortality rates are both generally increasing.

MDG progress and future challenges

The Montenegro MDG Report redefines and adjusts the targets to the country context. As national targets, they are perceived as being achievable by 2015⁸³. Accordingly, special attention will be paid to disadvantaged and excluded groups.

GOAL 4 - Target # 1 – Reduce under-5 mortality to 8 per 1,000 live births. Currently, the focus of the health service is to reduce the risks for mothers and infants during the delivery period. It will be important to maintain the same values of this indicator in the future. It will also be necessary to monitor and encourage the fathers' attendance in maternity hospitals, as it contributes to decreased health impediments, offers physiological support to mother and child and promotes equal opportunities for men to participate in responsible parenthood. There are 7 maternity hospitals certified as "baby friendly" that provide for rooming in of the new born and the father's presence during delivery. According to a 2009 survey, only 7% of fathers reported that they attended the birth of their children⁸⁴.

⁷⁹ Institute for Strategic Studies and Prognosis (2003): *Household Survey of RAE, Refugees and Displaced Persons*, sponsored by UNDP, Podgorica.

⁸⁰ National Strategy for Combating HIV/AIDS in Montenegro, 2004

⁸¹ UNICEF (forthcoming): *Situation Analysis of Children – Draft III, 5 July 2010*

⁸² IPH/UNICEF (forthcoming): *Knowledge and behaviour of the RAE youth living in Collective Centres in relation to HIV/AIDS (2008)*; UNICEF Podgorica

⁸³ Government of Montenegro: *Medium-term Report on Millennium Development Goals in Montenegro*; Podgorica, July 2010

⁸⁴ UNICEF (2009): *Baby Friendly Hospital Initiative – Knowledge, Attitudes and Practices Survey*

GOAL 4 - Target # 2 – Immunization of all 1-year old children by reaching the following coverage rates by 2015: Measles – 95%, BCG - 100%, DPT, OPV and Hep. B – 97%. There has been a gradual decline in measles coverage rates since 2007. With appropriate measures (including improved monitoring, motivation and public information), it is realistic to reach 95% coverage against measles by 2015.

GOAL 4 - Target # 3 – Reduce the accident death rates for children aged 0-4

The most common cause of child mortality in the age group 0-4 years is accidental death, in line with statistics of other developed countries. The rates for Montenegro are low but could be reduced further by 2015.

GOAL 5 - Target # 1 – Preserve and improve maternal health, by maintaining a very low maternal mortality rate and very high percentage of births attended by skilled health personnel. The primary healthcare system reform has enabled women to choose two health specialists, of which one is a gynaecologist. Another important development in 2009 was the launch of the Programme for Pregnant Women, within Reproductive Health Counselling Centres, aiming at offering education to future parents on good parenting, pre-natal and post-natal care skills including the importance of breastfeeding. Access to and information about these services needs to be monitored with a view to ensuring that they reach those who most need them.

GOAL 6 - Target # 1 – Maintain low HIV prevalence rate (0.01 – 0.02). The draft National HIV/AIDS Strategy for Montenegro 2010-2014, which has been sent to the Government for adoption, includes measures which will significantly improve activities on prevention, treatment and care of persons living with HIV/AIDS and address weaknesses in the previous strategy.

GOAL 6 - Target # 2 – To further decrease TB prevalence rate by 2015. The Commission for the Prevention of Tuberculosis has developed a National TBC Prevention Programme and has included all the relevant factors and activities which should enable TB prevention and control. The Programme is implemented with the support of Global Fund resources.

GOAL 6 - Target # 3 – Decrease in the mortality rate caused by chronic non-communicable diseases in the age group 0-64. In order to reverse the negative trend, the Government has adopted the following strategic documents: the Strategy for the Prevention and Control of Chronic Non-Communicable Diseases (2008)⁸⁵, National Strategy for Tobacco Control (2005)⁸⁶ and the Action Plan for Food and Diet, 2010-2014 (2009). Resources and expertise are also being mobilized to develop a National Cancer Control Programme.

7.5 Conclusions and implications for future UN system cooperation

The Vision Statement for Social Inclusion of the Integrated UN Programme envisages “a Montenegrin society that is progressively free of social exclusion and enjoys a quality of life that allows all individuals and communities to reach their full potential.” The Vision Statement recognises that social inclusion is achieved gradually, through a process that includes system adaptation and innovation as well as behaviour change in individuals and society at large.

The situation analysis and unfinished development agenda relating to Social Inclusion reflects the fact that Montenegro is an upper-middle income country and considerable efforts have been made already to develop and adopt legal frameworks and strategic policies. However, there is a shortfall when it comes to implementation. Montenegro still needs to develop its child and social protection system,

⁸⁵ Ministry of Health, Labour & Social Welfare (2005): *Strategy for the Prevention and Control of Chronic Non-Communicable Diseases* at <<http://www.mzdravlja.gov.me>>

⁸⁶ Ministry of Health, Labour & Social Welfare (2005): *National Strategy for Tobacco Control* at <<http://www.mzdravlja.gov.me>>

national capacities, state institutions and local authorities in order to address the challenges associated with respecting, protecting and fulfilling the rights of the most vulnerable and excluded.

The UN System Comparative Advantage Analysis⁸⁷ indicates that the UN has been a key cooperation partner of government in relation to social inclusion, delivering US\$4.3 million this field in 2008 and US\$4.5 million in 2009. This amounts to about 30% of annual UN system expenditure. More significantly, UN system assistance represents a major and growing percentage of total annual ODA for social inclusion projects and programmes – 40% in 2008 and 45% in 2009. The UN system has taken a lead role in areas such as deinstitutionalization, protection, behaviour change communication and social research. Therefore, continuing UN system support to government in social inclusion is crucial.

Future UN system cooperation in social inclusion will be aligned under the following three Outcomes, validated by the Government in October 2010⁸⁸:

1. Montenegro's legal framework is harmonized with EU/UN standards, and policies relevant to social inclusion are implemented and monitored.
2. Social norms are embedded in order to facilitate age and gender sensitive inclusive attitudes and practices towards vulnerable and excluded populations.
3. Montenegro reduces disparities and gaps in access to quality health, education and social services, in line with EU/UN standards.

Through the Integrated UN Programme, the UN system should provide continuous, enhanced and coherent support to Montenegro in the overall reform process associated with fulfilling EU accession criteria, particularly the political criteria relating to human rights and minorities. The UN should ground its partnership in support to the implementation and monitoring of existing relevant strategies and policies and, where applicable, the development of new ones mitigating existing and emerging vulnerabilities. The UN should continue to accompany the Government as it fulfils its international obligations, including the Millennium Declaration and MDGs, the CRC and conventions on refugees and statelessness. It should support the continued integration of human rights principles into Government policies and actions

Through use of research, analysis, data, policy dialogue, capacity development, programmatic presence, and behaviour change communication, the UN should support the Government and civil society in giving concerted attention to groups in society who are vulnerable, excluded or at risk of exclusion, including the poor, the hard to employ and unemployed, the disabled, children in need of special protection, adolescents and youth, persons of UNHCR's concern⁸⁹, migrants, RAE, PLHIV, LGBT population, single parents and victims of violence.

The result of the partnership should be universally accessible social welfare, employment, education and health systems that thereby facilitate the inclusion of vulnerable and socially excluded girls, boys, men and women, through policy and practice of de-concentration, decentralization and standardization.

8. Democratic Governance

⁸⁷ UNCT Montenegro (forthcoming): UN System Comparative Advantage Analysis; Draft of Nov. 2010

⁸⁸ Government of Montenegro and UN System Strategic Validation Retreat, held on 14-15 October 2010

⁸⁹ The term 'persons of concern to UNHCR' (hereinafter UNHCR's PoC) refers to the refugees from the Former Yugoslav republics holding the status of 'displaced persons', refugees from Kosovo holding the status of 'internally displaced persons', asylum seekers and refugees as per the Law on Asylum, former 'displaced persons' and 'internally displaced persons' who acquired the status of a foreigner with permanent or temporary residence as per the Law on Foreigners, and stateless persons and persons at risk of statelessness.

Millennium Declaration Chapter II: Peace, security and disarmament

Chapter V: Human rights, democracy and good governance

MDG 3. - Achieving gender equality and empowering women

MDG 8. - Develop a global partnership for development

8.1 MD – Chapter II: Peace, security and disarmament

This Chapter of the Millennium Declaration calls for *inter alia* respect for the rule of law in international as in national affairs and, in particular, to ensure compliance by Member States with the decisions of the International Court of Justice, the strengthening of cooperation between the United Nations and regional organizations, in accordance with the provisions of Chapter VIII of the Charter, a commitment to counter the world drug problem, to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money laundering, as well as to take concerted action to end illicit traffic in small arms and light weapons, especially by making arms transfers more transparent and supporting regional disarmament measures. **Disarmament** is about destroying and dismantling the tools of war, reducing the size of and expenditures on armed forces, eliminating the capacity to build new weapons and releasing and integrating military personnel into civilian life. **Human security** involves the elimination of actual, potential or perceived threats of violence as well as the full enjoyment of all human rights.

Framework for cooperation and recent developments

Montenegro is a member of several regional initiatives and organizations which aim to strengthen regional cooperation, good neighbourly relations and promote regional stability, including the Center for Security Cooperation (RACVIAC), the Regional Center for Combating Transborder Crime (SECI), the Regional Anti-corruption Initiative (RAI) and Police Cooperation in South East Europe.

The Stability Pact was the first comprehensive conflict prevention strategy of the international community, aimed at strengthening the efforts of the countries of South Eastern Europe in fostering peace, democracy, respect for human rights and economic prosperity. The Stability Pact is now transformed into the Regional Cooperation Council (RCC) and some of its activities are related to cooperation on security issues.

Montenegro acceded to the Partnership for Peace Programme of the North Atlantic Treaty Organisation (NATO) on 14 December 2006 and in so doing took a significant step towards integration into the Euro-Atlantic community. Based on a commitment to the democratic principles that underpin the Alliance itself, the purpose of the Partnership for Peace is to increase stability, diminish threats to peace and build strengthened security relationships between individual Partner countries and NATO, as well as among Partner countries.

The formal basis for the Partnership for Peace is the Framework Document, which sets out specific undertakings for each Partner country. Each Partner country makes a number of far-reaching political commitments to preserve democratic societies; to maintain the principles of international law; to fulfill obligations under the UN Charter, the Universal Declaration of Human Rights, the Helsinki Final Act and international disarmament and arms control agreements; to refrain from the threat or use of force against other states; to respect existing borders; and to settle disputes peacefully. Specific commitments are also made to promote transparency in national defense planning and budgeting to establish democratic control over armed forces, and to develop the capacity for joint action with NATO in peacekeeping and humanitarian operations. Montenegro was invited to join the NATO Membership

Action Plan (MAP) in December 2009 and it presented the first Annual National Plan (ANP) in October 2010. Montenegro also participates in the NATO peacekeeping mission in Afghanistan (ISAF). By the end of the 2009, citizens of Montenegro were granted visa-free travel to Schengen countries, demonstrating that it had met certain EU benchmarks on internal and international security controls.

Summary of disarmament and demilitarization efforts

The conclusion of the Cold War and the emergence of democracy in Central and South Eastern Europe, combined with the agreement and implementation of the Conventional Forces in Europe (CFE) Treaty⁹⁰, resulted in the identification of large surpluses of heavy weapon systems, small arms and light weapons (SALW). In Central Europe many countries successfully disposed of these large stockpiles, but in South Eastern Europe the conflicts of the 1990s meant that virtually no stocks were destroyed in the region, (other than during combat operations).

In 2006, Montenegro, as a new member of the UN and OSCE, committed to complying with all appropriate UN and OSCE agreements and mechanisms relating to SALW⁹¹. Later the same year, the Ministry of Defence indicated that demilitarization of heavy weapons and SALW, combined with the establishment of safe ammunition storage, to as close to NATO operational standards as possible, would be a priority during the defense reform process.

Since 2006, 4,954 tons of weapons and ammunition have been disposed of through mechanisms including confidential tender, preventive operations, the MONDEM demilitarization programme, Technical Agreements and “old-for-new” disposal arrangements. There are no longer any weapons or ammunition in the country that would be contrary to any UN Convention. There are two remaining components of MONDEM to be implemented. The Stockpile Management component will reduce the locations for ammunition storage from nine to two major sites and one minor site. The Ammunition Disposal component will demilitarize over 2,000 tons of conventional ammunition in a safe, efficient, effective and environmentally benign manner.

Montenegro hopes to receive an invitation to join NATO in the next few years, to follow on from its being granted a MAP. Meeting the obligations arising from the MAP is the last formal stage a country needs to reach before NATO membership can be obtained, and is designed to ensure that candidate countries comply with NATO standards. In this regard, among other things, the two remaining components of MONDEM need to be implemented as soon as possible.

8.2 MD – Chapter V: Human rights, democracy and good governance

Human rights, democracy and good governance

In the Millennium Declaration, world leaders affirmed their commitment to promote democracy and strengthen the rule of law as well as to respect internationally recognized human rights and fundamental freedoms, including the right to development. There is no single and exhaustive definition of “good governance,” nor is there a delimitation of its scope, that commands universal acceptance. The term is used with great flexibility; this is an advantage, but also a source of some difficulty at the operational level. However, there is a significant degree of consensus that good governance relates to political and institutional processes and outcomes that are deemed necessary to achieve the goals of development. It has been said that good governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of

⁹⁰ Conventional Forces in Europe (CFE) Treaty, 19 November 1990 (amended by Agreement on Adaptation, 19 Nov. 1999).

⁹¹ UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; 20 July 2001, UN Document A/CONF.192/15.

law⁹². The true test of "good" governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights. The key question is: are the institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, justice and personal security?

The concept of good governance has been clarified by the work of the former Commission on Human Rights. In its resolution 2000/64⁹³, the Commission identified the key attributes of good governance, namely: transparency, responsibility, accountability, participation and responsiveness (to the needs of the people). Resolution 2000/64 expressly linked good governance to an enabling environment conducive to the enjoyment of human rights and "prompting growth and sustainable human development." Good governance and human rights are mutually reinforcing. The links between good governance and human rights can be organized around the four areas of democratic institutions, service delivery, rule of law and anti-corruption.

Summary of the current situation and future challenges

Since the turn of the century, the Government of Montenegro has twice faced a massive undertaking of re-defining the tasks and responsibilities of its different departments for public policy and administration, and consequently of re-allocating functions and building the capacity to perform those functions. The first re-definition took place during transition to the State Union of Serbia and Montenegro and the second followed independence. The 2003 *Strategy for Reform of the State Administration of the Republic of Montenegro* and its related *Action Plan (2003-10)* provided the initial roadmap and was implemented through a series of projects and support from the European Agency for Reconstruction (EAR), the UN and other external development partners. Additionally, the capacities of individual ministries were enhanced in order to allow them to conduct capacity assessments and implement relevant capacity responses. From the outset, the government has committed Montenegro to the development of institutions in accordance with benchmarks of the best European practice, and the gradual building of the capacity of its public administration to a level appropriate for its eventual position within the European Union. Aspiring to meet the Copenhagen Criteria in the near future, therefore, Montenegro has been upgrading its legislation and establishing an institutional human rights protection framework for some years now and with great intensity since regaining independence⁹⁴.

In the 2009 EU Progress Report on Montenegro⁹⁵ and the Analytical Report that accompanied the Opinion on Montenegro's application for EU membership⁹⁶, there is unique analysis of the political situation in terms of democracy, the rule of law and human rights.

Democracy

The EU considers that in terms of the **constitution** the establishment of the legal and institutional set-up required for an independent country, is almost complete. Since independence, **parliament** has shown increasingly intensive legislative activity which has allowed Montenegro to put in place a modern legislative and institutional framework in line with European standards. However, parliament's capacity to scrutinize legislation and monitor its implementation needs to be enhanced. While the **government** has continued to put together the structures needed as a result of independence, there is clear evidence that the human resources in ministries and relevant agencies

⁹² Extract from OHCHR (2007): *Good Governance Practices for the Protection of Human Rights*; HR/PUB/07/4, UN NY/GVA

⁹³ Commission on Human Rights resolution 2000/64: *The role of good governance in the promotion of human rights* ; 66th meeting, 26 April 2000

⁹⁴ Council of Europe: Commissioner for Human Rights, *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg, on his visit to Montenegro, 2 - 6 June 2008*, 8 October 2008, p.5; CommDH (2008) #25.

⁹⁵ CEC (2009): Montenegro 2009 Progress Report; Brussels, 14/10/09, SEC(2009) 1336/2

⁹⁶ CEC (2010): *Analytical Report (on Montenegro's application for membership of the European Union)*; Brussels, 09/11/10, SEC(2010) 1334

need to be further strengthened. With regard to **local self-government**, there are serious concerns about the lack of administrative capacity, corruption and inefficiency at municipal level. Establishing transparent and fully accountable administrations at local level, capable of managing their new powers, in particular the new fiscal competences remains a key challenge. A comprehensive legal framework for the **public administration** has been largely put in place. However, progress on human resources management has been undermined by recent cost-cutting measures, as there has been no overall strengthening of human resources. While strengthened, therefore, the overall capacity of the administration remains weak and highly politicised.

Rule of law

According to the EU, Montenegro has pursued judicial reform steadily, resulting in some sound achievements. The Constitution guarantees access to justice, the right to a fair and public trial within a reasonable time and the presumption of innocence. The Strategy on Judicial Reform covering the period 2007-2012 provides for actions aiming to improve the performance of the judiciary in the light of the Constitution. Efforts for its implementation must be intensified and further measures are required in order to consolidate the independence, accountability, integrity and efficiency of the judicial system. Nonetheless, the efficiency of the judiciary has improved since 2008. Improvements include the adoption of major amendments to criminal procedures and substantive legislation as well as capacity up-grading and reductions in the backlog of unresolved cases. Implementation of the new Criminal Procedure Code (CPC) and of the amendments to the Criminal Code will contribute to a more effective administration of justice. On the other hand, judicial enforcement procedures remain inefficient. There remains a backlog of court cases and court procedures are unduly lengthy, thus contributing to overcrowded prisons.

In relation to juveniles, the Committee on the Rights of the Child raised concerns that children in conflict with the law are often treated under the same laws and procedures applicable for adults, as a separate system of juvenile justice is still pending, and that children are detained in the same facilities as adults⁹⁷. In order to improve the treatment of children in conflict with the law, comprehensive juvenile justice reform was initiated between 2008 and 2010. The first Juvenile Justice Law was adopted by the government in December 2009 and conforms to internationally recognized standards of protection for children in conflict with the law and child victims. Implementation is expected to start in the last quarter of 2011, following parliamentary approval. Some 200 professionals dealing with juvenile justice at all levels have received training as part of the capacity building effort. There has also been progress in strengthening the preventive function of local Centres for Social Welfare that work with children and families at risk. A broad range of community-based alternatives and diversion measures are increasingly promoted as an alternative to institutionalization of children in conflict with the law.

Anti-corruption policy and future challenges

Montenegro acceded to the United Nations Convention against Corruption (UNCAC)⁹⁸. It has also ratified the key European anti-corruption conventions, including the Council of Europe Criminal and Civil Law Conventions on corruption, the Additional Protocol to the Criminal Law Convention and the Council of Europe Conventions on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism. However, the alignment of national law with provisions of international conventions has not yet been completed. Montenegro is a member of GRECO, the Group of States against corruption. At GRECO's 49th session (in December 2010), it was noted that,

⁹⁷ Committee on the Rights of the Child (2010): Concluding Observations – Montenegro; UN / CRC, (CRC/C/MNE/CO/1)

⁹⁸ UNCAC obliges its States Parties to implement a wide and detailed range of anti-corruption measures affecting their laws, institutions and practices. These measures aim to promote the prevention, criminalization and law enforcement, international cooperation, asset recovery, technical assistance and information exchange, and mechanisms for implementation.

in relation to 24 recommendations made by the group, Montenegro had implemented 22 and partially implemented the remaining two.

Important legislation has been adopted, such as the new Criminal Procedure Code (CPC), amendments to the Criminal Code, the Law on prevention of conflicts of interest, the Law on the financing of parties and the Law on civil servants and state employees. A new improved Strategy for fighting corruption and organised crime and Action Plan for the period 2010-2014 have been adopted. A number of key institutions and agencies have been established for the fight against corruption. The National Commission monitors implementation of the Strategy and Action Plan. The Directorate for Anti-Corruption Initiative Administration (UAI), to which 74 other institutions report on corruption, had previously had only a consultative role, focusing on soft prevention measures such as education and awareness-raising. However, the new Strategy has up-graded UAI to a National Committee Secretariat. Its role has been expanded to include the gathering and analysis of individual reports from institutions, gathering and analysis of data from all bodies dealing with corruption offences and the preparation of recommendations on improvements to the legislative and institutional framework.

Nonetheless, corruption continues to be a cause of concern in Montenegro. A solid track record of convictions in corruption cases remains to be established, particularly in cases of high-level corruption. Integrity plans are envisaged for a number of state institutions. Municipalities as well as health care and educational institutions have been encouraged to develop anti-corruption plans. The UAI and the Human Resources Management Authority have conducted anti-corruption training and awareness-raising campaigns, but there is limited evidence of their impact.

Civil society and non-governmental organisations are very active in awareness-raising, research and watchdog activities. Cooperation between the government and civil society in this area has improved, including participation of civil society in formulation of policies and legislation. However, this cooperation needs to be further strengthened.

In Montenegro, construction, inspection, supervision and urban and spatial planning, including the land register, are high risk areas for corruption. The risk for corruption is also high in the tax administration and customs, within the judicial system, the police and local self-government, while public procurement, health, education and privatisation are further areas of concern.

8.3 MDG 3. - Achieving gender equality and empowering women

Gender equality and empowering women in a human rights setting

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

Legislative and organisational framework.

Prior to regaining independence, two institutional mechanisms were created to promote gender equality issues. The Gender Equality Committee of the Montenegrin Parliament was formed in July 2001. The Gender Equality Office was established in March 2003 and operated within the General Secretariat of the Government until April 2009 when it became the Gender Equality Department within the Ministry for Human and Minority Rights. Montenegro became a State party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 23 October 2006 and completed its first State party report to the CEDAW Committee in February 2010⁹⁹.

According to Article 18 of the 2007 Constitution, “*The state shall guarantee the equality of women and men and shall develop the policy of equal opportunities.*” The Parliament of Montenegro adopted the Law on Gender Equality on 24 July 2007 (Official Gazette of the Republic of Montenegro 46/07). The Law on Gender Equality provides the enabling environment for exercising rights based on gender, as well as measures for elimination of discrimination based on gender and creation of equal opportunities for participation of women and men in all spheres of social life. Under this law, gender equality rights shall be ensured and exercised in accordance with international instruments and generally accepted rules of international law. In July 2007 the Government adopted the Action Plan for the Achievement of Gender Equality for the period 2008-2012 (as prescribed by the Law on Gender Equality) which represents a roadmap for implementation of the gender equality policy.

Summary of the current situation

Data from the survey “Condition of Women’s Human Rights in Montenegro”¹⁰⁰ reveal that **35% of men and 69% of women claim that women are discriminated against in Montenegro**. However, only 37% of respondents from the rural areas claim that there is discrimination while in the cities 53% claim that there is.

Although according to law men and women have equal rights to possession and inheritance of property the survey “Gender Barometer – the Quality of Life of Men and Women”¹⁰¹ showed that women own real estate property and cars a lot less frequently than men. This can impact on access to some types of credit as in the majority of cases the title holder of property is a man.

The survey “Gender Barometer – the Quality of Life of Men and Women”¹⁰² revealed that men and women on average spend most of their time on formal employment, but men somewhat more than women. On average, men also spend more time than women on socialising and recreation. **The only activity in which women spend more time than men is on domestic duties - on average 3.6 hours per day.** If all the activities that may be considered “work” are summed up, then women work on average 8.2 hours per day and men 6.6 hours, meaning that women work 20% more than men do. However, the view that every woman should be a good housewife is supported by 67% of men and 63% of women.

⁹⁹ Government of Montenegro (2010): *Report on Implementation of the Convention on the Elimination of all forms of Discrimination against Women*; Ministry for Human and Minority Rights, Podgorica, February 2010

¹⁰⁰ Survey conducted by NGO “Anima” in cooperation with female students of Women’s Studies and women activists of the women’s non-governmental sector, 2007

¹⁰¹ The survey conducted for the Gender Equality Office by the Agency Altera MB, 2007

¹⁰² The survey conducted for the Gender Equality Office by the Agency Altera MB, 2007

Data from the survey “Gender Equality and Women’s Health in Montenegro”¹⁰³ show that a considerable share of women in Montenegro have problems related to physical and mental health. **Most women stated that they treated their health inadequately.** “Gender Barometer – the Quality of Life of Men and Women”¹⁰⁴ findings indicate that women with better education visit doctors more often and more regularly than women with less education. Some 48% of rural women visit a doctor “only when ill”, but the same applies to 37% of women from urban areas. Only 16% of women visit gynaecologists regularly, and 28% occasionally. **As many as 43% of rural women never visit a gynaecologist, compared to 28% of women from towns.**

Data from the survey “Gender Equality and Health of Women in Montenegro”¹⁰⁵ reveals that **violence of men against women who are their partners is commonplace** (affecting two-thirds of women in some form of union or partnership). MICS results also supported this finding, concluding that every tenth women in Montenegro believes that her partner is justified to beat her because of any of five specified reasons¹⁰⁶. In the North, the South and in rural areas this percentage was 14, while 6% of women from the Central region and 9% of women in urban areas had the same opinion.

Although a higher percentage of women tend to complete university¹⁰⁷ and masters studies¹⁰⁸ they are not equally represented in key decision-making positions. It is also notable that women are still educated for so-called “female occupations”. The areas of education, healthcare, social welfare and the media are considered to be dominantly female professions while the decision-making positions in the same areas are predominantly occupied by men. Women are most represented in the service activities, such as the hotel industry, catering and commerce. Their share is highest in the industries that provide lower salaries. **The average earnings of women as a percentage of men’s average earnings was 81.9% in 2004, but this figure had risen to 86.2% by 2009¹⁰⁹.**

A feature of recent service industry led economic growth in Montenegro has been greater active participation of women in the labour market. **By 2008, the activity rate of women between 15 and 65 years was 53.0%** and for men it was 69.5%¹¹⁰. **Women constitute around 45%¹¹¹ of the unemployed** in Montenegro, the majority of whom have at least 3 years of secondary education. Women are more active in seeking employment, accepting the jobs offered to them and responding to programmes of preparation for employment organized by the Employment Office of Montenegro (vocational training, retraining, and further training).

When it comes to specific groups of women, certainly RAE women experience the greatest inequality. Due to their tradition and patriarchal environment, they face double discrimination and barriers to education, learning and decision making. This causes further obstacles in their participation in other areas of life and work. According to a survey¹¹² conducted among students of basic functional literacy programmes and their families, 82% of RAE women have no formal education, 6% of them completed the first grade of elementary school, 3% of them completed the second grade and 9% the third grade. However, two-thirds of the unmarried RAE women surveyed expressed a readiness for learning and education.

¹⁰³ A survey by Senior Lecturer Dr. Jelena Radulović was conducted for the project “Gender, Violence and Democracy in the Western Balkans” implemented by the Centre for Gender Research at the University of Oslo and Faculty of Philosophy of the University of Montenegro, 2007

¹⁰⁴ A survey conducted for the Gender Equality Office by the Agency Altera MB, 2007

¹⁰⁵ A survey by Senior Lecturer Dr. Jelena Radulović was conducted for the project “Gender, Violence and Democracy in the Western Balkans” implemented by the Centre for Gender Research at the University of Oslo and Faculty of Philosophy of the University of Montenegro, 2007

¹⁰⁶ MONSTAT / SMMRI (2007): *Montenegro Multiple Indicator Cluster Survey (MICS) 3 – 2005*; UNICEF Podgorica

¹⁰⁷ MONSTAT: Out of the total number of graduates in 2007, 70.5% were female graduates

¹⁰⁸ MONSTAT: Out of the total number of holders of Master of Science degrees (MSc) in 2007, 55.9% were females

¹⁰⁹ Government of Montenegro: *Medium-term Report on Millennium Development Goals in Montenegro*; Podgorica, July 2010

¹¹⁰ MONSTAT Labour Force Survey, 2008

¹¹¹ Employment Office of Montenegro.

¹¹² Fondacija za stipendiranje Roma, 2007. godine

Women are less represented in politics which is perhaps the greatest obstacle to the exercise of women`s rights as they are not able to participate in decision-making processes. The majority of political parties in their Statutes indicate promotion of gender equality as one of their fundamental goals. The Law on Political Parties stipulates that the Statutes of parties should include affirmative action to achieve gender equality in the procedure of appointment of the bodies of the party. However, **data on participation of women in organisational structures of political parties, reveal low level of representation of women in their work as well as their weak representation on high positions which include decision-making. Only 11% of MPs are women.** Only two women MPs in the Parliament of Montenegro have been appointed as Presidents of Parliamentary Committees (Committee for Gender Equality and Committee for Health, Labour and Social Welfare). The Committee for Security and Defence, Committee for Economy and Finances, Committee for Tourism and Administrative Committee are without women. Data at the level of local government also reveal a low percentage of women's representation in decision making positions. **Only in one municipality is a woman serving as Mayor.** Out of 21 municipalities there are only two with women serving as Deputy Mayor.

MDG progress and future challenges

Montenegro has established an institutional and legal framework for the improvement of gender equality. However, it is evident that women are, still, disadvantaged compared to men in many aspects of living and working in the country. The government's 2010 MDG report clearly recognises the challenges ahead¹¹³. It states that in order to achieve gender equality, it will be necessary to continue to work towards the elimination of prejudices and stereotypes related to gender roles, improve legislation and ensure its implementation and promote gender mainstreaming. In addition, the report highlights the need to promote continuous education for both men and women in order that both parties might jointly achieve the goal of a democratic society without gender based distinction. In this respect the public at large, including the media, need to intensify activities aimed at the achievement of gender equality.

Target # 1 – Economic empowerment of women

The National Strategy for Employment and Human Resources outlines ways to reduce the unemployment rate. One of the guidelines refers to elimination of all forms of discrimination in the labour market and enabling equal opportunities for all. Decreasing the unemployment rate for women as well as encouraging female entrepreneurship requires the challenging of traditional practices and viewpoints on the role and position of women in society. Achievement of this target represents a considerable challenge therefore, but not only for Montenegro.

Target # 2 – Increase the participation of women in elected bodies at national and local level

In order to significantly increase women's participation in politics and decision-making positions, it is necessary to adopt a 30% minimum quota for women in all elected bodies. This requires amendments to electoral law which is plausible within the next 5 years.

8.4 MDG 8. - Develop a global partnership for development

Goal eight places responsibility on developed countries to reduce debt, match aid to recipient country needs, and provide developing countries with better access to technologies and markets. Montenegro is an aid recipient country and has so far not been involved in any donor activities. There is no legislation on development policy and no relevant administrative structure in place.

¹¹³ Government of Montenegro: *Medium-term Report on Millennium Development Goals in Montenegro*; Podgorica, July 2010

Following the restoration of independence in 2006, Montenegro has continued to register an annual inflow of Official Development Assistance (ODA) of over US\$100 million per annum.¹¹⁴ However, the national MDG reports from Southeast Europe¹¹⁵ point to threats associated with the potentially excessive dependence on foreign aid. While there are clear signs that bilateral development programmes are phasing out, in the case of Montenegro this is taking place in parallel with continuing UN programmes and expanded EU support through the Instrument for Pre-Accession Assistance (IPA).

Both the UN and the EC share a commitment to improving the quality and impact of development assistance. Both organizations are signatories to the 2005 Paris Declaration on Aid Effectiveness, which defines a series of targets based on the principles of ownership on the part of partner countries, donor alignment as regards strategies and procedures, donor harmonization, managing for results and mutual accountability. The first attempts to institutionalize donor coordination in Montenegro were initiated under the auspices of the UN, EC Delegation and OSCE in 2008. More recently, the Deputy Prime Minister's Office for International Economic Cooperation, Structural Reforms and Improving Business Environment has indicated a willingness to provide leadership and has initiated a process that aims to create an efficient donor coordination mechanism¹¹⁶.

8.5 Conclusions and implications for future UN system cooperation

The development agenda in democratic governance is dominated by the requirements of meeting the political criteria for EU accession and preparing for membership. This is reflected in the Vision Statement for Democratic Governance in the Integrated UN Programme. That Vision envisages “*a Montenegro that is a democratic society, that fully respects, protects and fulfils human rights through rule of law, government transparency and accountability. A Montenegro that is able to meet the political criteria for EU accession and is ready to assume EU membership obligations.*”

The UN System Comparative Advantage Analysis¹¹⁷ indicates that the UN system delivered US\$2.7 million in the field of democratic governance in 2008 and that cooperation expanded to US\$3.5 million in 2009. This amounts to about 25% of annual UN system expenditure but represents around 10% of the total amount of ODA that annually supports democratic governance projects and programmes.

However, due to the huge demands of the democratic governance agenda, the need for measurable achievements as quickly as possible but the limited capacity of public administration, there are ample opportunities for the UN system to support government and civil society. While the UN system is a modest actor in democratic governance, it has an excellent track record in areas such as demilitarization, capacity development and judicial reform in Montenegro.¹¹⁸ Synergy and partnership between the UN and the EC will be vital, as well as effective donor coordination.

Future UN system cooperation in democratic governance will be aligned under the following three Outcomes, validated by the Government in October 2010¹¹⁹, namely:

1. National legislative framework is harmonized with UN, EU, OSCE and CoE standards and relevant secondary legislation regulating implementation is developed.
2. State and independent institutions with increased capacity to ensure the realization and monitoring of human rights, support empowerment of women, enable equal opportunities for all

¹¹⁴ UNCT Montenegro (2010): *Joint Resource Mobilisation and Partnership Strategy*; UN Podgorica, May 2010

¹¹⁵ UNDP (2006): *Europe and the CIS Regional MDG Report - National Millennium Development Goals: A framework for action*; UNDP RBEC, Bratislava

¹¹⁶ Deputy PM (2010): *Information on establishing a system of Coordination of Donor Support in Montenegro*

¹¹⁷ UNCT Montenegro (forthcoming): *UN System Comparative Advantage Analysis*; Draft of Nov. 2010

¹¹⁸ UNCT Montenegro (forthcoming): *UN System Comparative Advantage Analysis*; Draft of Nov. 2010

¹¹⁹ Government of Montenegro and UN System Strategic Validation Retreat, held on 14-15 October 2010

inhabitants, including access to efficient service delivery, through a transparent system of public administration at national and local level.

3. Empower civil society and supportive institutional mechanisms to increase awareness on human rights and the benefits and obligations of participation in decision-making, advocacy, demanding quality services and accountability.

The UN system should contribute further to strengthening of the independence, efficiency and accessibility of the judiciary, with a special focus on legal empowerment of the poor and equal access to justice for all, a separate juvenile justice system, strengthening judicial capacities to fight corruption and organized crime as well as strengthening capacities of the Ministry of Justice especially in further development of international and mutual legal assistance and cooperation.

Assistance to public administration reform and decentralization (central and local government), should mainly focus on the EC's political criteria, to ensure a transparent, depoliticized and accountable system is in place in central and local institutions. Particularly crucial to the European integration process would be capacity development for the decentralized implementation system (DIS) for the Instrument for Pre-accession Assistance (IPA) and building readiness for future EU Structural and Cohesion Funds.

The UN should also support the fight against corruption. It should reduce vulnerability to corruption and organized crime (including trafficking, smuggling and cross-border irregular migration) in business processes of state institutions and enhance interagency cooperation capacities to implement the national anti-corruption strategy, the United Nations Convention against Corruption and the UN Convention Against Transnational Organized Crime. It can also increase awareness and intolerance of corruption in the public and private sphere. In order to achieve the latter, the UN system should focus on civil society participation and fostering the role of media in democratic processes. Finally, in the field of human rights, including children's rights, the UN will support the Ombudsman and other institutions, including the Parliament and the Ministry of Human and Minority Rights, in order to promote action and adherence to international human rights standards and corresponding national legislation. In this regard, counting on the different areas of expertise, the UN will promote gender equity and support women empowerment in political, social and economic participation through capacity building programmes and awareness raising campaigns.

Finally, the UN system is well placed to promote human security through arms control and prevention, including small arms and military ammunition destruction, as well as improved mechanisms to combat trafficking and enhanced efficiency in border control and migration management, with full respect for the international obligations of Montenegro.

9. Sustainable Economic Development & Environmental Protection

Millennium Declaration Chapter IV: Protecting our common environment, and MDG 7. - Ensuring environmental sustainability

9.1 MD Chapter IV: Protecting our common environment, and MDG 7. - Ensuring environmental sustainability

Environmental sustainability in a human rights setting

Environmental law instruments linking the environment and human rights first appeared as early as 1972 in the Stockholm Declaration on the Human Environment¹²⁰, which states that “Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of quality that permits a life of dignity and well being.” The international community recognized sustainable development as the overarching paradigm for improving quality of life in 1992, at the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, Brazil. Although sustainable development is susceptible to somewhat different definitions, the most commonly accepted and cited definition is in the *Report of the World Commission on Environment and Development*¹²¹ in which sustainable development is taken to be ‘development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs’. The parameters of sustainable development are clarified in Agenda 21 and the Rio Declaration, both adopted at UNCED, and in subsequent international, regional and national instruments.

To a great extent, a special feature of many environmental rights is that they are negative rights (refraining action). However, only through collective refrainment on a worldwide scale might the goals of environmental rights be achieved. Many countries, including Montenegro, have included some constitutional guarantee of a healthy environment, but, because such guarantees are often vague, they are difficult to enforce directly¹²².

Legislative and organisational framework.

Sustainable development

The geographic position, climate and spatial characteristics, as well as its natural resource endowment, make Montenegro an exceptional European country in many ways. This was the driving force behind the adoption of the *Declaration on Montenegro as an Ecological State*. In this 1991 Declaration, the Parliament of the Republic of Montenegro made a commitment that development of the country would be in accordance with the principles and requirements of sustainability. This was further emphasized in the 1992 Constitution which states that Montenegro is a “democratic, social and ecological state”, establishing the right to a healthy environment and the duty to protect and improve it as constitutional principles. The need to develop these principles at the operational level led to preparation of the framework strategic document *Directions for the Development of Montenegro as an Ecological State* in 2000 and the *National Strategy of Sustainable Development of Montenegro*, in 2007.

According to the National Strategy of Sustainable Development¹²³ the vision of sustainable development in Montenegro includes:

- **Economic development vision**, which is based on the need to speed up economic growth and finalize the transition process towards a market economy but, at the same time, promote the integration of environmental policy and economic policy and the mitigation of effects of economic growth on the environment;

¹²⁰ Declaration of the United Nations Conference on the Human Environment, 5 to 16 June 1972 – accessed through the official website of UNEP at <http://www.unep.org/Documents>.

¹²¹ Brundtland, G. (Chair). (1987). *Report of the World Commission on Environment and Development: Our common future* (the ‘Brundtland Report’); Oxford University Press.

¹²² Hancock, J. (2003). *Environmental human rights: Power, ethics and law*. Aldershot, England: Ashgate.

¹²³ Government of Montenegro (2007): *National Strategy of Sustainable Development of Montenegro*; Ministry of Tourism and Environmental Protection, Podgorica, January 2007

- **Social vision**, which involves poverty reduction and protection of the most vulnerable population groups, as well as securing more just distribution of benefits from economic development among all segments of society;
- **Environmental vision**, to protect the environment and ensure sustainable management of natural resources, stimulating at the same time the synergy between development and environmental protection and having in mind the right of future generations to a quality life;
- **Ethical vision**, which involves improvement of management and administration through capacity building and decentralization, as well as re-affirming the right to development in a healthy and just environment;
- **Cultural vision**, to protect cultural diversity and identity, while strengthening the overall cohesion of society.

The vision and the general goals of sustainable development in Montenegro are treated as the guiding orientation for the preparation of the national Spatial Plan to 2020¹²⁴ which identifies some of the key development and spatial-ecological problems facing the country. The same fundamental principles are reflected in the Agriculture and Rural Development Strategy¹²⁵ which provides the roadmap for achieving sustainable agriculture with a multifunctional role in rural development. The 2009 Law on Agriculture and Rural Development sets the objectives of agriculture policy and provides the general framework for the development of and support to agriculture and rural areas, grouped under four main strands: market price, rural development policy, activities of public interest and social transfers to the rural population.

The 2010 Regional Development Strategy¹²⁶ aims to ensure a coordinated approach to sustainable socio-economic development in all parts of the country, by linking needs at the local level with priorities at the national level. It is an important element in the process of preparing for EU accession which requires the harmonization of national regional development policy with the regional policy of the EU. The Strategy has defined three goals:

- **Balanced development of all local government units and regions**, *through the adjustment and better connectivity of the needs at local and regional level with the priorities at national level, and through adjustment of the needs of development at local and regional level with the available national and EU funds for development.*
- **Rapid development of less developed local government units and regions**, *through the creation of the conditions for recognition, increasing and optimal use of their development capacities by eliminating the causes that prevent their development.*
- **Regional development and environmental protection**, *through the improvement of the conditions for sustainable use of natural resources, implementation of low carbon technologies and the development of communal infrastructure, providing special support to the areas that are lagging behind in development.*

Energy

In December 2006, Montenegro ratified the Energy Community Treaty of South East Europe, which had been signed by all EU countries and countries of SEE. The Treaty provides for opening up of the market for energy and natural gas in the SEE countries, obliges implementation of the EU directives in the area of energy, and in this way it is creating a favorable environment for investments in the new energy projects.

¹²⁴ Ministry of Economic Development (2007): *Spatial Plan of the Republic of Montenegro until 2020 – Proposal*; Contract No. 01/367/2/02, Podgorica, 9th December 2007. The government adopted version (of March 2008) in Montenegrin is available at: <<http://www.mrt.gov.me/files/1246349570.pdf>>

¹²⁵ Government of Montenegro (2006): *Montenegro's Agriculture and European Union - Agriculture and Rural Development Strategy*; Ministry of Agriculture, Forestry and Water Management, Podgorica, 17 July 2006

¹²⁶ Government of Montenegro (2010): *Regional Development Strategy of Montenegro, 2010 – 2014*; Ministry of Economy, Podgorica, July 2010.

In 2007, Montenegro adopted a new Energy Development Strategy (EDS) to 2025¹²⁷ and, in 2008, an Action Plan for 2008-2012. The Strategy is notable for being co-ordination with the PASIS and the National Strategy for Sustainable Development. The EDS identifies energy as the mainstay of overall, sustainable, and long-term stable growth of Montenegro, with positive macroeconomic effects, and highlights energy development as a realistic and potential driving agent for ecologically sustainable development of the state. The Strategy foresees investments of about €1.8 billion, with private-sector participation, in generation capacity, including a second thermal power plant, new hydro power plants, and the development of wind and solar power plants.

Climate change

In the field of climate change Montenegro is a Party to the United Nations Framework Convention on Climate Change (UNFCCC) and Kyoto Protocol¹²⁸, the Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone layer as well as the UN conventions to Combat Desertification (UNCCD) and on Biological Diversity (UNCBD). The Ministry for Sustainable Development and Tourism (MSDT) has the key responsibilities in the area of climate change. The Ministry makes the policies and adopts relevant regulations, while the Environmental Protection Agency, as an executive administration body, plays a significant role in the implementation of climate change policies. The Ministry of Economy also plays an important role due its responsibility for energy policy.

The 2010 Initial National Communication (INC) on Climate Change to the UNFCCC¹²⁹ reports not only on greenhouse gas emissions and measures to reduce emissions but also analyses the vulnerability of the country to the effects of long-term climate change, especially on the most sensitive sectors such as water resource, coastal areas, agriculture, forestry, biodiversity and public health. In some cases, the document presents preliminary estimates of the magnitude of these impacts under several different climate scenarios. There has also been some initial research conducted on how the impacts might affect indicators of economic activity such as gross domestic product, personal consumption expenditures, private investment and government spending¹³⁰.

Natural and cultural heritage for development

In the field of cultural and natural heritage Montenegro is a Party to nine out of eleven UNESCO conventions and related protocols concerning cultural and natural heritage, including the Ramsar Convention on Wetlands of International Importance (2 February 1971) and the Convention concerning the Protection of the World Cultural and Natural Heritage (16 November 1972). In particular, Montenegro has ratified all the UNESCO Conventions in the field of culture; in line with its obligations under these Conventions, the Ministry of Culture recently issued 4 new laws for the safeguarding of cultural heritage, including the Protection of Cultural Property Act (2010) and the Museum Service Act (2010), and is currently working at the preparation of 45 by-laws. Furthermore, two new units were established within the Ministry, dedicated to intangible cultural heritage and underwater cultural heritage. Montenegro is also very active in international and cross-border cooperation in the field of culture and cultural heritage; in this regard, the Ministry of Culture is completing the procedure for the establishment of a regional Centre for the management of cultural

¹²⁷ Ministry of Economic Development (2007): Energy Development Strategy (EDS) for Montenegro by 2025 - White Book (December 2007)

¹²⁸ The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing greenhouse gas (GHG) emissions. These amount to an average of five per cent against 1990 levels over the five-year period 2008-2012.

¹²⁹ Government of Montenegro (2010): *The initial national communication on climate change of Montenegro to the United Nations Framework Convention on Climate Change (UNFCCC)*; Ministry of Sustainable Development and Tourism, Podgorica, 01/05/2010, Submitted: 12 October 2010, MNE/COM/1 E

¹³⁰ J. M. Callaway, S. Kaščelan & M. Markovic (2010): *The Economic Impacts of Climate Change in Montenegro: A First Look*; UNDP Podgorica,

heritage, to be seated in Cetinje. By joining the Convention on Biological Diversity in June 2006, Montenegro committed to protect the overall biological and genetic diversity in the manner prescribed by the Convention. Based on the Convention, the first National Strategy and Action Plan for the period 2010 – 2015 has been recently adopted, on 29 July 2010. The strategy is the fundamental document for protection of nature, which determine long-term goals and numerous actions for protection biological diversity and protected natural assets, as well as ways of its implementation coherent with overall economic and social circumstances in the country. Prior to the adoption of the Strategy, a new, modern Nature Protection Law (2008) had been adopted in order to transpose relevant provisions from various international agreements in the field of nature protection, including the Convention on Biological Diversity, and the relevant regulations of EU.¹³¹

Summary of the current situation

The 2nd Environmental Performance Review of Montenegro¹³² summarized the serious drawbacks accumulating in the environmental situation. Water is overused compared to the available resources, and the supply system is experiencing acute problems including summer shortages. Wastewater is discharged without treatment, a serious problem in the coastal region where untreated effluents are released into the sea. Only 60 per cent of all municipal solid waste was collected in 2004. There are also some severe air pollution hot spots, in particular the large aluminium plant in Podgorica and steel works in Nikšić. The privatizing of the main industrial assets of the country is taking place in the absence of a strong policy to ensure a clean environment. The rapid development of coastal tourism is encouraged to the detriment of environmental protection. Its energy efficiency is low by international standards.

The most recent EC analysis¹³³ also highlights waste management as one of Montenegro's biggest problems. The Waste Management Law and the waste management master plan were adopted in 2008, but the Law only entered into force in January 2010. Capacities for implementation and enforcement need to be strengthened. An efficient system for data collection, analysis and reporting is essential for sound policy making. In terms of the infrastructure, there is only one modern sanitary landfill, most waste is disposed of in open landfills or unauthorized sites, there is no incineration or composting plants, no system for adequate hazardous waste disposal and few recycling facilities.

Spatial-ecological problems and conflicts of development

The 2007 Spatial Plan of Montenegro identifies some of the key development and spatial-ecological problems facing the country¹³⁴. In the southern Coastal region, which is the focus of summer tourism, the pressure for space is most acute. This is aggravated by the narrow character of the coastal strip and its weak communication links with the hinterland. The Coastal and Central region (including the capital city, Podgorica) are well known for illegal construction that in general features significantly lower energy efficiency standards and higher vulnerability to a variety of natural hazards. Furthermore, the intensity of construction in some parts of the coast is already putting at risk its attractiveness and its sustainability. The development and spatial-ecological problems of the Central region include the migration of population towards Podgorica, as well as the expansion of its suburbs, pollution from mining and industrial complexes, from intensive agriculture and human settlements, all of which threaten vulnerable and fragile ecosystems. In the northern Continental region there are some extremely valuable, sensitive and vulnerable eco-systems. However, rural depopulation and

¹³¹ Ministry of Sustainable Development and Tourism (2010): *Fourth National Report of Montenegro to the Convention on Biological Diversity*; Podgorica, September 2010.

¹³² UN Economic Commission for Europe (2007): *Environmental Performance Reviews – Republic of Montenegro – Second Review*; UN NY/GVA

¹³³ CEC (2010): *Analytical Report (on Montenegro's application for membership of the European Union)*; Brussels, 09/11/10, SEC(2010) 1334

¹³⁴ Ministry of Economic Development (2007): *Spatial Plan of the Republic of Montenegro until 2020 – Proposal*; Contract No. 01/367/2/02, Podgorica, 9th December 2007.

the decline of agriculture, insufficiently controlled exploitation of natural resources and high pollution from thermal energy, mining and industrial complexes put these eco-systems at risk.

The 2007 Spatial Plan also highlights a number of specific problems and conflicts of development. Montenegro's current relative isolation within south-east Europe, due to unfavorable topography combined with old and limited infrastructure, can only be address with major investments in road, rail and maritime infrastructure. The economy is not functionally integrated, in that there is an urban-rural imbalance as well as north-south regional disparities. On the other hand, the less developed north has quite significant resources, especially in terms of agriculture (67% of arable land and 70% of the livestock) and forestry (71% of the wood mass), offering the potential for different types of tourism development. The entire territory of Montenegro is exposed to significant seismic risk, particularly its Coastal region. The average consumption of water in Montenegro is extremely high, twice that of western Europe¹³⁵ due to the uncontrolled use of water (especially at the household level) and unreasonably huge losses in the water supply system. While both surface and ground waters are still generally of good quality, current levels of pollution need to be reduced and controlled. The waste water of only 60% of the urban population (37% of the total population) is discharged into public sewage networks. Furthermore, waste water treatment is only conducted properly in two towns (Virpazar and Mojkovac) and partially in Podgorica. In the coastal area, waste waters are discharged directly into the sea without prior treatment. Industrial waste water treatment is done only at a few of industrial plants, and even then there are no guarantees that it is done properly. Solid waste is also a serious problem, with critical and long-term impacts on both the environment, and public health. Prior to 2004, there were no sanitary landfills in Montenegro, only town and illegal dumpsites, without proper management or disposal control. The National Waste Management Policy (February 2004), and National Master Plan for Waste Management (December 2004) constitute the first attempts to improve the situation.

Agriculture and rural development

Some 38% of the population lives in rural areas. Agriculture is by far the largest activity of the rural population with more than 60,000 households obtain their income partly or entirely from agriculture. Food production and agriculture play an important role in Montenegro's economy, with the primary sector alone providing more than 10% of total GDP. Agricultural employment stood at 8.3% in 2007. Montenegro's agriculture is still characterised by small subsistence farming and traditional production but it often plays the role of social buffer, mainly dominated by elderly households, as the current demographic trend is for young people to move to urban areas.

Energy

The energy sector is of essential importance for the sustainable development of Montenegro, from both the production and consumption sides. Total energy primary production in 2008 was 558 (in thousands of tonnes of oil equivalent), while consumption stood at 1,049, resulting in an import dependency of 52,5 %¹³⁶. In the same year, 30.7% of energy production in Montenegro was obtained from renewable energy sources (primarily hydro power plants). While Montenegro has a significant potential for energy generation from hydro power plants, construction of new hydro power plants can have negative impacts on the environment (depending on the type of hydro power plant and size of accumulation). Therefore, the decisions on future construction need to be made on the basis of a detailed and comprehensive environmental impact assessment, in addition to cost-benefit analysis. Montenegro has relatively large possibilities for electricity generation through thermal power plants, since the exploitable reserves of coal in Pljevlja and Maoce basins are estimated at some 185 million

¹³⁵ Average daily per capita consumption of water in Western Europe is 150l.

¹³⁶ Government of Montenegro (forthcoming): *Regional Development Operational Programme (First Draft), 2011 – 2013 IPA*; August 2010

tons¹³⁷. However, limitations on electricity generation from thermal power plants come from the requirement for rational exploitation of non-renewable resources and especially from the fact that combustion of fossil fuels is the major source of greenhouse gas emissions. The existing unit of the Thermal Power Plant in Pljevlja is one of the biggest polluters in Montenegro and from the aspect of EU regulations, this situation is not sustainable in the long-run. During the future operation of the existing thermal power plant, as well as in the case of possible construction of a new unit, all the relevant EU Directives on environmental protection and operation of such plants will have to be respected.

On the consumption side, steel and aluminium production are important but energy-intensive economic sectors in Montenegro. The “Kombinat Aluminium Podgorica” (KAP) aluminium plant alone uses 44 per cent of the country’s total energy consumption. Households also require large amounts of energy for heating and cooling. Some 48 per cent of the heating energy demand is met by electricity and a further 42 per cent by biomass. Overall, the energy sector in Montenegro is characterized by high-energy intensity in comparison with the EU and other developed countries, which is primarily caused by the high consumption level of the aluminum and steel industry. The energy intensity of gross consumption of electricity is 8.5 times higher than the EU-15 value - and higher than almost all countries in the region. Intensity of total energy consumption in Montenegro is 5.6 times higher than the EU-15 average. All of this implies that there is considerable need for energy rationalization and improvements in energy efficiency (EE). Following adoption of the National EE Action Plan (NEEAP), there is a commitment to reduce energy consumption by 9%, or 1% every year, over the next 9 years.

Climate change

Montenegro’s Initial National Communication on Climate Change indicates that the main greenhouse gas (GHG) emissions in base year 1990 came from the energy sector (50.1%), industrial processes (32.4 %), agriculture (15.4%) and finally waste sector (2.1%). Little changed regarding the emission levels in 2003. The energy sector is still the main emitter with a 49.9% share of total emissions, followed by industrial processes with 35.5%, agriculture 12.3% and waste sector 2.3%. This report also calculates the potential for reducing GHG emissions for the first time in the country. According to the scenario with measures to reduce GHG emissions, the projected level of GHG emissions in 2025 is lower by 25% than the level of GHG emissions in 1990.

This National Communication gives details of Montenegro’s strong vulnerability to the effects of climate change in a number of sectors. Based on the scenario for the long-term climate changes (for the period 2071 – 2100) the probable impact and possible measures of mitigation are presented for water resources, the coastal area, agriculture, forestry, biodiversity and public health.

Natural and cultural heritage for development

In terms of the nature protection, Montenegro is progressing well in terms of alignment with the *Acquis* and the establishment of Nature 2000 including the Biodiversity Strategy and Action Plan. Additional efforts are needed in order to develop scientific information and data required for the designation of sites, to manage illegal hunting and logging, unauthorized construction in the protected areas, as well as to strengthen management and coordination capacities between public authorities.

Two sites in Montenegro are inscribed on the UNESCO World Heritage List: the medieval city of Kotor and the National Park of Durmitor. The relationship between heritage and the environment is very evident in these sites, as for example, the historic city center of Kotor must deal with water supply issues, salt water intrusion, waste-water treatment and disposal, solid waste treatment and disposal,

¹³⁷ Ministry of Economic Development (2009): *Energy Sector Development in Montenegro: reforms, goals and overall strategy*; a presentation made in Budva, 19 March 2009

marine pollution and flood control. The National Park of Durmitor, which includes the Tara River Basin (also designated a Biosphere Reserve in 1976), boasts ideal conditions for mountaineering and other forms of alpine and eco-tourism. Balancing the need to protect the natural landscape and the area's unique biodiversity against the desire for economic development within this rural area presents a specific challenge for the country's development. Recognized internationally as a site of excellence, it can be used to test and demonstrate new and optimal practices to manage and balance nature with human economic activities. Furthermore, the Montenegrin Ministry of Culture is engaged in the preparation of new nomination files for inscription in the UNESCO heritage lists, including: the historical core of Cetinje, and the medieval tombstones known as "Stecaks" (a multinational nomination, together with Bosnia and Herzegovina, Croatia, and Serbia).

MDG progress and future challenges

The Montenegro MDG Report redefines and adjusts the targets for this MDG in order to make them more relevant to the country context.

Target # 1 – Integrate the principles of the living environment into state policies and programmes and stop the loss of ecological resources, by extending protected areas, reducing anthropogenic impacts on the environment (CO₂ and water quality) and the promotion of energy efficiency as well as the better use of renewable energy sources.

The MDG Report has seven distinct indicators that relate to this target. With regard to protected areas, some 21.5% of the territory of Montenegro is under either national or international protection, including national parks, nature reserves, areas of special natural significance and areas with UNESCO natural or cultural heritage designations. The goal for 2015 is to extend protection to valuable marine ecosystems and preserve the current percentage of forest coverage. The last EC Commission Progress Report noted that while some progress on legislative alignment with European standards had been made, implementation and enforcement needed to be further strengthened. The Report highlighted the need to strengthen administrative capacity and to establish effective inspection services. Work on awareness-raising on environmental protection issues needed to be continued. Environmental protection, in particular in coastal areas and national parks, remained a cause for concern¹³⁸.

In relation to GHG emissions, the goal for 2015 is based on the National Communication's scenario of "with measures to reduce GHG emissions". The implication, therefore, is that those measures are implemented, including investment in low-carbon technologies and carbon storage as well as avoiding emissions from land use change and forestry.

In order to provide the best possible air quality and reduce risks to human health and the environment, it will be necessary to continue further harmonization of national legislation with EU legislation. Environment is one of the 33 negotiating chapters of the *acquis*. This chapter comprises over 200 major legal acts covering horizontal matters, water and air quality, waste management, nature protection, industrial pollution and risk management, chemicals and noise. Ensuring compliance with the *acquis* requires a sustained high level of investment and considerable administrative effort. The EU analysis concluded that this will be a long-term challenge for Montenegro.¹³⁹

For the realization of the energy sector goals, it will be necessary to rigorously implement the EDS and its Action Plan as well as the National EE Action Plan¹⁴⁰. In particular, high priority should be given to:

¹³⁸ CEC (2009): *Montenegro 2009 Progress Report*; Brussels; 14/10/09, SEC(2009) 1336/2

¹³⁹ CEC (2010): *Analytical Report (on Montenegro's application for membership of the European Union)*; Brussels, 09/11/10, SEC(2010) 1334

¹⁴⁰ Ministry for Economic Development and Energy (2010): *National Energy Efficiency Action Plan to 2012*;

1. Creation of conditions for higher utilization of renewable energy sources, heat and power cogeneration (CHP) and the usage of fossil fuels based on clean technologies;
2. Provision of institutional and financial incentives to improve energy efficiency and reduce energy intensity in all sectors, from energy generation to consumption;
3. Sustainable energy production and utilization from an environmental protection perspective, especially the reduction of GHG emissions;
4. Support to research, development and promotion of new, clean and efficient energy technologies, as well as the following of energy policy based on professional and scientific grounds.

Target # 2 – By 2015 reduce the proportion of the population without access to drinking water and sanitary conditions, by reducing water supply network losses in urban areas (to 30%), increasing connections to the sewerage system in urban areas (to 85%) and increasing treatment of waste water (to 60%).

For the successful implementation of Target 2, the priority is to ensure that by 2013 plants for wastewater treatment are built in 50% of municipalities, and to that end that a system of regional water supply is put into operation by 2010 so that the municipalities on the coastal region have a regular water supply. In terms of reducing losses in the network, significant investments and support from international financial organizations are needed.

9.2 Conclusions and implications for future UN system cooperation

The Vision Statement for Sustainable Economic Development and Environmental Protection (SEDEP) in the Integrated UN Programme envisages: *“a Montenegrin society that translates its Constitutional commitment to the concept of an ‘ecological state’ into practice through achieving balanced and equitable regional economic growth based on sustainable planning and use of natural resources that will provide high quality of life and long term economic opportunities for its inhabitants. This will be achieved through investment in and focus on development of clean sources of energy as the main driver of a low-carbon economy, technical assistance to the private sector in integrating environmentally sustainable practices into their business model, sustainable management of protected areas, effective pollution prevention and control, minimization of waste and environmental risks, and strengthening the climate-resilience of the economic system as well as enhanced environmental awareness and action on the part of every inhabitant, including children and young people. ‘Sustainable planning and use of natural resources’ refers to decision making that seeks to balance economic, environmental, and social costs and benefits where ‘the needs of the existing generations are met without compromising the ability of future generations to meet their own needs.’*¹⁴¹

The UN System Comparative Advantage Analysis¹⁴² indicates that, in the field of SEDEP, UN system cooperation is expanding in a manner similar to Democratic Governance, albeit a little more slowly. In 2008, some US\$3 million of assistance was delivered by the UN system while in 2009 total assistance was US\$3.3 million. Annual expenditure in SEDEP amounted to about 23% of total UN system expenditure per year. This assistance also represented around 10% of the total amount of ODA support to SEDEP projects and programmes in Montenegro.

In the field of sustainable development and environmental protection, the development agenda for Montenegro is still extremely challenging and requires long-term engagement and investment. There are many actors in this field, including international and European financial institutions, and the UN system contribution is modest in comparison. Therefore, future UN system cooperation should be

¹⁴¹ Report of the World Commission on Environment and Development, and Preface of Montenegro's National Strategy for Sustainable Development

¹⁴² UNCT Montenegro (forthcoming): UN System Comparative Advantage Analysis; Draft of Nov. 2010

focused and reflect UN comparative advantage. Synergy and partnership between the UN and the array of other external actors, including the EC, will be vital, as well as effective donor coordination.

Through the Integrated UN Programme, future cooperation will be aligned under the following three Outcomes, validated by the Government in October 2010¹⁴³:

1. Climate change adaptation and mitigation measures are designed and implemented to accelerate the use of renewable, clean energy, carbon trading and energy efficiency, thereby achieving low carbon emissions, climate resilient growth and better management of human health impacts.
2. Established system for conservation and sustainable management of natural resources, effective prevention, control and reduction of environmental risks, and enhanced environmental awareness and participation by children, young people and adults.
3. Established system for strengthening entrepreneurial capacity building and facilitating private sector partnerships for 'green jobs,' rural livelihoods and development of Medium, Small and Micro Enterprises (MSME) in order to improve economic choices and achieve balanced regional growth as well as address gender specific concerns and interests.

In this way, the UN can provide continuous, enhanced and coherent support to the reform process pertaining to environmental protection and sustainable development that is associated with fulfilling the EU accession criteria, and in particular increasing compliance with the Environment chapter of the EU *acquis*. Therefore, the UN should ground its partnership in support to the implementation and monitoring of existing relevant strategies/policies and, where applicable, the development of new ones mitigating existing and emerging development conflicts.

Through the use of research, analysis, data, capacity development, programmatic presence and behaviour change communication. It should support the Government and civil society in developing and implementing climate-resilient environmental and economic policy, in line with the National Strategy for Sustainable Development and other sub-sector strategies. The UN should also continue to accompany the Government as it fulfils its international obligations, including on UNFCCC, UNCCD and UNCBD, and will support the continued integration of sustainable development principles into Government policies and actions.

¹⁴³ Government of Montenegro and UN System Strategic Validation Retreat, held on 14-15 October 2010