



Montenegro
Ministry of Tourism and Environment



NATIONAL CAPACITY SELF-ASSESSMENT REPORT

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List of abbreviations

ASCI	Areas of Special Conservation Interest
CDM	Clean Development Mechanism
COP	Conference of the Parties
DNA	Designated National Authority
EPA	Environmental Protection Agency
EU	European Union
GEF	Global Environment Facility
GHG	Greenhouse Gas
GIS	Geographic Information System
IUCN	World Conservation Union
MAFWM	Ministry of Agriculture, Forestry and Water Management
MED	Ministry of Economic Development
MONSTAT	Statistics Institute of Montenegro
MTE	Ministry of Tourism and Environment
NCSA	National Capacity Self-Assessment
NGO	Non-governmental Organisation
NSSD	National Strategy for Sustainable Development
OECD	Organisation for Economic Co-operation and Development
PE	Public Enterprise
PRSP	Poverty Reduction Strategy Paper
PSC	Project Steering Committee
SWOT	Strengths, Weaknesses, Opportunities and Threats
TAIEX	Technical Assistance and Information Exchange
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Program
UNFCCC	United Nations Framework Convention on Climate Change
UNIDO	United Nations Industrial Development Organization
WB	The World Bank

1. Introduction

The process of National Capacity Self-Assessment (NCSA) for the implementation of global environmental conventions was initiated in Montenegro in 2006. The primary goal of the NCSA is to identify, through a country-driven consultative process, priorities and needs for capacity building to protect the global environment.

The National Capacity Self-Assessment refers to the three thematic areas and respective United Nations (UN) Conventions:

- Climate change – UN Framework Convention on Climate Change (UNFCCC);
- Biodiversity – UN Convention on Biological Diversity (UNCBD); and
- Land degradation – UN Convention to Combat Desertification (UNCCD).

The NCSA project in Montenegro was implemented by the Ministry of Tourism and Environment¹ and was funded by the Global Environment Facility (GEF). United Nations Development Programme (UNDP) was the implementing agency for this 18 months project.

The main project activities included:

- Establishment of working groups for the three Conventions, compilation and review of thematic materials (analysis of the existing plans, policies, strategies and relevant studies), consultations with relevant stakeholders and organisation of the initial workshop;
- Preparation of the Thematic Assessments (reports) with pertinent analysis of the needs and opportunities for capacity building;
- Analysis of issues that cut across the three Conventions (identification of common capacity constraints and needs) and preparation of the Cross-cutting Assessment;
- Development of the NCSA Action Plan.

Through these activities, country's capacities for the implementation of the requirements of the three Conventions (also known as the Rio Conventions) were assessed. This was done through co-operation with the key institutions, review of the existing frameworks for environmental management, assessment of undertaken/ ongoing activities and projects, and identification of problems (including their causes) for the Conventions implementation. The project also included efforts to prioritise capacity building needs in Montenegro to enable implementation of the requirements of the global environmental conventions.

The main outputs of the project include the three Thematic Assessments (for each of the Rio Conventions) and the Cross-cutting Assessment. Findings of the thematic and cross-cutting assessments served as the basis of this final and integrated NCSA report. The NCSA Report, Action Plan and other reports prepared in the framework of this project will be published and/ or available from the project web site.

¹ Former Ministry of Environmental Protection and Physical Planning

The NCSA report has seven chapters. A brief explanation of the background project is provided in this first, introductory chapter, while chapters 2 to 4 include a discussion on the purpose of the report, description of the NCSA process in Montenegro and methodology. The main findings of the three Thematic Assessments are presented in the chapter 5, and the results of the cross-cutting analysis are summarised in the chapter 6. Finally, some conclusions from the NCSA process are given in the chapter 7.

Appendices to the NCSA report are the list of references and composition of the NCSA team.

2. The purpose and approach in preparing the NCSA report

The purpose of this report is to provide an overview and a summary of the NCSA process, methodology and outcomes of the self-assessment exercise and to serve as an introductory text for the capacity building goals, tasks and activities specified in the NCSA Action Plan.

The report attempts to integrate findings of the three thematic and cross-cutting assessments. As such, it almost entirely draws on the reports prepared in the earlier phases of the NCSA process. Exceptions to this approach are the cases where ongoing developments, such as changes in the legal and institutional frameworks, rendered these findings outdated. Since the NCSA report dates after the time of completion of all the previously mentioned reports, every effort has been made to update the findings of thematic and cross-cutting assessments in all the situations where there were new relevant developments in comparison to the state depicted in the individual reports.

3. The NCSA process in Montenegro

Inline with the NCSA project document and the available NCSA guidelines², the main building blocks in the NCSA Montenegro process were:

1. Creation of thematic working groups and collection of information for the thematic assessments;
2. Consultations with stakeholders;
3. Assessment of the existing legal, institutional and strategic frameworks for the implementation of convention requirements;
4. Preparation of thematic and cross-cutting reports; and
5. Development of action plan.

Following the project inception in early 2006, leaders of the three working groups (corresponding with the three thematic areas subject to the UN Conventions) were first identified and the working groups were established subsequently. The core teams of the

² Such as the GEF *Guide for Self-Assessment of Country Capacity Needs for Global Environmental Management* (2001) and the UNDP *NCSA Resource Kit* (2005).

working groups comprised experts for the respective areas (climate change, biodiversity, and land degradation) from professional institutions and public administration. The working groups compiled necessary information for the thematic assessments and maintained contacts with different stakeholders to solicit other views on the capacity gaps and needs.

The next step was organisation of a major workshop in June 2006, involving a wide range of stakeholders from national and local levels, public administration, professional institutions, university, business sector and NGO community. The purpose of the workshop was to present the NCSA process and objectives to a wider audience as well as to seek information and opinion of the participants on the main problems linked to the implementation of the Rio Conventions. The problems and constraints for meeting the provisions of the UN Conventions that were identified at the workshop fed into the working process of the expert groups.

The workshop was also an opportunity to ensure a more permanent involvement of different stakeholders in the NCSA process. One of the ways to achieve this was identification of smaller groups of stakeholders among the workshop participants that took part in the work of the thematic groups later on and remained consulted throughout the process. Moreover, stakeholder representation was enabled through composition of the Project Steering Committee³ (PSC). A final workshop is planned at the end of the project to present the main findings and conclusions.

Detailed assessment of the existing laws, institutions, strategic documents and relevant programmes/ projects in Montenegro was conducted by the working groups, together with identification of the issues that refer directly to the Convention requirements. In their assessments, the working groups considered inputs provided through the consultative process.

The next step in the NCSA process was preparation of Thematic Assessments (for each of the three Conventions). The conducted analyses of the in-country capacity for global environmental management were presented in these thematic reports. The main goal of the reports was to determine national capacity to fulfil the obligations coming from the ratification of the three Conventions, with special emphasis on the capacity gaps and constraints and opportunities to overcome them. Thematic assessments were prepared during the course of 2006 by the three team leaders and respective working groups. Each report reflects opinions of a wide spectrum of stakeholders that were involved in the process.

Based on the three Thematic Assessments, cross-cutting analysis was conducted and a corresponding report prepared in mid-2007 by an international consultant. In addition to the review of documents, the consultant conducted interviews with the national focal points, NCSA team members and other relevant persons during his in-country mission in

³ Besides representatives of the Ministry of Tourism and Environment (including Focal Points for the three Conventions), Project Steering Committee included representatives of public institutions, NGOs and UNDP.

June 2007. The report focused on the common capacity problems and weaknesses relevant for the implementation of the UN Conventions and provided in-depth analysis of the capacities to address different categories of cross-cutting Conventions requirements. The report and the underlying analysis included prioritisation of identified capacity weaknesses and thus provided a basis for the development of the NCSA Action Plan.

Development of the NCSA Action Plan and preparation of this Report were the final activities of the NCSA process that have been completed by the end of 2007. These activities were conducted by the team leaders/ thematic working groups and a national environmental consultant respectively. Outputs from these two final activities of the NCSA process have been considered and approved by the PSC in November 2007. Following the approval of the PSC, all the relevant Ministries were invited to comment on the NCSA Action Plan. It is planned that the Government adopts the final version of the Action Plan.

4. Methodology

The methodology used in the NCSA process in Montenegro is in line with recommended NCSA methodology.

The team leaders and the working groups established at the onset of the process, tasked with preparation of thematic assessments and action plan development, played a prominent role in the process. Project management and co-ordination were with the Ministry of Tourism and Environment (MTE) and UNDP respectively. Focal Points for the three Conventions at the MTE provided valuable support to the working groups. Overall support and guidance to the process was also provided by the Project Steering Committee (PSC) comprising, as mentioned above, Focal Points for the three Conventions and other representatives of the MTE, representatives of public institutions, NGOs and UNDP. Besides the guiding role, PSC responsibilities included approval of the project workplans and reports. Environmental consultants were engaged for the preparation of cross-cutting assessment and the integrated NCSA report. Composition of the entire NCSA team (including working groups, Project Steering Committee, project management staff and consultants) is given in the Appendix 2 of this Report.

For the purpose of the reports prepared within the NCSA process (thematic and cross-cutting assessments), the analysis of capacities was conducted for three levels – **individual, institutional** and **systemic**. The term ‘capacity building’ was understood as all the activities which improve the abilities of individuals, institutions and the whole system and conduct own functions in an efficient, effective and sustainable manner.

At the **individual level**, capacities subject to the NCSA analysis include the abilities of individuals who are or should be involved in meeting the Convention requirements. Capacity building at this level is done through staff education and training, management improvements (staff motivation) and similar. The goal is to increase individual abilities in environmental management and protection, for individuals working alone or within an organisation or society.

At the **institutional level**, capacities include the general organisation of activities and functional abilities of institutions and organisations. Institutional capacities include human, administrative, financial and technical resources. In the NCSA process, these components were assessed in the following way:

- *Human resources* – staff within an organisation whose activities are linked to the Conventions implementation, including education and qualifications of the employees, their personal experience, access to training etc;
- *Administrative resources* – whether there are efficient structures in place within institutions and organisations, whether there are specialised units for fulfilment of the Convention requirements and whether, if in place, they are well-functioning;
- *Financial resources* – whether they are available, well-managed within the institution/organisation and whether well-allocated;
- *Information resources* – whether necessary information is available and reliable, whether managed properly within and outside the institution/organisation;
- *Technical resources* – whether necessary buildings, resources, computers and specialised equipment are available, whether adequately allocated and how they are managed.

Capacity building at the institutional level strives for an improved organisational structure and increased co-operation among groups or sectors within one institution or organisation.

The **systemic level** capacity is reflected in the conditions in which the institutions and organisations function and are in mutual interactions. It includes:

- Political framework (political support, appropriate political framework to assist the implementation of the Convention requirements);
- Legislative framework (whether appropriate laws are in effect, whether responsibilities have been divided, whether there are appropriate institutions/organisations);
- Economic framework – whether the market functions efficiently;
- Resources at the systemic level – whether human, financial and information resources are available to national or local authorities, private sector, civil society;
- Public support – whether there is public awareness and support;
- Co-ordination – whether there are interrelations and co-operation between institutions in place.

The assessments undertaken by the team leaders/ working groups focused primarily on the capacities at the national level including government and public institutions with competencies for Conventions implementation. Other stakeholders were considered but were not subject to a detailed analysis.

Methodology employed by the working groups first encompassed collection of data, analysis of institutions, legal and policy frameworks in Montenegro. Team leaders/ working groups for the three conventions prepared questionnaires, which were sent to different institutions in order to collect data about their capacities (March 2006).

Biodiversity working group, for example, developed data gathering questionnaire containing five sections: general information, data and technical equipment, co-operation,

finances and current projects in the field. The questionnaire was sent to 36 recognised stakeholders. Response rate was quite high – 78% of the surveyed institutions (7 ministries, 12 institutions, 2 municipalities and 7 NGOs) sent back filled in questionnaires. Similarly, a questionnaire was developed and disseminated by the UNCCD and UNFCCC working groups. Twenty-eight institutions relevant for land degradation issues were approached, while filled in and usable questionnaires were returned by 32% of them (including 2 ministries, 4 institutions, 2 municipalities and 1 NGO). In order to assess capacities of stakeholders to implement the UNFCCC, the questionnaire was sent to 24 relevant institutions and the feedback was received from 12 of them (50%).

Besides the data collected through the questionnaires and consultative workshops, other methods were also used, such as desk study and interviews, Internet search etc.

SWOT (strengths, weaknesses, opportunities and threats) analysis, prioritisation and cause-consequence (problem tree) methodology were used by the three working groups to assess in-country capacity levels for implementing the Rio Conventions.

In applying SWOT analysis, the working groups defined problems (weaknesses) and identified existing or potential capacities (strengths). At the same time, they identified factors that may support capacity development or prevent the use of existing capacities (opportunities and threats). Once the problems/ weakness were identified, prioritisation was carried out by applying various criteria such as the scope of the problem, level of concern, the need to develop capacities etc. The cause-consequence methodology was used to identify central problems leading to the non-implementation of the relevant Convention and their underlying causes. Furthermore, strategic goals and objectives were identified to address the central problems or their causes. These were further broken down into specific tasks.

The primary objective of the **cross-cutting analysis** was to identify priority cross-cutting capacity strengths, constrains and needs, as well as priority opportunities for synergies in capacity development. The cross-cutting assessment (coupled with specific findings from the Thematic Assessments) established the basis for preparation of the Action Plan, which recommends specific actions to bridge the capacity gaps for **implementation** of the three UN Conventions and to promote synergies.

The Cross-cutting Assessment Report used comparison, analysis and generalisation of SWOT (strengths, weaknesses, opportunities, and threats) matrices from the three Thematic Assessments as the main tools to achieve this objective. Furthermore, the Report prioritised capacity constraints identified through convention-specific SWOTs, cause-consequence analysis and other methodologies in order to single out the most relevant cross-cutting issues for the NCSA Action Plan. In addition to cross-cutting issues, the Action Plan addresses identified convention-specific constraints and capacity gaps.

The methodological approach applied in the identification and analysis of **cross-cutting capacity** issues in the implementation of the Rio Conventions in Montenegro consisted of the following four steps:

- 1) Literature review;
- 2) Interviews and technical consultations;
- 3) Design and application of the framework to identify and analyse cross-cutting capacity issues; and
- 4) Definition and application of the framework to prioritise cross-cutting issues for detailed consideration in the NCSA Action Plan.

Literature review and interviews/ technical consultations (held in June 2007) were conducted in order to get acquainted with the situation, previous outputs of the project and to collect additional information.

The design and application of the framework to identify and analyse cross-cutting and synergistic capacity issues included the following activities: **i) identification of common SWOTs** (strengths, weaknesses, opportunities and threats), based on the findings of the Thematic Assessments; **ii) determination of cross-cutting requirements** established by the Conventions; and **iii) determination of the level of capacity available** in Montenegro to meet the identified cross-cutting Conventions requirements.

The first activity in the analysis of cross-cutting issues involved the **identification of common SWOTs** present in the country to implement the three Conventions. This required comparison of the SWOT matrices included in each of the corresponding Thematic Assessments in order to determine coincidences among the strengths, weaknesses, opportunities and threats found.

The next activity was **identification of the requirements that cut across** the three Rio Conventions. Cross-cutting requirements were grouped into the following six categories in order to facilitate the analysis:

- Legal framework;
- Planning and reporting;
- Institutional framework;
- Capacity (training, research, scientific collaboration and exchange, information collection and exchange, and technology development and transfer);
- National support and international co-operation; and
- Public information, awareness and education.

The final activity i.e. **establishment of the level of capacity available** in Montenegro to meet the identified cross-cutting Conventions requirements included: **i) analysis of the three Thematic Reports and SWOTs** identified in each of the reports; **ii) review of additional studies**, in particular the *National Strategy of Sustainable Development of Montenegro* (2007); and **iii) processing of information** received during the interviews and technical consultations.

Following completion of the above-mentioned steps 1 to 3 (literature review, interviews and technical consultations, and analysis of capacity to implement the cross-cutting

requirements), the cross-cutting issues that should receive preferential attention in the NCSA Action Plan were identified through the prioritisation steps shown in the box 4-1 below.

Box 4-1: Prioritisation steps used in the cross-cutting analysis

Step 1 ↓	Prioritised capacity weaknesses from the respective Thematic Assessments are listed.
Step 2 ↓	Prioritised capacity weaknesses are examined in order to identify those that are common for all three Conventions and are placed into one of the six categories of cross-cutting requirements. Following their categorisation, the identified common weaknesses across the three Conventions are ranked following the order of hierarchy assigned to them in the Thematic Assessments.
Step 3 ↓	The prioritised (central) problems identified in the three thematic reports on the basis of the cause-consequence analysis are reiterated.
Step 4 ↓	These prioritised problems are analysed and the common ones for the three Conventions are identified. Following a similar procedure as the one applied to for common weaknesses (step 2), the central problems are categorised into one of the six cross-cutting requirement categories and ranked.
Step 5	Common weaknesses/ problems identified through steps one to four are compared in terms of their priority levels across the three Conventions.

5. The main findings of the three Thematic Assessments

This Chapter describes the overall context in Montenegro for the implementation of the UNFCCC, UNCBD and UNCCD based on the findings of the three Thematic Assessments and the information on the developments that took place after the completion of these reports.

The Rio Conventions and the existing environmental management framework in Montenegro

This section presents findings of the Thematic Assessments on the ways and the extent to which the Conventions requirements are integrated in the existing environmental management system. The Thematic Assessments examined the goals and requirements of the three conventions, existing policies and plans and how they relate to the Conventions requirements, as well as the existing legal framework, institutional set up and ongoing projects. This analysis served as a starting point for identification of capacity limitations and other shortcomings for the implementation of the UN Conventions.

Goals and requirements of the three Conventions

All three Conventions subject to the NCSA have been ratified by Montenegro following the country's independence in May 2006. The notification of succession of ratification of

the two Conventions (UNFCCC and UNCBD)⁴ was received from the UN in November 2006. Laws on ratification of the UNCCD and the Kyoto Protocol to the UNFCCC were adopted by the Montenegrin Parliament in March 2007.

The following overview of the main Conventions' goals and requirements was adapted from the Cross-Capacity Assessment report.⁵

The UNFCCC sets an 'ultimate objective' of stabilising atmospheric concentrations of greenhouse gases at a 'safe' level, namely a level that would prevent dangerous anthropogenic interference with the climate system. This should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner. To achieve this objective, all parties have a general commitment to address climate change, adapt to its effects, and report on the actions they are taking to implement the Convention.

The Convention divides countries into 'Annex I Parties' and 'non-Annex I Parties'. Annex I Parties include developed countries and economies in transition. Non-Annex I Parties primarily include developing countries. Annex I Parties committed to adopting national policies and measures with the (non-legally binding) aim of returning their greenhouse-gas emissions to 1990 levels by the year 2000. Republic of Montenegro is a non-Annex I country.

The Convention commits all Parties to **i)** develop and submit 'national communications' containing inventories of greenhouse-gas emissions by sources and greenhouse-gas removals by 'sinks'; **ii)** adopt national programmes for mitigating climate change and develop strategies for adapting to its impacts; **iii)** promote technology transfer and the sustainable management, conservation, and enhancement of greenhouse gas 'sinks' and 'reservoirs' (such as forests and oceans); **iv)** take climate change into account in their social, economic, and environmental policies; **v)** co-operate in scientific, technical, and educational matters; and **vi)** promote education, public awareness, and the exchange of information related to climate change.

Parties to the 1997 **Kyoto Protocol** have agreed that Annex I countries will have a legally binding commitment to reduce their collective emissions of six greenhouse gases by at least 5% below 1990 levels in the period 2008 – 2012. The Protocol also establishes an emission trading regime and the Clean Development Mechanism (CDM). The CDM allows the countries listed in the Annex I of the Convention to implement projects that will reduce the greenhouse-gas emissions in the developing countries, whereas the certified amounts of emission reduction generated through such projects can be accounted as a credit towards their overall emission reduction targets. Developing countries may participate in the CDM on a voluntary basis.

⁴ The two Conventions were first ratified by countries predecessors of today's Montenegro.

⁵ Original source: OECD, *The DAC Guidelines: Integrating Rio Conventions into Development Co-operation* (2002).

The **UNCBD** aims towards the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. It addresses all aspects of biological diversity: genetic resources, species, and ecosystems. It also recognises the need to reconcile conservation and socio-economic development needs. Parties are thus requested to develop or adapt national strategies, plans or programmes for the conservation and sustainable use of biological diversity and to integrate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Means to support the developing countries in implementing the Convention include scientific and technical co-operation, access to financial and genetic resources, and the transfer of ecologically sound technologies. To this end, the Convention provides for a financial mechanism (the Global Environment Facility or GEF) and a subsidiary body on scientific, technical and technological advice. A Clearing House for Technical and Scientific Co-operation is also established to provide a means for identifying and disseminating information relevant to the implementation of the Convention.

The Conferences of the Parties have defined ‘Thematic Work Programmes’ on Coastal and Marine Biodiversity, Forests, Inland Waters, Agricultural Biodiversity, and Dry and Sub-humid Lands. These thematic ‘work programmes’ outline the priorities for implementation of the Convention, related to specific ecosystems. Each work programme also identifies specific areas where research is required in support of implementation objectives.

Each Contracting Party is obliged to, at intervals determined by the Conference of the Parties, submit reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness.

The UNCCD aims to combat desertification and mitigate the effects of drought in affected countries, particularly in Africa, with a view to contributing to the achievement of sustainable development. It recognises that achieving this objective will involve long term integrated strategies aimed at improving the productivity of land and conservation and management of land and water resources, with a view to improving living conditions, especially at the community level. Under the Convention, affected country parties undertake to give due priority to combating desertification and allocate adequate resources, address the underlying causes of desertification, with special attention to socio-economic factors providing an enabling policy and legislative environment, and promoting increased awareness and facilitating the participation of local populations and NGOs in efforts to combat desertification and mitigating the effects of drought. Developed country parties are committed to promote the mobilisation of financial and other resources to combat desertification, and encourage the mobilisation of private sector and non-governmental sources.

Under the Convention, affected developing country parties are required to prepare National Action Programmes for combating desertification. These plans elaborate long-term policies and strategies to combat desertification, mitigate the effects of drought, and

prevent the degradation of land not yet affected. These plans should be formulated within the broader context of national policies for sustainable development.

Relevant laws, policies and programmes

While there is a lack of specific policies and programmes to address the issues subject to the Rio Conventions, there is a number of general strategic documents in Montenegro that set the objectives and strategies directly or indirectly related to biodiversity, climate change and land degradation. This first of all refers to *Development Directions of Montenegro as an Ecological State* (2001), *Economic Reforms Agenda* (2003), *Development and Poverty Reduction Strategy* (also quoted under abbreviation PRSP, 2003) and the *Action Plan for the Implementation of Recommendations from European Partnership* (2005). These documents and their relevance for each Convention are discussed in the subsequent sections of this report, and (to a greater level of detail) in the Thematic and Cross-cutting Assessments. Due to the fact that it was adopted after the completion of Thematic Assessments, *National Strategy for Sustainable Development* (NSSD, 2007) was not fully included in the previous analysis conducted within the NCSA process. Since it contains a number of objectives and specific measures the implementation of which will clearly represent an opportunity for overcoming capacity challenges faced in fulfilling the commitments under the UN Conventions, NSSD has been included in this report.

Montenegro does not have national **climate change** policy at the moment. *The Framework Strategy of Serbia and Montenegro on Climate Change*, including the Action Plan to respond to the problem of greenhouse-gas (GHG) emissions⁶, has been the only document so far that analysed the fulfilment of some of the UNFCCC requirements. Other national policies, programmes and strategies that have addressed climate change include:

- Development Directions of Montenegro as an Ecological State (2001);
- Economic Reforms Agenda (2003);
- Development and Poverty Reduction Strategy (2003);
- National waste management policy (2004);
- Energy policy (2004);
- Energy Efficiency Strategy of the Republic of Montenegro (2006)
- Action Plan for the Implementation of Recommendations from European Partnership (2005);
- Strategy for Development of Small Hydro Power Plants (2006);
- Food Production and Rural Areas Development Strategy (2006);
- National Strategy for Sustainable Development (2007);
- Spatial Plan of Montenegro (preparation underway), including its sectoral studies;
- Strategy for development of the energy sector in Montenegro until 2025 (preparation underway);
- National forestry strategy and policy (preparation underway).

⁶ The document was prepared in 2004 with the financial assistance of the Regional Environmental Center and the Japanese Special Fund.

The *Framework Strategy* provides initial elements for the adoption of the national strategy, plans and programs and contributes to the preparation of national reports and to the fulfilment of other obligations related to the UNFCCC and the Kyoto Protocol. *Development Directions of Montenegro as an Ecological State* provides general principles and strategic guidelines for sustainable development through integration of economic, social and environmental development issues. The document addresses climate change issues indirectly, through e.g. measures that would lead to reduction of GHG emissions. However, the UNFCCC requirements are not elaborated explicitly. NSSD is the first national document that pays particular attention to climate change issues and addresses both the mitigation and adaptation to climate change in the Montenegrin context; it also specifies a number of measures that need to be implemented by 2012.

Energy policy defines goals and instruments for the energy sector development, aiming to ensure reliable supply of energy and environmental protection, as well as to improve energy efficiency and use of renewable energy sources. *Energy Efficiency Strategy* defines the activities to promote and develop efficient energy use and renewable sources. Both the Energy Efficiency Strategy and the *Strategy for Development of Small Hydro Power Plants* outline possibilities to benefit from the Clean Development Mechanism (CDM).

Action Plan for the Implementation of Recommendations from European Partnership sets out a number of tasks related to harmonisation of national laws and practices with EU standards, some of which have direct relevance for climate change. In relation to this, it is important to mention that Montenegro has ratified the Energy Community Treaty thus committing to implement relevant EU Directives on energy, environment, competitiveness and renewables. Further harmonisation of the national legislation is necessary to fulfil these and commitments undertaken upon ratification of the UN Conventions. For example, the Energy Law (2003) does not address the UNFCCC and Kyoto Protocol requirements. Air quality regulations did not provide for adequate monitoring, while the problem of GHG emission at the waste disposal sites is only superficially addressed by the waste legislation. Similar deficiencies are also detected for agriculture, forestry and transport legislation.

Generally speaking, existing policy frameworks for the implementation of the **UNCBD and UNCCD** in Montenegro are not favourable⁷. This is mainly due to outdated and incomplete legislation, lack of national strategies and programmes and low level of integration of biodiversity and land degradation issues in the sectoral plans and policies. It is however important to note that the respective Thematic Assessments identified some strong points and positive developments, in particular for the UNCBD.

As far as legislation pertinent to the UNCBD is concerned, the Nature Protection Law (1989) has many shortcomings, including lack of compliance with the international

⁷ As an illustration, it is worth of mentioning that participants of the June 2006 NCSA Workshop identified (among others) the following problems for the implementation of UNCCD: lack of general policy to combat land degradation; and lack of legal instruments for combating desertification and degradation (insufficient legislation and poor enforcement of existing laws).

standards established by the World Conservation Union (IUCN). The Environment Law (from 1996, currently under revision) sets the basic principles for environmental protection, but a large number of by-laws called for under this law, including ones pertinent to nature protection, were never enacted. The Law on Forests (2000) needs to be upgraded to better take into account Convention's requirements on forest resources conservation. Requirements of other related conventions – such as the Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention, ratification in progress) and Convention on Protection of Marine Environment and Coastal Area of Mediterranean Sea (Barcelona Convention, ratified in 2007) – also need to be taken into account in the legal harmonisation process. Particularly important for the UNCBD conservation requirements will be impending harmonisation with the EU birds and habitats Directives⁸.

The legislation on land protection is incomplete, obsolete and non-compliant with the UNCCD requirements. The Law on Agricultural Land (1992) for example, does not provide for adequate monitoring of agricultural land required under the Convention and in order to secure its conservation and management. When it comes to the alignment of the Law on Forests with the UNCCD, provisions on the development of forest management monitoring system need to be upgraded. At the same time, accountability system and co-ordination between relevant sectoral and external institutions need to be reinforced and further elaborated.

An important development for all three Conventions is the adoption of a set of new environmental laws in 2005, which will come in force in 2008 and are in line with the relevant EU Directives. These are Environmental Impact Assessment, Strategic Environmental Assessment, Integrated Pollution Prevention and Control and Waste Management Laws (Official Gazette of the Republic of Montenegro 80/05), which will contribute to creation of a more favourable legal framework for the implementation of Conventions requirements⁹. Furthermore, the Law on Air Quality was adopted in 2007 (Official Gazette of the Republic of Montenegro 48/07). The new Water and Hunting Laws (former adopted in May 2007 - Official Gazette of the Republic of Montenegro 27/07, latter scheduled for adoption in 2007) also represent an attempt to harmonise national with the EU legislation. In addition, a number of draft laws has been prepared including framework environment law, as well as chemicals, ionising radiation and nuclear safety, and environmental financing acts, which will also have a positive effect on the overall legislative framework for the implementation of the Rio Conventions.

Preparation of Biodiversity Strategy and Action Plan in Montenegro has commenced in 2007. Among general economic development and/ or environment related strategies, most attention to environment and nature protection is paid by the *Economic Reforms Agenda* (2003). Objectives of the *Agenda's* environment chapter include, *inter alia*, effective pollution control and management of natural resources, and enhanced

⁸ Council Directive 79/409/EEC on the conservation of wild birds and Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora.

⁹ Law on Protection against Noise in the Environment was adopted in 2006 (Official Gazette of the Republic of Montenegro 45/06), and it is already in force.

sustainability of protected areas. The document defines specific tasks the fulfilment of which is necessary to strengthen country's capacity for environmental management. These include harmonisation and implementation of environmental legislation, establishment of Environmental Protection Agency and Eco-fund, support to implementation of environmental laws and regulations at the municipal level, information dissemination and support to public participation in environmental decision-making at all levels, and development of comprehensive environmental information and monitoring system. PRSP goals include sustainable management of natural resources, improved efficiency of the environmental management system, as well as increase in energy efficiency. The needs to include environmental issues into educational programmes and to strengthen the information system have been recognised in this document. NSSD attaches high significance to biodiversity and nature protection and it calls for an increase in protected areas (including coastal and marine ecosystems) and better management practices in the existing ones. It also includes improvements in the legal framework, capacity building (particularly on human resources level) and development of an effective system for biodiversity monitoring as one of the priority objectives.

Spatial plans (on the national level as well as on the level of special purpose areas such as national parks and the narrow coastal strip called public maritime domain) delineate protected areas and set guidelines for lower level spatial and management plans. *National SAP BIO Report (2004)* identified the problems in the field of coastal and marine biodiversity in Montenegro, set priorities in biodiversity preservation and formulated priority actions¹⁰. *Integrated Coastal Zone Management Strategy* and *National Forestry Policy*, which should be finalised by the end of 2007, are expected to contribute to further integration of the UNCBD requirements regarding coastal zone/ marine biodiversity and forests. When it comes to sectoral plans (e.g. tourism, energy, transport), the level of integration of nature conservation and biodiversity concerns is still very low. In the 2000 *Master Plan – Tourism Development Strategy for Montenegro until 2020* (currently under revision) for example, there is hardly any mention of biodiversity. However, the situation is improving lately.

The *Food Production and Rural Areas Development Strategy* does not specifically cover the issue of land degradation and desertification. In the *Development Directions of Montenegro as an Ecological State*, land was discussed as one of the most important resources and the need for its protection was highlighted. However, the level of detail and the coverage of these issues do not fulfil the requirements contained in the UNCCD. Namely, the needs to develop the national strategy and build capacities to combat land degradation are not recognised in this document. NSSD, however, includes improvement in soil management and prevention of the causes of land degradation as one of its priority objectives. The NSSD action plan includes measures such as improved monitoring and mapping, implementation of measures envisaged by the Convention (including preparation of the National Action Programme), re-cultivation of degraded land and similar.

¹⁰ They include: development of the inventory and mapping of environmentally sensitive areas, revision of the status of protected areas and nominating new protected areas, and preservation of the Dalmatian pelican.

Institutional framework

The key national institutions relevant for the three Conventions are the current Ministries of Tourism and Environment (MTE) and Economic Development (MED),¹¹ and the Ministry of Agriculture, Forestry and Water Management (MAFWM). Furthermore, National Council for Sustainable Development (with the supporting Office for Sustainable Development) and the Environmental Protection Agency (EPA, to be established by the end of 2007) have been identified in all three Thematic Assessments as institutions of prime importance for the Rio Conventions.

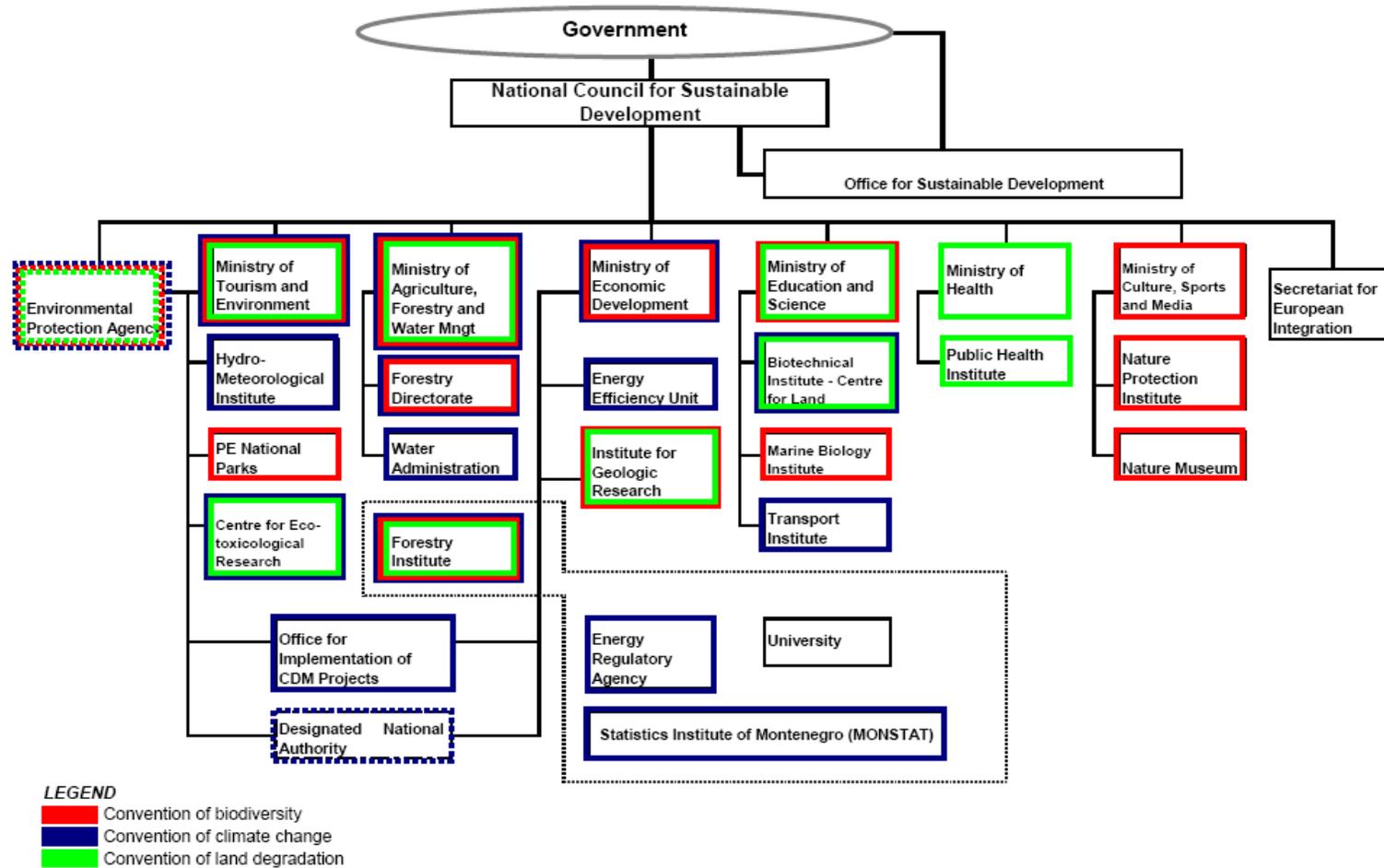
On the whole, the MTE, MED and MAFWM are responsible for environmental protection (including biodiversity, air, waste, etc.), spatial planning, water, forests and land management, and some of the relevant economic sectors (e.g. energy, forestry, tourism, agriculture). Their capacities (including capacities of subordinated institutions) to a large extent determine country's ability to implement the Conventions. National co-ordination of Conventions activities and Conventions' Focal Points are with/ within the MTE. Other relevant ministries/ government agencies include but are not limited to:

- The Ministry of Culture, Sports and Media (competencies in the area of nature protection);
- The Ministry of Education and Science (responsibilities include education system, training, research and development, etc.);
- The Ministry of Transport, Navigation and Telecommunications (transport policy);
- The Ministry of Health (public health);
- Water Administration (management of water resources, under MAFWM);
- Forestry Directorate (forest management, under MAFWM);
- Secretariat for European Integration (co-ordination of the EU integration process).

A schematic representation of the key national institutions with responsibilities linked to the implementation of Conventions' requirements is provided in the Figure 5-1.

¹¹ Prior to Government restructuring at the end of 2006, competencies of the two ministries were covered by the then Ministries of Environmental Protection and Physical Planning, Economy and Tourism.

Figure 5-1: The key national institutions for the implementation of the Rio Conventions



The analysis of responses to the questionnaires developed by the team leaders/ working groups showed that capacities of the key ministries and other government institutions (in relation to the UN Conventions) were quite limited in terms of available staff, financial resources, and information and technical equipment. For some institutions, capacity constraints were also identified in terms of staff's exposure to capacity development opportunities. Weak co-operation and information exchange among different segments of administration emerged from the analysis as another factor that limited overall institutional capacities.

The existence of the National Council for Sustainable Development, together with the Office for Sustainable Development that supports its operation, was recognised as a favourable circumstance for the Conventions implementation. The Council was established in 2002 and is chaired by the Prime Minister. In 2006, it was expanded to around forty members, and besides ministries/ government agencies and NGOs, it now includes representatives from local governments and the scientific and business sectors. The main responsibilities of the Council are to oversee the implementation of the *National Strategy for Sustainable Development* (NSSD) and help with policy integration by ensuring compatibility of sectoral policies with the NSSD. The Council also has a role in supporting public participation in decision-making and encouraging co-operation between Montenegro and international partners in defining and implementing sustainable development policies and programs. The Office for Sustainable Development was established within the Cabinet of the Prime Minister in 2006. However, the staff of the Office only comprises three persons and its further strengthening is necessary.

The future EPA is expected to help with rationalisation of the existing environmental institutions and to set a basis for better co-ordination of environment-related activities, thus leading to better environmental management. The establishment of the Agency will bring about separation of legislative and executive powers in the environmental management system. The EPA will have competencies in the following areas: monitoring, reporting, permitting, inspection and law enforcement, and communication.

Besides the above mentioned, institutions that can play an important role in implementing the UNFCCC are: Statistics Institute of Montenegro – MONSTAT (collects, processes, maintains and publishes statistical information, including, since recently, environmental information); Regulatory Energy Agency (independent regulator of electricity generation, transmission and distribution); Energy Efficiency Unit (within MED); Forestry Institute; Biotechnical Institute; Transport Institute; and Hydro-Meteorological Institute. The Hydro-Met comprises several sectors and departments, with some capacity to participate in the fulfilment of requirements related to systematic observation of the climate system, the assessment of vulnerability of the ecosystem to climate change and collection of data on GHG emissions. However, there are also evident capacity gaps including lack of technical equipment and a need for additional training of its staff.

Other public institutions whose activities refer to the protection, promotion and research of biodiversity, which can contribute to the UNCBD implementation include Nature Protection Institute (currently implements biodiversity monitoring programme), Public Enterprise National Parks of Montenegro (responsible for the management of national

parks Durmitor, Biogradska Gora, Lovćen and Skadar Lake) and Nature Museum. A number of other institutions having nature protection departments is also relevant, such as: Hydro-Meteorological Institute, Biotechnical Institute, Institute for Geologic Research, Marine Biology Institute, Centre for Eco-toxicological Research, the Faculty of Sciences – Biology Department, Institute for Public Health, and environmental departments at local level.

In relation to the UNCCD, Centre for Land within the Biotechnical Institute of the University of Montenegro is the only scientific institution dealing with land and soil, and there is an apparent need to strengthen its capacity in view of the Convention implementation. Also relevant is Centre for Eco-toxicological Research, which is currently implementing soil monitoring programmes.

Local governments (environmental departments in those municipalities where they exist) and NGO sector were also covered by the capacity assessments presented in the thematic reports, but to a lesser level of detail compared to other stakeholders. The UNCBD Thematic Assessment emphasised that NGOs were playing a very important role in biodiversity-related projects.

Ongoing projects and activities

There are a number of ongoing projects and activities that either directly address requirements of the UN Conventions or create clear opportunities for synergies towards their full implementation.

The project for preparation of the *First National Communication* for the UNFCCC funded by the Global Environment Facility (GEF) has been approved and operational details for its implementation are ongoing. Certain steps related to the preparation of inventories of greenhouse-gas (GHG) emissions and removals have been accomplished through the technical assistance of the Italian Ministry of Environment, Land and Sea, and provisional GHG inventories have been produced for 1990, 1998, 2000 and 2003. Within the same project, preparations for ratification of the Kyoto Protocol were carried out, and a joint office of the two ministries (Italian Ministry and MTE) was opened. Its current tasks are to provide technical and legal assistance towards the implementation of CDM projects and establishment of the Designated National Authority (DNA).

Furthermore, some steps related to the promotion of energy efficiency and renewable sources of energy have been made, through, for example, provision of loans for the energy efficiency projects in small and medium size enterprises. In co-operation with the United Nations Industrial Development Organization (UNIDO), a program of clean production has been initiated in 2006. Within the project, representatives of public administration, business sector (companies) and scientists were exposed to the information and procedures for the introduction of cleaner production processes.

For the UNCBD, preparation of the *National Strategy for Biodiversity Protection for Montenegro* commenced in early 2007 with funding from UNDP/GEF. Under the draft

national Spatial Plan and other spatial planning documents, an increase in protected areas is envisaged. This is also reinforced by a number of other strategies and programmes that have either been adopted or are nearing completion. In December 2006, the new Decision to put under protection certain plant and animal species was adopted, regulating protection for 417 plant and 423 animal species.

The Emerald project was launched in 2005 with funding from the Council of Europe. The aim of the project was to create a database that would contain information on a large number of Areas of Special Conservation Interest at the European level (ASCIs). The project was set on the same principles as Natura 2000 and it has identified plant and animal species pursuant to Resolution 6 and 9 and the Annexes to the EU Directives on birds and habitats, and has proposed ASCIs in Montenegro. Data on Emerald network areas are entered into the database for which the Secretariat to the Bern Convention installed specially designed software in the Nature Protection Institute. The project will provide significant data for the development of the national strategy, plans and programmes for biodiversity conservation.

Other relevant project and activities include biodiversity monitoring programme (limited in scope and not aligned with international standards), Lake Skadar Integrated Ecosystem Management Project (project in the final preparation phase, to be funded by the GEF with the World Bank as implementing agency) and application of GIS to environmental information (supported by UNDP/ the Ministry of Foreign Affairs of Finland).

As for the UNCCD, there is a limited number of ongoing projects/ activities that work towards the Convention implementation, and they primarily refer to soil monitoring programme (which is not in line with the Convention requirements) and several research projects undertaken by the Biotechnical Institute – Centre for Land and Reclamation. Particularly important are research projects that resulted with a soil map and a monographic study of land in Montenegro. With the application of GIS, these may be used as a basis for land resources assessment.

Results of the self-assessment exercise: the main shortcomings for the Conventions implementation

The NCSA working groups analysed strengths, weaknesses, opportunities and threats (SWOTs) for each Convention at each capacity level – individual, institutional and systemic.¹² Afterwards, results of individual SWOT analyses have been compared and examined in detail in the cross-cutting assessment. As mentioned above in the methodology chapter, each of the three working groups went through prioritisation exercise and applied cause-consequence method in analysing the key capacity problems in addition to the SWOT analysis. In order to avoid duplication in presenting the main findings, this chapter focuses on the results from prioritisation and cause-consequence analysis, while more details on the SWOTs will be presented through chapter 6 on cross-cutting analysis.

¹² Detailed SWOT tables are available from the Thematic Assessments.

The UNFCCC

The prioritised weaknesses from the SWOT analysis conducted for the climate change thematic assessment were (top 10 priorities included, from high to low priority):

1. Non-existence of the national program on climate change;
2. Non-existence of the legal framework on the national inventory of GHG emissions, and non-existence of an institution that would be legally appointed to generate inventories;
3. Non-existence of unified database (gas inventory) regarding GHG emissions;
4. Insufficient co-operation and exchange of emissions data among institutions that have them, which is sometimes taken to an extreme point of treating the data as confidential; unofficial character and incompleteness of data regarding GHG emissions;
5. Non-existence of the specialised units for climate change within relevant institutions (for instance, there are no units for climate change in the MTE, MED and MAFWM);
6. Lack of training for staff to work with the Convention requirements;
7. Insufficient technical equipment for measurement and calculation of emissions;
8. Non-existence of the national program or plan for public education and awareness raising regarding climate change;
9. Insufficient public awareness about the importance of implementing the Convention requirements; and
10. Insufficient number of experts trained to work with CDM projects.

Four central problems for the implementation of the UNFCCC requirements were defined and cause-consequence analysis was applied as a final stage in the climate change thematic assessment. Four strategic goals were formulated to address the central problems, and were further disaggregated into objectives and tasks necessary to achieve them. At the same, underlying causes of the central problems and advantages for realising the specified tasks were identified. The idea was to use results of this analysis for the elaboration of the NCSA Action Plan. The identified central problems and matching goals are shown in the box 5-1 (while the overall results can be seen in the Annex 1 of the UNFCCC Thematic Assessment).

Box 5-1: Results of the cause-consequence analysis for the UNFCCC

Central problems	Strategic goals
<ol style="list-style-type: none"> 1. No national programme for climate change nor sectoral programmes to respond to climate change 2. Non-existence of GHG inventory 3. Non-existence of the national programme for education, training and public awareness raising 	<ol style="list-style-type: none"> 1. Preparation of the national programme for climate change and integration of climate change into sectoral plans 2. Establish the GHG inventory 3. Adoption of the national programme for education, training and public awareness raising regarding climate change

4. Non-existence of the national policy on participation in flexible mechanisms	4. Definition of the national policy for participation in flexible mechanisms
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Source: Adapted from the UNFCCC Thematic Assessment, 2006

The UNCBD

Major shortcomings and capacity gaps in the existing environmental management system for the implementation of the UNCBD include the fact that national biodiversity protection strategy has not been prepared yet (the project started in 2007), outdated laws, insufficient institutional capacities including weak inter-institutional co-operation, lack of human, technical and financial resources, low level of policy integration etc.

The top ten priority problems for the fulfilment of the UNCBD requirements identified through the biodiversity thematic assessment were:

1. Biodiversity monitoring not aligned with the EU standards;
2. Lack of full inventories of plant and animal species and fungi species;
3. The share of the nationally protected areas is below the European average;
4. Lack of capacities within institutions (human resources) for development of action plans;
5. No database;
6. Not enough equipment in institutions;
7. No qualified institutions for development of action plans and programmes;
8. Scarce funds for research;
9. Obsolete and non-systematised data; and
10. The coastal area endangered by illegal construction.

In the final step of the self-assessment exercise, the cause-consequence methodology¹³ was applied to determine capacity limitations. Based on the analysis of problems and priority activities aiming to the compliance with the UNCBD requirements, the following central issues were singled out:

1. Lack of efficient legislative and institutional frameworks (human resources) for biodiversity protection;
2. Inadequate share of the protected areas of nature in the total territory (7.7% so far); inadequate share of coastal area under protection; non-compliance of protected areas management systems with the IUCN categories and European standards;
3. Lack of full inventories of plant, animal species and fungi species; no database; non-systematised data and use of obsolete data; and
4. Scarce funding; lack of public support for the preservation and sustainable use of biological diversity.

¹³ Complete results from this analysis can be found in the Annex 3 of the UNCBD Thematic Assessment.

Following the identification of central issues, a list of objectives and indicators for capacity building for the UNCBD implementation was developed.

The UNCCD

The table 5-1 shows the priority weaknesses when it comes to the compliance with the UNCCD requirements, as recognised by the working group:

Table 5-1: Priority weaknesses for the implementation of the UNCCD

Problem	Level of concern	Priority ranking
Lack of general policy to combat degradation	high	5
No land degradation monitoring	high	5
Lack of legislation	high	5
No damage assessment caused by land degradation	medium	4
Poor co-operation among ministries, institutions and individuals	high	5
Poor exchange of professional and research knowledge and information	medium	4
Poor public information and education	medium	4
Scarce equipment of institutions	medium	3
Lack of funds	high	5
Lack of qualified staff in institutions	high	5
No baseline studies and systemised data	high	5
Poor motivation of experts	medium	3

Source: Adapted from the UNCCD Thematic Assessment, 2006

Similar to the methodological steps followed by other working groups, the cause-consequence analysis was used to identify the central problems for the Convention implementation, and in the case of UNCCD they were:

1. No strategy and national policy in combating land degradation;
2. Insufficient legislation for the UNCCD implementation;
3. Insufficient and inefficient inclusion of science to support the UNCCD implementation;
4. Underdeveloped education and information system for raising awareness on the consequences of desertification.

Causes of the central problems were also identified, as well as strategic goals, objectives and tasks that need to be implemented to overcome the identified problems for the UNCCD implementation. Full results of the cause-consequence methodology are available from the Annex 3 of the UNCCD Thematic Assessment.

6. Cross-cutting issues

According to the GEF/GSP *Resource Kit for National Capacity Self-Assessment* (2005), analysis of cross-cutting issues is one of the basic steps in the NCSA process. The objective of this analysis is to assess capacity issues, needs and opportunities that cut across the conventions. This includes identification of common needs and possible synergies that could be achieved in the country by addressing requirements across two or more themes. This analysis also aims to identify capacity needs that are common to both national and global environmental management, and possible synergies between them. Result of the cross-cutting analysis is often a list of priority national capacity needs and opportunities for synergies. The cross-cutting analysis may also identify possible capacity development actions that can be refined in the action plan.

Within Montenegrin NCSA process, these premises were closely observed. The three Thematic Assessments and other sources were reviewed and analysed to formulate the Cross-cutting Assessment Report, the main findings of which are presented in the subsequent sections and sub-sections of this chapter. The chapter includes summary of findings on common SWOTs for the three Conventions, analysis of the capacity to implement cross-cutting Convention requirements, and the rationale and priorities for the NCSA Action Plan.

Common strengths, weaknesses, opportunities and threats (SWOTs) across Conventions

Common SWOTs for the implementation of the three Conventions were identified through comparison of the SWOT matrices included in each of the corresponding Thematic Assessments. Comparison was done for each capacity level (system, institutional and individual). The synthesised results of this analysis (for the system level) are shown in the table 6-1.

At the **institutional level**, common strengths were identified for the UNFCCC and UNCCD as a favourable institutional framework for the Conventions implementation. Weaknesses identified for all three conventions included lack of or insufficient capacity (qualified staff, and administrative, financial, technical and data resources) to implement Convention requirements, while inadequate or non-existent administrative structures to co-ordinate implementation of Convention requirements were identified as a common weakness for the UNFCCC and UNCCD. Development of capacity (qualified staff, and administrative, financial, technical and data resources) to implement Conventions was seen as an opportunity for the UNCBD and UNCCD; at the same time, development of convention-related programmes and plans was recognised as an opportunity for the UNFCCC and UNCBD. Weak inter-institutional co-operation was highlighted as a threat for all three Conventions.

Table 6-1: System level: common strengths, weaknesses, opportunities and threats across Conventions

CONVENTION	COMMON STRENGTHS					
	National commitment to sustainable development expressed in strategic documents	High-level government support to adoption and implementation of the Rio Conventions	The Rio Conventions ratified in the context of a favourable legal framework, and many pertinent laws at least partially harmonised with EU standards	Favourable institutional framework for implementation of the Rio Conventions	International support to adoption and implementation of the Rio Conventions	Implementation of environmental monitoring programmes
UNFCCC	√	√	√	√		√
UNCBD		√	√	√	√	√
UNCCD	√	√	√	√	√	
CONVENTION	COMMON WEAKNESSES					
	Weak inter-institutional co-operation	Gaps, imprecision and need to revise legal framework	National programs, policies, plans or strategies required by Conventions not prepared	Inefficient enforcement of existing Convention-related laws and plans	Low political priority of, and inadequate political and social support to Convention-related issues	
UNFCCC	√	√	√			√
UNCBD	√	√	√	√		√
UNCCD	√	√	√	√		
CONVENTION	COMMON OPPORTUNITIES					
	Increased access to international funding sources and expertise to implement Convention requirements and compromises	Enactment of laws to align national regulatory framework with Convention and international requirements and standards	Development of capacity (qualified staff, and administrative, financial, technical and data resources) to implement Convention requirements			
UNFCCC	√					
UNCBD			√			√
UNCCD	√		√			√
CONVENTION	COMMON THREATS					
	Lack of or insufficient capacity (qualified staff, and administrative, financial, technical and data resources) to implement Convention requirements	Weak inter-institutional co-operation		Inefficient implementation of Convention requirements and Convention-related laws		
UNFCCC	√					√
UNCBD	√			√		
UNCCD	√			√		√

Source: NCSA Cross-cutting Assessment Report, 2007

SWOT analysis applied to the **individual level** of capacity showed that participation of scientists in drafting of laws was considered to be a common strength for the UNCBD and UNCCD. Several common weaknesses were identified, including:

- Lack of or limited expertise and information on Convention topics and requirements (common to the UNFCCC and UNCCD);
- Lack of or limited support and stimulus to professional and scientific staff's work and development (UNCBD, UNCCD); and
- Lack of teamwork among professional and scientific staff (UNCBD, UNCCD).

As for the opportunities, they were identified only for the two conventions – namely for the UNCBD and UNCCD – and referred to the development of capacity to implement Convention requirements and improvements in public information, awareness and education about Convention issues. Lack of or limited support and stimulus to professional and scientific staff's work and development was considered to be a threat for all the Rio Conventions, while lack of or insufficient capacity (in terms of qualified staff, administrative, financial, technical and data resources) was seen as a threat for the UNCBD and UNCCD.

Analysis of capacity to implement cross-cutting convention requirements

Following the identification of common strengths, weaknesses, opportunities and threats on all the levels (system, institutional, individual) for all the Conventions, six categories¹⁴ of cross-cutting requirements for the implementation of the UNFCCC, UNCBD, and UNCCD were determined. Montenegro's capacity to fulfil requirements under each of the six categories was then analysed in greater detail.

The following sections 6.2.1 to 6.2.6 present findings of the review of in-country capacity to execute the cross-cutting requirements contained in the Rio Conventions. These cross-cutting responsibilities are first outlined in each respective sub-section, and then the existing capacity strengths, weaknesses, opportunities and threats to fulfil them are discussed.¹⁵

Capacity to implement cross-cutting legal framework requirements

All three Conventions establish the need for participating nations to have a pertinent and strong legal framework that will facilitate the implementation of the respective mandates and requirements of each Convention. In this sense, the three Conventions stipulate that countries should, as appropriate, promulgate new laws and/or update and strengthen

¹⁴ As mentioned above, these include: legal framework; planning and reporting; institutional framework; capacity (training, research, scientific collaboration and exchange, information collection and exchange, and technology development and transfer); national support and international co-operation; and public information, awareness and education.

¹⁵ Summarised findings of the SWOT capacity analysis presented in a table format are available from the respective chapters of the Cross-cutting Assessment Report. Detailed analysis is included in the Annex IV of the same report.

existing regulations. Table 6-2 gives specific legal requirements as defined in each of the Rio Conventions.

Table 6-2: Cross-cutting Conventions requirements regarding legal framework

UNFCCC	UNCBD	UNCCD
“ <i>The Parties to this Convention... Recognising that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply...</i> ” (Preamble)	“Each Contracting Party shall, as far as possible and as appropriate: [...] Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations” (Article 8 k)	“... , affected country Parties undertake to [...] (e) Provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws...” (Article 5)

Source: NCSA Cross-cutting Assessment Report, 2007

Strengths

For all three Conventions, the fact that they were ratified in a swift manner after the country's independence in May 2006 was identified as strength on the **systemic level**. The notification of succession of ratification of the two Conventions (UNFCCC and UNCBD) was received from the UN in November 2006, while the UNCCD and the Kyoto Protocol were ratified by the Montenegrin Parliament in March 2007.

Another strength that has been identified for all three Conventions is the country's strong commitment to the EU accession process and the ongoing legal harmonisation of the national with the EU environmental legislation. In 2005 – 2006 for example, the Parliament of the Republic of Montenegro passed five new laws¹⁶ that are in line with the relevant EU directives. The process of legal harmonisation continued in 2007, when the Law on Air Quality was adopted. In order to further harmonise the legal framework with EU legislation and fulfil the obligations established in the *Action Plan for the Implementation of Recommendations from the European Partnership* (2006) and the *Economic Reforms Agenda* (2003), several acts were drafted in 2006 in the areas such as framework environmental regulations, ionising radiation and nuclear safety, chemicals, and environmental financing. These draft laws are pending adoption by the Parliament.

Once/ if implemented, the existing and forthcoming regulations relevant to climate change that are in line with the EU directives will enable fulfilment of the UNFCCC requirements¹⁷. In regard to energy sector, it is also important to mention that draft Energy Strategy has been prepared (finalisation expected in 2007), and that the country

¹⁶These are: Law on Environmental Impact Assessment, Law on Strategic Environmental Impact Assessment, Law on Integrated Pollution Prevention and Control, Law on Waste Management and Law on Protection against Noise in the Environment. The first four laws will come into force in 2008, and the fifth one is already in effect.

¹⁷ E.g. Law on Integrated Pollution Prevention and Control (2005) will lead to reduced greenhouse-gas (GHG) emissions; the Law on Protection of Air against Pollution (1980) was updated and a new Law on Air Quality was adopted in 2007 establishing, inter alia, emission norms recommended by the EU directives.

ratified (in October 2006) Energy Community Treaty, thus committing to implement the *Acquis Communautaire* on energy, environment, competition and renewables¹⁸.

As for the legal developments relevant for the UNCBD, the new Law on Water was adopted in May 2007, while the new Law on Hunting is scheduled to be approved by the end of the year. Both laws are in line with the Convention on Biological Diversity. Preparation of National Forestry Policy, which is expected to integrate UNCBD requirements, is underway.

On the **individual capacity level**, thematic reports for the UNCBD and UNCCD inferred that involvement of scientists in updating of the existing regulatory framework was a strength.

Weaknesses

Based on the analyses conducted in the three Thematic Assessments, weaknesses have only been identified at the **system level** for all three Conventions, consisting of certain gaps and imprecisions in the existing regulatory context and the consequent need to revise and harmonise it with the Conventions and EU standards.

The UNFCCC Thematic Assessment emphasises that the legal framework for sectors such as energy, heavy industry, agriculture, forestry, transport and waste management is especially important for the fulfilment of Convention requirements. However, current sectoral laws are insufficient for the implementation of existing and future plans and programs under the UNFCCC. For example, there are no provisions in the existing legislation on specific issues such as gas inventories, reporting and allowed GHG emissions.

The Law on the Protection of Air against Pollution (1980) that was in force until recent adoption of the new air quality act contained obsolete and practically inapplicable norms on monitoring and reporting on air quality values. The Energy Law (2003) does not address the UNFCCC and Kyoto Protocol requirements. In the waste management sector, the regulations only touch upon the problems of GHG emission at the waste disposal sites and there are no binding regulations. In the agriculture sector, Convention-related issues are not included, while the legal framework in forestry deals only with the economic exploitation of forests. In the transport sector, no regulation takes into consideration environmental issues.

The thematic reports for the UNCBD and the UNCCD state that many of the existing regulations are not aligned with EU standards or the Conventions, and have to be updated and systematised. For instance, in the case of the UNCBD, the Nature Protection Law

¹⁸ Relevant EU Directives include: Directive 2003/54/EC concerning common rules for the internal market in electricity and Directive 2003/55/EC concerning common rules for the internal market in natural gas (energy); Directive 1985/337/EEC on the assessment of the effects of certain public and private projects on the environment and its subsequent amendments, Directive 1999/32/EC relating to a reduction in the sulphur content of certain liquid-fuels, Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants and Article 4(2) of the Directive 79/409/EEC on the conservation of wild birds (environment); and Directives 2001/77/EC and 2003/30/EC on renewable energy sources.

(1989) has many shortcomings, such as the lack of compliance with the international standards established by the World Conservation Union (IUCN). Furthermore, the Environment Law (1996)¹⁹ sets forth the basic principles for environmental protection, but a large number of by-laws defined by this law are not in place. In the case of the UNCCD, the legislation on land protection is incomplete, obsolete and non-compliant with UNCCD requirements.

Opportunities

Opportunities have been identified only at the **system level** for the three Conventions and are linked to the fact that a process of harmonising the environmental regulatory framework with Conventions and EU requirements is already underway. This is considered both as strength and an opportunity in the Thematic Assessments.

Threats

No threats related to the legal framework were identified for any of the Conventions at any capacity level in the three Thematic Assessments.

Capacity to implement cross-cutting planning and reporting requirements

All three Conventions demand preparation of National Action Plans or Programs in their respective fields, and in addition, the UNCBD establishes the obligation of submitting a National Biodiversity Strategy. The Conventions also call for periodic reports on the progress made in implementing country commitments and compromises agreed upon by signing each accord. The Conference of the Parties (COP) to each of the accords defined guidelines and recommendations regarding the format, content and periodicity of required reports. In addition, the UNFCCC establishes the responsibility that signatory countries prepare national inventories of anthropogenic emissions of greenhouse-gases. The COP to each of the Conventions also adopted decisions requiring submission of National Communications and a number of other reports on the implementation of plans and programmes in the respective fields.²⁰

Strengths

Only strengths at the **systemic level** were identified in two of the Thematic Assessments (UNFCCC and UNCBD), while no strengths at the institutional or individual capacity levels were found for any of the Conventions.

The main strengths are linked to the fact that basic steps towards preparation of central planning and reporting documents required under the UNFCCC and UNCBD have been undertaken, and that a number of other documents (plans, programs, policies and strategies) that set the basis for fulfilment of convention requirements has been prepared.

¹⁹ This law is currently undergoing revision.

²⁰ A detailed overview of the planning and reporting requirements for each of the three Conventions is available from Annex III of the Cross-cutting Assessment Report.

For example, the *Framework Strategy and Action Plan*²¹ for UNFCCC has already been prepared, and it is anticipated that the preparation of the *First National Communication* to meet requirements established in the Convention will be undertaken this (2007) year. The *National Strategy* required by the UNCBD is already under development.

Other approved/ ongoing plans and policies that **contain measures** related to the **implementation** of the two Conventions include:

1) For the UNFCCC

- i) Draft *National Strategy for Energy Development in Montenegro until 2025* (2007);
- ii) *Energy Policy of Montenegro* (2004);
- iii) *Energy Efficiency Strategy of Montenegro and Action Plan* (2006);
- iv) *Strategy of Development of Small Hydro Power Plants and Implementation Program* (2006); and

2) For the UNCBD

- i) Draft *National Spatial Plan for Montenegro* (2006);
- ii) *Spatial Plans for Special Purpose Areas - National Parks and Public Maritime Domain* (1997, 1998, 2001 and 2006);
- iii) *National Forestry Policy and Forestry Development Strategy* (preparation);
- iv) *Decision to Put under Protection Certain Plant and Animal Species* (2006);
- v) *Programs for Development and Protection for National Parks*;
- vi) *Integrated Coastal Zone Management Strategy* (preparation).

So far, measures related to the implementation of **the UNCCD** are directly elaborated only in the NSSD (as discussed in the section 5.1.2). For all three Conventions (as discussed above), NSSD and other general plans and programmes also contain a set of measures relevant for their implementation.

Weaknesses

The three Thematic Assessments conducted as part of the NCSA process found weaknesses only at the **system level** for the three Conventions. These refer to the non-fulfilment of Conventions requirements to develop national programs, policies, plans or strategies and the failure to submit periodic reports on the implementation of obligations and commitments under the all three Conventions. For UNCBD and UNCCD, the absence or inadequate inclusion of Convention-related issues in plans or programs of pertinent ministries was also identified as a weakness.

Opportunities

Opportunities were identified only at the **system level** for two of the Conventions (UNFCCC, UNCBD), referring to the development of Convention-related programs and plans. Two projects were singled out in relation to the identified opportunities.

²¹ The full title of the document is *Framework Strategy of Serbia and Montenegro for Climate Change and the Action Plan to Respond to the Problem of GHG Emissions* (2004).

Continuation²² of the financial and technical support of the Italian Ministry of Environment, Land and Sea is expected to assist with the preparation of the national plans for adaptation to and mitigation of climate change. On the other hand, Emerald project will provide significant data for the development of the national strategy, plans and programmes for biodiversity conservation.

Threats

Threats were only identified at the **system level** for the three Conventions and are related to the fact that up-to-date, Montenegro has not prepared any of the required national programs, policies, plans or strategies.

Capacity to implement cross-cutting institutional framework requirements

Capable institutions with clearly defined roles and responsibilities are of the central importance for **the implementation** of obligations and commitments assumed by signatory countries (see table 6-3).

Table 6-3: Cross-cutting Conventions requirements regarding institutional framework

UNFCCC	UNCBD	UNCCD
Fulfilment of Convention requirements involves establishing the institutional framework.	Institutional framework stability and clear definitions of functions and responsibilities...	Stakeholders shall strengthen the institutional capacity at the national and local levels.

Source: NCSA Cross-cutting Assessment Report, 2007

Strengths

For all three Conventions, the existence of the National Council for Sustainable Development and the Office for Sustainable Development – the two high-level public institutions with responsibilities in sustainable development planning, decision-making and monitoring – were identified as strengths at the **system level**. At the **institutional level**, the three assessments linked the strengths to the fact that the Ministry of Tourism and Environment acts as the focal point for each of the accords, serves as a contact with Convention bodies, and co-ordinates Convention-related activities with institutions at the national and international levels. As for the UNFCCC, the main strength is that concrete steps for the establishment of the appropriate institutional framework have been undertaken. For example, an office tasked with preparation of the Clean Development Mechanism (CDM) projects has been established (as a result of the support from the Italian Ministry of Environment, Land and Sea).

Weaknesses

The main weakness (**system level**) identified by all three thematic assessments is in the area of co-operation among institutions with executing and support roles (public institutions, scientific institutions, NGOs, etc.) in the implementation of Convention requirements.

²² So-far project helped with setting up an office for the assessment and preparation of the CDM projects.

For the three Conventions, there are no specialised units within executing agencies to coordinate activities aimed at fulfilling Convention obligations; this has been recognised as the main weakness at the **institutional level**. For the UNFCCC, for example, there are no specialised units dealing with climate change within the relevant ministries (Ministry of Tourism and Environment, Ministry of Economic Development, and Ministry of Agriculture, Forestry and Water Management). Similarly, there are no plans or budgetary provisions to hire the required specialists to carry out the tasks required under the Convention. Apart from the UNFCCC Focal Point at the MTE, there are no other employees in the state institutions (public administration) dealing with the fulfilment of Convention requirements.

Opportunities

Both the *Economic Reforms Agenda* (2003) – a comprehensive multi-year reform plan that covers environmental protection, and the *Action Plan for the Implementation of Recommendations from the European Partnership* (2006) envisage the establishment of the Environmental Protection Agency (EPA). This is seen as the main opportunity for the **system capacity level** in all three Convention-specific Assessments. The Agency will have competence in the following areas: monitoring, reporting, licensing, inspection and law enforcement, and communication.

At the **institutional level**, opportunities have been only identified for the UNFCCC: the plan for the establishment of the EPA calls for the creation of a unit within its administrative structure to deal specifically with climate change issues.

Threats

Poor co-operation among different institutions has been identified as the only threat for implementation of the three Conventions at the **system** and the **institutional levels** (in addition to being singled out as the main systemic weakness for the three Conventions).

Capacity to implement cross-cutting capacity requirements

The three Rio Conventions specify capacity requirements in terms of training, research, scientific collaboration and exchange, information collection and exchange, and technology development and transfer²³.

Strengths

The fact that specific monitoring programs are in place to gather data on some parameters specified under the Conventions (particularly for the UNFCCC and UNCBD) has been recognised as a **system level** strength. Air quality is being monitored through the Program of Air Quality Control in Montenegro, which measures the level of air pollution (basic and specific air pollutants) from stationary sources and transport. Biodiversity Monitoring Program in Montenegro is implemented by the Nature Protection Institute

²³ Particular capacity requirements for each Convention are listed in the Annex III of the Cross-cutting Assessment Report.

(NPI) and includes (limited in scope) gathering of data on biological diversity; methods for the biodiversity monitoring are not aligned with international environmental standards. Soil monitoring programmes focus on concentration of polluting substances in the soil.

On the **institutional level**, certain level of capacity for the implementation of the UNFCCC and the UNCBD is already present in Montenegro. Regarding the UNFCCC, the Office for CDM projects (mentioned in the previous sections) could assume some functions for the provision of capacity building in climate change prevention, mitigation and adaptation. Furthermore, some institutions are already involved or have some level of capacity to participate in data collection and monitoring. For instance, the Hydro-Meteorological Institute currently monitors climate data and has built some capacity for the fulfilment of requirements on systematic observation of the climate system, the assessment of ecosystem vulnerability to climate change, and data collection on GHG emissions. The Institute for Forestry, as well as the Biotechnical Institute and the Institute for Transport at the University of Montenegro have the potential to work in the field of observation and research in climate systems. The Institute for Transport collects data on emissions from transport and has built a substantial database. As for the **UNCBD**, the staff numbers at pertinent institutions and the number of scientists that could be potentially involved in Convention-related tasks have been recognised as the main strength.

On the **individual level**, strengths have been identified for the UNFCCC, where there is a certain number of scientists in the field of climate research that have gone through various training (including international ones).

Weaknesses

In all three Thematic Assessments, the identified weaknesses (**institutional level**) are related to the lack of or insufficient capacity in some areas to implement the respective Conventions' requirements. The requirements regarding scientific research and systematic observation, information collection and exchange, monitoring, training, and acquisition and transfer of technology demand adequately trained scientists and specialists, sufficient funds, appropriate models and satisfactory equipment for the collection of necessary data.

Climate change prevention and mitigation, biodiversity protection and land degradation are subjects of research in different research institutes in Montenegro, but only a small number of them implement research and training activities that meet Convention requirements. Due to a lack of funds, most of these institutions have neither specialised units for Convention-related activities nor individual posts where job descriptions would cover these issues. All these institutions have certain technical capacities necessary to carry out Convention requirements, but for more significant projects, additional specialised equipment would be necessary.

The Ministry of Tourism and Environment (MTE) is responsible for representing the Montenegrin Government before each Rio Convention Secretariat and for the implementation of activities to which the country has agreed as a signatory of each

accord. However, Montenegro has not appointed the National Co-ordinator for matters related to each Convention or the National Delegation to represent the country at each Convention's Conference of the Parties. As previously mentioned, there is a Focal Point at the MTE for each Convention.

In addition to the limited staff at some relevant ministries, all three thematic reports indicate that professional staffs of the relevant institutions need more training and area-specific capacity building programs. For example, the UNFCCC Thematic Assessment highlighted the need for capacity building in the MTE, Ministry of Economic Development (MED), Ministry of Agriculture, Forestry and Water Management (MAFWM), and the Hydro-Meteorological Institute. The three Thematic Assessments also identified lack of funding as a major weakness for the implementation of Convention obligations.²⁴ For example, there are no budgetary provisions in any of the relevant ministries for the preparation of the national plans called for by each Convention.

For the UNFCCC, the institutional level capacity weaknesses include the following:

- There is a shortage of experts for the formulation and implementation of CDM projects; it is thus necessary to undertake additional training in this field.
- The Statistics Institute of Montenegro (MONSTAT) is charged with the collection, maintenance, processing and issuing of statistical information, including environmental data. However, only **one employee** is responsible for all environment-related information, including climate change. The Institute does not have data on carbon dioxide emissions and does not exchange environmental data with international sectoral agencies.
- Apart from the unofficial data for 1990, 1998, 2000 and 2003, which were compiled through a technical assistance project of the Italian Ministry of Environment, Land and Sea, the GHG emission inventory does not exist. Methods for data collection on GHG emissions are not sufficiently harmonised. There has been some sporadic and non-systematic research on the climate system, yet there are no studies on adaptation to climate change and vulnerability.
- The Institute for Transport at the University of Montenegro has a substantial database on emissions from transport, but co-operation with other institutions does not exist in the sense of exchanging these data and the data are available only for scientific purposes.

Examples of the weaknesses identified for the UNCBD are listed below:

- Scientific and technical education and training in biodiversity protection is one of the main deficiencies in Montenegro, and the number of specialists in certain fields is inadequate. The lack of staff in some areas is reflected in the unsatisfactory level of efficiency of implementation of plans and programs in protected areas.
- Data collected through fieldwork is insufficient, which sometimes results in using the outdated information from published sources. Monitoring of protected areas is not adequate. There is a lack of full inventories of plant and animal species and fungi.

²⁴ See, for example, the Thematic Assessment on Climate Change, pp. 29-31

- In general, there is insufficient funding for preservation and sustainable use of biological resources. Nature protection, which is the basis for the implementation of the Convention, has been under-funded regardless of the manner/ sources of financing. This in turn has had negative effects on the efficiency and effectiveness of the protection measures.
- The communication channels between institutions at the state and municipal levels are not satisfactory; exchange of experiences and knowledge transfer is lacking.

For the UNCCD, the following institutional level capacity weaknesses have been identified:

- Research on land degradation and desertification issues is not well developed. There are no financial resources to support the necessary multidisciplinary research or the application of scientific findings. There is poor co-ordination of research and exchange of scientific information on land degradation is unsatisfactory. The use of internet and other resources to increase the level of information on land degradation is poor.
- There is no systematic monitoring of desertification and land degradation, and there are no harmonised monitoring standards. There are no standard methodologies for assessment and observation of land degradation. Early warning activities are not in place. There is also a lack of competent experts for early warning and integrated analysis and assessment of land as a natural resource.
- The only specialised scientific institution in Montenegro in land and soil studies is the Centre for Land (Biotechnical Institute) at the University of Montenegro.
- There is a lack of competent experts within the administration to work on the UNCCD implementation. There is also a lack of knowledge regarding international practices and experiences in dealing with this issue. The MAFWM has no experts for land reclamation issues.

At **the individual level**, low awareness and insufficient information about the importance of complying with the UNFCCC and UNCCD requirements have been identified as weaknesses. In the case of UNFCCC, this is for example obvious with some professional staff at the MAFWM. For both the UNFCCC and UNCCD, a lack of or a limited number of experts to work on climate change and land degradation issues has been reiterated, in conjunction with already mentioned weaknesses at the institutional level. Individual (as well as already mentioned institutional) capacity constraint for the UNCBD and UNCCD is also insufficient collaboration and exchange of information and experience among staff from different institutions.

Opportunities

Institutional level capacity opportunities for the UNFCCC have been attributed to a possibility to renew and modernise some of the technical equipment necessary to meet the Convention's reporting requirements through participation in international programs (such as the World Climate Program and the International Geosphere – Biosphere Program). Opportunities for the UNCBD include systematisation and recording of data on the country's valuable species and habitats in the Emerlad database on areas of special conservation interest (this database is complementary to Natura 2000). In addition, the

MTE and MAFWM are benefiting from the UNDP-supported project for developing a Geographic Information System (GIS) for environmental purposes. For the UNCCD, opportunities are linked to the fact that the Centre for Land has undertaken a number of projects and research on land degradation and desertification during the past years, including efforts to prepare a soil map and a monographic study of land in Montenegro. With the application of GIS technology, the outputs of these projects may be used as a basis for assessing land resources and possibilities for land use.

A common opportunity for the UNFCCC and the UNCBD is seen in the fact that the MTE plans to hire additional professionals for climate change and biodiversity protection issues²⁵.

Opportunities for the **individual level** for the UNFCCC include a series of on-going and future training possibilities in the climate change field. For example, within a co-operation framework agreed with the UNIDO, a program for cleaner production has been initiated. Phase I of the program encompassed four companies²⁶ and representatives of scientific and public institutions that have undergone a training and a procedure for introduction of cleaner production according to UNIDO methodology. Another potential vehicle for capacity building is the EU's Technical Assistance and Information Exchange (TAIEX) instrument²⁷.

Threats

Unsatisfactory capacities in different areas are seen as the main threats (**system level**) for the implementation of the obligations and commitments for each of the Rio Conventions, as well as for the enforcement of Conventions-related laws. For instance, scarce funds for biodiversity monitoring, low awareness concerning the importance and complexity of biodiversity conservation projects, lack of up-to-date methodologies and planning tools pose significant problems in the implementation of the UNCBD. In addition, lack of staff contributes to inefficient implementation of protection plans and programs in protected areas.

On the individual level, lack of staff was emphasised as a threat for the implementation of the UNCCD requirements.

Capacity to implement cross-cutting national support and international co-operation requirements

The prioritisation of national issues related to the Rio Conventions is a common requirement of these international treaties that creates opportunities for synergies (UNDP/GEF, 2005). In addition, the linking of technical environmental planning to political decision-making processes has been recognised as an area of possible integration

²⁵ Once these plans come through, the number of climate change specialists in the MTE would increase to three; the number of biodiversity specialists would increase to four.

²⁶ These included Electrodes Factory from Pluzine, *Nika* Dairy from Niksic, *Inpek* Bakery from Podgorica and *Montemlin Sajo* Mill from Spuz.

²⁷ More information on the instrument available from <http://taiex.ec.europa.eu/>

of the Rio Conventions (OECD, 2002). Furthermore, some countries have identified, as a result of the cross-cutting analysis, lack of common capacity to implement Conventions in some areas, including the level of awareness and support of decision makers, availability of national funding, and similar.

Strengths

For the three Conventions, **system level** strengths include national commitment to sustainable development, support to the adoption of each Convention at the high level of government (which continues as the country tries to comply with Conventions' obligations) and international support to the implementation of Convention-related activities.

National commitment to sustainable development and environmental protection has been demonstrated through a series of processes and strategic documents²⁸ since the beginning of the 1990s, when the *Declaration on Montenegro as an Ecological State* (1991) was adopted. The 'ecological state' concept was incorporated in the country's constitution, and on the international/ global level, *Rio Declaration* and *Agenda 21* were supported. During the recent years, several national strategies were adopted reaffirming significance the country is attaching to sustainable development and environmental protection. These include *Directions of Development of Montenegro as an Ecological State* (2001) and *Economic Reforms Agenda* (2003). The process of harmonisation of national environmental legislation with the EU *Acquis* gained momentum in 2005 – 2007 when a set of new laws was adopted. In 2007, Montenegro adopted *National Strategy for Sustainable Development*.

When it comes to institutional developments, commitment to preservation of the environment and sustainable development lead to the establishment of the Ministry of Environmental Protection in 1991 (now Ministry of Tourism and Environment), National Council for Sustainable Development in 2002 (with the supporting Office) and the Environmental Protection Agency (expected in 2007). Most of these processes have been supported through international co-operation.

Existing plans and strategies relevant for the UNFCCC include *Framework Strategy and Action Plan*, while preparation of the *First National Communication* is expected to start this year. National Strategy required by the UNCBD is already being elaborated.²⁹ In addition, there are several approved plans and policies in the areas of climate change and biological diversity, which contain measures directly related to the implementation of these Conventions. Office for Implementation of CDM Projects has been established as a result of co-operation with international partners on modernisation of the country's environmental legal and institutional framework and strengthening of its capacity for environmental management.

²⁸ These processes and documents have already been introduced and described in the earlier sections of the report; a brief overview is also provided in this section.

²⁹ The First National Communication and National Biodiversity Strategy will be prepared through GEF funded projects.

Weaknesses

For the three Conventions, it was assessed that the importance of implementing the respective Convention commitments was not receiving adequate political priority and that decision-makers were not fully aware of the relevance of complying with those commitments. This was identified as a major weakness on the **system level**.

For example, the facts that Montenegro has not adopted any climate change plan or programme at the national level and that no money has been allocated for this purpose in the state budget clearly points to the low level of awareness and low priority of this issue for decision-makers. Similarly, the need to combat desertification and land degradation is not recognised as a priority at all levels of public administration (as evidenced by the results obtained from the questionnaire distributed by the working group for the UNCCD thematic assessment).

Weaknesses on the **individual level** relate to a lack of or insufficient support/ incentives for professional staff and scientists in public institutions in the performance of their responsibilities (usually demonstrated through low salaries).

Opportunities

Opportunities were identified only at the **system level** for the three Conventions. These opportunities centred around the prospects for continued and expanding opportunities to access new and already tapped international sources of funding and expertise for enhanced Convention implementation.

Threats

For the three Conventions, threats were only identified at the **individual level** of capacity. They relate to issues that fall into the same category as the identified individual-level weaknesses, having to do with insufficient support and stimulus to professional staff and scientists in public institutions, which leads to poor staff motivation.

Capacity to implement cross-cutting public information, awareness and education requirements

The three Conventions call for wide public awareness, information and education on the importance of the specific issues dealt with by each treaty. In addition, the UNFCCC and the UNCCD specifically encourage participating parties to involve the public and NGOs in awareness and education efforts, as well as in the search for and implementation of measures to prevent and mitigate the problems and issues addressed by these Conventions.

Strengths

The only strength that was identified at the **system level** for the UNFCCC was inclusion of climate change problems and prevention in the formal schools and universities curriculum. Strong participation of NGOs in biodiversity projects was identified as

strength for the UNCBD at the same level, while no strengths were found on other capacity levels/ for the UNCCD.

Weaknesses

For the three Conventions, major **system level** weakness is linked to the fact that environmental issues in general, as well as information on climate change, biodiversity loss and land degradation, receive very little attention in the media. For the UNFCCC, although the relevant legislation includes requirements regarding public awareness raising and access to information, the national education, training and awareness program on climate change has not been prepared. For the UNCBD and the UNCCD, issues dealing with the impacts on and protection of biodiversity and land resources are not adequately covered or not covered at all in formal education programs.

Opportunities

At **the system level**, only one opportunity was singled out in the Thematic Assessments for the three Conventions: the *Economic Reforms Agenda* (2003) includes provisions for the development of comprehensive information system on environmental issues, for dissemination of environmental information and for public participation in environmental decision-making.

No threats were identified for any of the three Conventions at any capacity levels.

The NCSA Action Plan: rationale and priorities

Identification of priorities³⁰ for the NCSA Action Plan started with capacity weaknesses (SWOT analysis) already prioritised in the respective Thematic Assessments. The next steps were identification of common constraints for all the Conventions, systematisation of common constraints into one of the six categories of cross-cutting requirements and their ranking inline with the level of priority assigned to them in the Thematic Assessments. Weaknesses identified through the analysis of thematic questionnaires and central problems identified through the cause-consequence analysis in the respective Thematic Assessments were subjected to the same procedure. Results of the process³¹ are shown in the table 6-4.

Table 6-4: Comparison of prioritised common capacity weaknesses and central problems as identified in three thematic reports

COMMON PRIORITIZED WEAKNESSES FROM SWOT AND QUESTIONNAIRE ANALYSES	COMMON PRIORITIZED PROBLEMS FROM CAUSE-CONSEQUENCE ANALYSES	FINAL PRIORITIZATION OF COMMON WEAKNESSES/PROBLEMS
1. Highest priority for	1. Highest priority for	1. National programs, policies, plans

³⁰ Methodology described in chapter 4 of this report.

³¹ Detailed results are available from chapter 4 and Annex V of the Cross-cutting Assessment.

<p>UNFCCC and UNCCD (not a priority for UNCBD): national programs, policies, plans or strategies required by Conventions not prepared</p>	<p>UNFCCC and UNCCD (not a priority for UNCBD): national programs, policies, plans or strategies required by Conventions not prepared</p>	<p>or strategies required by Conventions not prepared is consistently prioritised as the highest weakness/problem for UNFCCC and UNCCD with the application of SWOT and cause-consequence methods.</p>
<p>2. Very high priority for UNFCCC, UNCBD and UNCCD (highest priority for UNCBD): lack of or insufficient capacity (qualified staff, and administrative, financial, technical and data resources) to implement Convention requirements</p>	<p>2. High to very high priority for UNFCCC, UNCBD and UNCCD (among highest priority for UNCBD): lack of or insufficient capacity (qualified staff, and administrative, financial, technical and data resources) to implement Convention requirements</p>	<p>2. Lack of or insufficient capacity (qualified staff and administrative, financial, technical and data resources) to implement Convention requirements is consistently prioritised as a high to very high weakness/problem for all three Conventions with the application of the three methods.</p>
<p>3. Very High priority for UNFCCC and UNCCD (low priority for UNCBD): gaps, imprecisions and need to revise legal framework</p>	<p>3. Very high priority for UNCBD and UNCCD (among highest priority for UNCBD and not a priority for UNFCCC): gaps, imprecisions and need to revise legal framework</p>	<p>3. Gaps, imprecisions and need to revise legal framework maintains the same level of priority as a problem for UNCCD, elevates its priority level for UNCBD to very high and the level of priority for UNFCCC changes from very high to no priority at all.</p>
<p>4. Medium priority for UNFCCC and UNCCD (low priority for UNCBD): weak inter-institutional co-operation</p>	<p>4. High priority for UNFCCC and UNCBD: low political priority and awareness of Convention-related issues</p>	<p>4. Low political priority and awareness of Convention-related issues moves to fourth priority as a problem, and passes from low to high priority for UNFCCC and UNCBD, while it is not longer a priority for UNCCD. Weak inter-institutional co-operation is no longer ranked as problems for any of the Conventions.</p>
<p>5. Low priority for UNFCCC, UNCBD and UNCCD: low political priority and awareness of Convention-related issues</p>	<p>5. Among highest priority for UNCBD: inadequate or non-existent administrative structures to co-ordinate implementation of Convention requirements</p>	<p>Inadequate or non-existent administrative structures to co-ordinate implementation of Convention requirements is no longer a priority issue for UNFCCC, and becomes one of the highest problems for UNCBD.</p>
<p>6. Medium to high priority for UNFCCC: non-existence of specialised administrative structures to co-ordinate implementation of Convention requirements</p>	<p>6. Very high priority for UNCBD: inefficient enforcement of existing convention-related laws and plans</p>	<p>Inefficient enforcement of existing convention-related laws and plans raises its priority level as a problem for UNCBD from low to very high.</p>
<p>7. Low to high priority for</p>		

<p>UNCBD: inefficient enforcement of existing convention-related laws and plans</p>		
<p>8. Low priority for UNCCD: lack of or limited support and stimulus to professional and scientific staff work</p>		<p>Lack of or limited support and stimulus to professional and scientific staff work disappears from the list of priority problems for all Conventions.</p>

Source: NCSA Cross-cutting Assessment Report, 2007

By building on the analyses presented in the thematic and cross-cutting assessments and aiming to develop required environmental capacity, the Action Plan was developed through the:

- Specification of concrete goals, objectives, strategies and actions, together with feasible timetables for their implementation;
- Provision of a monitoring and evaluation framework **to measure progress** in the achievement of specified capacity goals and objectives; and
- Estimation of budget necessary to implement capacity strengthening activities.

The prioritisation of common capacity weaknesses/ problems resulting from the analysis conducted in the Cross-cutting Assessment and the findings of that report represented a starting point for the development of the Action Plan. In addition, findings of the three Thematic Assessments were used and a number of Convention-specific capacity issues were considered in developing the Action Plan.

Capacity development actions to address priority weakness/ problems are defined for **the six cross-cutting requirement categories** (legal framework, planning and reporting, institutional framework, capacity, national support and international co-operation, and public information, awareness and education). For each strategic goal included in the Action Pan, the following are specified:

- tasks,
- activities,
- responsible implementing agencies,
- timetable,
- estimated budget , and
- monitoring indicators.

The NCSA Action Plan is planned to be adopted by the Government of Montenegro. The Ministry of Tourism and Environment will have the overall responsibility for monitoring and reporting on the progress in its implementation on biannual basis. This task will be fulfilled in co-operation with other relevant Ministries and agencies.

7. Conclusions

Based on SWOT, questionnaire and cause-consequence analyses and prioritisation exercises undertaken within Thematic and Cross-cutting Assessments, it can be concluded that the main shortcomings/ capacity gaps Montenegro is facing in realising its commitment to implement the Rio Conventions are:

- There are gaps and imprecisions in the legal framework and consequently there is a need to revise and harmonise it with international standards;
- National programs, policies, plans or strategies required by Conventions have not been prepared yet;
- Lack of or insufficient capacity (qualified staff and administrative, financial, technical and data resources) to implement Convention requirements; and
- Low political priority and awareness of Convention-related issues.

In respect to the six categories of the cross-cutting Conventions requirements and the preparation of the Action Plan, the following conclusions are drawn:

Legal framework

The strengths and opportunities present at the system level for the three Conventions include the favourable legal context in which all the Conventions were quickly ratified following the country's independence, and the ongoing alignment of national laws with the EU Directives. On the other, the existing regulatory context is assessed as partially outdated and with certain gaps and shortcomings for the three Conventions. This system level weakness seems to be counteracted through the continuing process of harmonisation of the national legislation with the EU *Acquis Communautaire*.

The NCSA Action Plan has specified the activities aiming to better use the international sources of funding and expertise to strengthen and reinforce the ongoing update and harmonisation of the country's environmental legal framework so that it becomes fully compliant with Convention requirements and EU standards.

Planning and reporting

While Montenegro has taken important concrete steps towards the fulfilment of some of its planning and reporting obligations as a signatory to the UNFCCC and the UNCBD, the country is seriously falling short in meeting its planning and reporting obligations with respect to the UNCCD. With the exception of measures envisaged under the NSSD, there are no clear plans or proposed actions on how to comply with these requirements.

Montenegrin environmental authorities need to take action to start fulfilling planning and reporting obligations as a party to the UNCCD. To this end, the process followed in advancing the preparation of the plans, programs and reports for the two other Conventions, in which international expertise and financial assistance played an important role, offers important lessons that should be considered in meeting UNCCD requirements. In addition, the country needs to continue filling the planning and reporting gaps regarding UNFCCC and UNCBD, and once again, international co-operation is playing and will continue to play an important role in this process.

The NCSA Action Plan includes specific activities to ensure the formulation of required national plans, programs and strategies, as well as the timely preparation and submission of necessary periodic reports.

Institutional framework

The lack of adequate organisational structures with clear mandates and appropriate staff and resources to co-ordinate the planning and execution of Convention-related activities is the main weakness that Montenegro confronts from the institutional framework perspective in meeting its obligations as a party to the three Conventions.

Only in the case of the UNFCCC concrete steps have been taken to create the required administrative units (Office for CDM projects and DNA). The constitution of the EPA creates opportunities for the definition of the necessary organisational structures.

The NCSA Action Plan includes specific activities aimed at addressing the institutional framework necessary for the efficient implementation of Convention commitments and obligations, including the roles and responsibilities of different participating agencies, as well as adequate co-ordination and collaboration mechanisms among them, taking into consideration that weak inter-institutional co-operation is the main threat identified with regards to the existing organisational context.

Capacity

Insufficient capacity is one of the major hindrances in Montenegro to the adequate implementation of Convention requirements. The lack of or limited capacity in different areas, such as staff qualifications and training, and financial, technical and administrative resource availability, are considered both as weaknesses and threats for the achievement of the obligations and commitments acquired by Montenegro as a signatory to the three Conventions.

The main strengths for the Conventions (in particular for the UNFCCC and UNCBD) are that some required monitoring programmes are in place, there is a certain level of staff capacity and, in the case of the UNFCCC, some capacity development activities have been undertaken/ are ongoing. The planned increased of staff levels at the MTE to support implementation tasks in relation with the UNFCCC and UNCBD offers important possibilities to increase compliance with the obligations associated with these two Conventions. In the case of the UNCCD, no major strengths were identified and no major opportunities were seized.

The NCSA Action Plan is developed in a way to enable taking full advantage of all available opportunities to develop capacity within and across Conventions, in particular those offered by the international community.

National support and international co-operation

In the context of national commitment to sustainable development, the process of adoption and implementation of the Rio Conventions in Montenegro has benefited from

government support and international co-operation. However, after the approval of the Conventions, the importance of complying with their requirements has not received adequate political support or understanding.

The NCSA Action Plan contains activities to raise the level of awareness and increase the support of decision-makers regarding the relevance of carrying out Convention obligations.

Public information, awareness and education

Environmental issues in general, as well as specific topics such as the manifestations of and possible solutions to climate change, biodiversity loss and land degradation, receive little attention in the media. Issues dealing with the impacts on and protection of biodiversity and land resources are not adequately covered or not covered at all in formal education programmes.

The NCSA Action Plan addresses the issue of low level public information, awareness and education on the themes covered by each Convention.

Appendix 1 – List of references

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Appendix 2 – NCSA team

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