



*Government of the Republic of Montenegro*



*United Nations  
Development Programme*

# **A supplementary review of Montenegro's National Council for Sustainable Development and Office for Sustainable Development**

***(For circulation to NCSD members  
for comments)***

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## Introduction

As described in this review's Terms of Reference (see Annex 5) a hiatus of several months passed between the departure of the Director of the Office for Sustainable Development Sustainable Development (OSD) in early 2007 and the arrival of his successor towards the end of the year. This document is much more limited in ambition than its predecessor, and is intended to use the practical experience gained during that hiatus to review the original recommendations made in November 2006

It is important to recognise that the fundamental aims and ambitions for the National Council for Sustainable Development (NCSO), and the great majority of the recommendations made in the Review of 2006 remain unchanged (see Annex 2). On the basis of detailed conversations with the new Director of the office and his team, and in the light of experience, some have been revisited, and a handful of amendments suggested. **The original recommendations were circulated to all interviewees and Council members prior to their endorsement by the Prime Minister and Council, and it is expected that these suggested changes will require a similar process.**

It is worth restating that the National Council for Sustainable Development (NCSO) was established to provide the government of Montenegro (GoM) with advice on policy issues related to the achievement of an 'ecological state' as outlined in the Constitution of 1991. This commitment was reconfirmed in the new Constitution adopted in November 2007, in which Montenegro is defined as "democratic, civic and ecological state". The practical requirement to develop these principles practically led to the preparation of the *Strategy for Sustainable Development*, which was adopted in 2006.

It is also important to note that the proposals contained in this report can only be a minor contribution to the successful development of the structure and its processes. For the NCSO to succeed will require collective effort by all its members, and by the OSD, to ensure that it plays its proper role as the national forum where the nation's long term interests are brought to the table, debated, and recommendations made to support progress towards a sustainable society.

The layout of this report follows the specific questions posed by the ToR.

### **1. Propose concrete ways for the OSD and NCSO to develop and disseminate a clear definition of 'an ecological state', so as to help policymakers and citizens better understand and monitor progress towards it.**

The need to develop a basis or template to assist the Council to come to a collective view is clearly necessary. It is generally recognised that achieving consensus around a definition of such a potentially broad idea can be challenging. It is equally widely agreed that a thorough and lasting

understanding of such issues can be best achieved as a result of direct engagement and input from all parties.

**It is proposed that one of the main agenda items for the next meeting of the Council be a facilitated discussion about the principles of sustainable development that underpin the commitment to an 'ecological state'. Improved and shared understanding amongst Council members will help ensure that future proposals are considered consistently that the Council's deliberations are in keeping with the constitutional intention. For this to be achieved in the time available, and to ensure the level of debate that will be required, it is proposed that the process be externally facilitated. To ensure that the benefits of this process are maximised, and the purpose of this agenda item fully understood, it would be sensible for the facilitator and the OSD to engage Council members in some preparatory work before the formal meeting. This preparation should, at the very least, be in the form of a written background brief.**

The discussion should identify, and ideally lead to the adoption of, a set of basic principles, which would provide the Council with a benchmark against which to measure policy proposals. These principles would also provide the OSD with the basis upon which to disseminate the ideas of ecology and sustainability more widely within Montenegro. The original review contained an annex outlining the evolution and some definitions of the notion of sustainable development, which may be of some value in this process.

**To help members engage more fully in the discussion; to better understand the scale and urgency of regional and global change, and to place national concerns and choices in a wider context, it is recommended that the Council also receive an presentation of global trends at the start of the inaugural meeting.** This would help bring new members up to speed with the challenges, and to better understand the major issues that are likely to affect the country in the years ahead.

A possible agenda for this inaugural meeting is attached as Annex 1.

As part of the process of raising SUSTAINABLE DEVELOPMENT more widely and helping domestic policy makers better understand the wider issues and choices, **consideration should be given to Montenegro hosting an international event, which brings together other small states with similar concerns. This event could consider the domestic risks and opportunities for small states in trying to identify and respond to the global and regional implications of climate change and other natural resource pressures.** This should provide political leaders and policy makers from all sectors with an opportunity to share and learn from the experience of others in a similar position.

**2. Propose concrete operational procedures to enable NCS D retain its close links to, and relationship with government, so that government policy and subsequent legislation and regulation can benefit from the enhanced quality of debate and analysis. But at the same time that the debate and deliberations at the NCS D be as open as possible, both to facilitate positive and full participation by all members, and to reflect the spectrum of views and constituencies that are present**

There is no change to the original proposal that the Prime Minister chair the Council. However, there is a recognition that it might be sensible to strengthen the role of Deputy or Vice Chair in case the Prime Minister is unable to attend. **One option that would seem appropriate is that the Vice/Deputy role be held by another member of government who is a member of the Council. Although, the appointment should be the decision of the Prime Minister, who may choose to appoint any Council member, it would ideally be at the level of Deputy Prime Minister, as it is essential that the Vice Chair is of sufficient seniority to possess the necessary authority.**

Given that there is a recommendation that the number of Ministers attending Council meetings decreases (in proportion to the overall reduction in the size of the Council – see below), and given that sustainable development affects the whole of government, **it would be sensible to create some form of ‘Green Cabinet’ which could meet before and/or between Council meetings to ensure that there is a proper flow of information within and across government.**

Such a body would ensure that from an early stage in policy development, cross-cutting sustainable development issues are being considered by the relevant departments, and also that the Council’s recommendations are subsequently disseminated across government departments. In some cases elsewhere, these Green Cabinets, or Boards or Committees, are composed of Ministers. In other places, departments are represented by senior civil servants from across government. However, in both cases they are led by a named department which is responsible for convening and chairing them. **It is advisable that the OSD Director be an observer on such a body.**

**It is proposed that clear Terms of Reference should be developed for Council Members so that they are clear about the nature of their responsibilities. These should apply to all members. A draft is attached as Annex 3**

**It is proposed that the OSD develop an induction process for all new Council members to ensure that they have a good grasp of the role of the NCS D, and of the issues of sustainability as they affect Montenegro. This would assist them to play a full role in the deliberations of the Council.**

The NCS D currently meets four times a year. **It has been suggested to the author that meetings of the full Council be reduced to three times a year.** The rationale being to strengthen the Council's ability to consider proposals more appropriately, and should not be interpreted as an attempt to weaken the role of the Council.

This suggestion should be considered alongside the proposal that Working Groups or Sub Committees of the Council be established to carry out more detailed debate on behalf of the full body. The intention is that the full Council would need to spend less time discussing detail, and thus have more time to focus on strategic issues. For the Council to fulfil this function, and to enable the voices of the constituencies represented to be fully heard, it will be important that the debate is chaired/moderated in such a way as to allow wide participation and involvement. Given the nature of the issues likely to be discussed, and the strongly held views that will be reflected, agreement on all issues should not be expected. However the open nature of the debate should contribute significantly to the government's understanding of sustainable development related issues, and public dissemination and reporting should help inform wider debate about priorities.

This recommendation is not intended to minimise the importance of detailed debate - it is clearly vital. However it is questionable whether a full and formal meeting of the NCS D is the appropriate forum for such discussions. Working Groups will be better able to discuss specific issues in greater detail. **To enable the full and frank exchanges of views, it is proposed that they should meet in closed session.** They will be supported, convened and administered by the OSD and will operate in accordance with the proposed Terms of Reference (see Annex 4).

An important aspect of broadening understanding on the part of the legislative branch is the formalising of links between the NCS D and Parliament. Specific recommendations were made in the original review, and are worth revisiting.

**It is proposed that a conversation be held between the Director of the OSD and the President of the Parliament to identify the most appropriate mechanism for conveying the Council's Annual Report to Parliamentarians. Two possibilities could be:**

- **A new Parliamentary Board with specific oversight responsibility for the sustainable development implications of the 'ecological' Constitutional commitment**
- **A Parliamentary coordination committee drawn from MPs from a range of existing Boards to reflect the cross cutting nature of sustainable development.**
- **Consideration may also be given to including Parliamentary representatives at the NCS D, following the established model used by the Commission for the Fight Against Organised Crime and Corruption.** If this route is taken, it will be

extremely important to avoid the Council replacing Parliament as the primary political forum where such issues are deliberated. This should remain the prerogative of Parliament.

A second recommendation in the original review was that the Annual Report of the NCSD might form the basis of an annual Parliamentary debate. This too should be explored with the President of the Parliament as part of the wider intention that as legislators become better informed they will be better equipped to be more directly engaged with this issue.

### **3. Advise on appropriate process and procedures leading to reduced NCSD membership to increase its effectiveness and facilitate debate, including specific categories and the number to be represented in the NCSD.**

This report has been asked to make recommendations about the scale and nature of Council membership. It is recognised that the NCSD is a national body charged with providing advice to government, although it is also recognised that decision about selection and membership remains ultimately the responsibility of the Government.

The original size of the Council was felt to have been too large and unwieldy, and the 2006 review proposed a streamlining. This revision recommends that the size of the Council be reduced slightly further. It is important to note the need to achieve a balance between the need for such a body to be inclusive, and the practical requirement that it is a workable size. **The restructuring of membership being proposed is therefore only justifiable if it leads to the creation of a more effective body.**

During the research for the original recommendations in 2006 several interlocutors expressed the opinion that the combination of the limited size of the Montenegrin population, and the number of seats at the table then held by Government or Government appointees, made it even more important to ensure that a truly impartial membership was identified. Whether this perception is grounded in reality or not matters less than the fact that it exists.

Given that context, **careful attention will need to be paid to the transparency and consultative nature of any selection or appointment process.** The new structure of the council must not either be, or appear to be, "stacked" in favour of any particular interest group. It is fundamental to the credibility and success of the NCSD that such processes are as transparent as possible.

**It is proposed that membership of the NCSD be composed as follows:**

**The Chairman/President of the Council**

**4 x members of the government – identified by the Prime Minister**

**4 x members of the NGO community – identified by a process involving NGOs themselves \* (see below)**

**3 x members of the business community – identified by public competition in cooperation with the Union of Employers\* (see below)**

**1 x member of the Trades Union movement – recommended by the Trades Union movement in discussion with the OSD**

**2 x members of the municipality community – recommended by the OSD following a process involving the municipalities**

**2 x members of the academic community who have substantive knowledge in a field related to sustainable development – recommended by the University in discussion with the OSD**

**2 x independent experts who have substantive knowledge or experience in a field related to sustainable development – invited by the Council following recommendations from the OSD**

**2 x members of the parliament, one from the ruling coalition and another from the opposition, who have substantive knowledge or experience in a field related to sustainable development**

Apart from the reduction in each category, the inclusion of trade union, and possibly parliamentary, representation represents the only significant change from the previous recommendations.

\* To ensure the new Council is established in a timely manner; that its membership reflects a suitable range of skills and experience, and contains an appropriate sectoral, gender, and regional balance, **it is recommended that that the OSD be asked to manage an appointment process for certain of the categories of Council membership.** In the case of the NGO members, this should involve close consultation with the country's NGO organisations through the NGO working group established as part of the NCSD. In the case of the business community, it may be more appropriate to use a process of public announcement and application in cooperation with the Union of Employers.

The details of such processes will need to be open, and the process designed so as to be transparent and auditable. **Appointments should be made against published criteria and the terms of reference for the council and members. It is important that the criteria should include a record and commitment to sustainable development as shown through their actions and words.**

Every effort should be made to ensure that the selection process identifies members who will participate and operate in the wider interests of the nation rather than just reflecting narrow sectoral or organisational interests.

As previously recommended, NGO, academic, business, trade union and municipal members should serve for a fixed term of 3 years, renewable once. After serving two terms, they will be expected to stand down for at least one term before being eligible to reapply.

The independent expert category will be recruited differently. The OSD will be charged with recommending to the Council the names of individuals for consideration and formal invitation (by unanimous decision). The OSD will identify individuals whose independence of thinking, national stature, personal experience and competence would add real value to the Council's deliberations. These additional skills should reflect the evolving needs of the Council over time, and as a consequence this group would be asked to serve on the Council for two years, renewable at the invitation of the Council for as long as is considered appropriate.

An immediate concern might be that this reduction in the number of individuals and organisations is in some way a restriction of participation in the work of the Council. Whilst it is true that the Council itself will shrink modestly, **it is intended and expected that the establishment and working arrangements for the Working Groups (see details in Annex 4) will in fact allow for the direct participation of a wider range of individuals and organisations than is currently the case.** It is also intended that this will allow for more specialist input at greater levels of detail than is currently practical or possible.

In addition any member might petition the Chair to include guest observers and/or experts to be invited to make presentations to the NCSD as required (see article 8 below).

Taken as a whole, this proposal is intended to allow the Council itself to focus on consideration issues at the strategic level, and to delegate some of the more detailed considerations to Working group, which should be better equipped to deal with them than the Council as a whole.

#### **4. Review the NCSD/OSD rules and procedures; propose corrective measures, if and when they are necessary.**

The Council is able to amend its rules and procedures as it sees fit, and whilst the reviewer has not considered all of them, it is felt that the following amendments are sensible.

**Article 8:** There was a view that by being specific about the invitation of international observers, this rule currently appears to exclude Montenegrins. This should not be the outcome, and to better reflect the

fact that observers are welcome regardless of nationality, the new rule should read:

**'The President and the Council should be able to invite individuals and organisations of any nationality as guests to observe their deliberations, and if it is felt appropriate, to invite them to make presentations on issues might assist the Council in its understanding and deliberations.'**

**Article 13:** As a reflection of the public nature of the Council's remit, and the wide level of public interest in the subject matter, **normal practice should remain that Council meetings are held in public: with invited observers and the media present.** However, there may be extraordinary occasions when the Council feels that part of a meeting should be held in closed session. Whilst this option should be exercised with great caution, given the caveats above, it should be available to the Council, if agreed by a vote of all the members, and where possible, notified in advance to observers and the media. **The new rule should read:**

**'Although it will be normal practice for the Council to meet in public, there may be rare occasions when it chooses to meet in closed session. This would require a formal request by the OSD, and the agreement of all members'**

**Article 10 – To clarify the means by which agreement is reached it is proposed that the rule should read:**

**'The Council should aim to agree recommendations by consensus. In the event that consensus is not possible, then simple majority voting should decide the outcome, with the Chairman holding a casting vote.'**

As there is currently no rule specifying the mechanism for the formal communication of decisions of the NCSO to the government, **it is proposed that the following rule be added:**

**'The Council shall communicate its conclusions to government by means of its approved minutes. It will be the responsibility of the Director of the OSD to prepare these, and to present them to the Prime Minister in a timely fashion, together with a summary of decisions and recommendations. This will be a public document.'**

In the light of the recent confusion over translation and the timing of the presentation of proposals to council, it is proposed that two points be stated for clarification. **These may or may not require the weight of being made into formal rules, but both reflect good practice, and are linked.**

1. That all policy papers for consideration at Council meetings should be made available to all participants in sufficient time - 4 weeks - for them to be able to consider them fully and prepare.

2. That the responsibility to provide translations of documents rests with the proposing institutions.

## **5. Propose measures to strengthen the awareness raising and capacity building for implementation of the concept of sustainable development.**

Given the generally low level of public awareness of sustainable development across Montenegro (the lack of any recycling or any apparent public pressure for it is one symptom of that) there is clearly a wide range of potential audiences who need to be reached. It is one of the basic responsibilities of the OSD to establish a Montenegrin constituency for sustainable development, and given the modest resources at its disposal it will need to be strategic in how it sets about it.

**It is necessary for the OSD to develop a coherent communications strategy, which would both define its ambitions and objectives in this field, and identify priority audiences and means of reaching them.**

Over and above the opportunities for communication provided by the annual timetable of Council meetings, there are a number of international processes that might provide the framework for such a strategy.

The 2009 UN Climate Change Conference in Copenhagen may seem a way off, but in global terms it will be critically important. Montenegro's preparations for and contribution to this vital event could provide the motive force behind an 18-month programme of national public awareness raising and policy development.

The possibility mentioned elsewhere, that Montenegro take some leadership as a small state by convening a 'small states' climate/environment/sustainability conference in late 2008/early 2009 and invite others to discuss the role of smaller nations in the global arena could also form a part of a campaign towards Copenhagen and play a major role in further developing national local awareness.

The role of the Ministry of Education in helping Montenegro's young people understand the issue that will affect them profoundly will be critical as well. The emergence of better understanding of the link between 'ecology' and a sustainable future for Montenegro should provide clear opportunities for curriculum development and subsequent dissemination.

All forms of media will need to be engaged, and opportunities identified to engage with print and broadcast journalists to ensure that they too understand the scale and urgency of the global situation, and are able to reflect Montenegro's domestic situation in that context. **Opportunities should be actively developed to help journalists improve their understanding of sustainable development. If fundable, a**

**programme that helps them understand the global challenges and Montenegro's role and situation within them should be identified.**

Experience from elsewhere suggests that as the business community starts to understand the seriousness of what is likely to occur, they can become powerful allies in communicating messages of environmental and social sustainability. **The OSD should develop a programme to work directly with businesses and their organisations to ensure that there is an increased understanding of the business risks and opportunities associated with a potentially unsustainable future.**

As mentioned above, one way to ensure that the formal mechanisms of the state are more aware and active would be to strengthen the links with Parliament, and to use the publication of an Annual report on progress to highlight sustainable development issues to MPs, and then the media.

**Thought should be given to facilitating a regular programme of talks or lectures by visiting experts from business, government and civil society** so that a growing audience within Montenegro is introduced to what is happening elsewhere (and so that emerging Montenegrin policies and initiatives can be tested and shared with others). **Embassies and international organisations could be approached to see whether they might assist in the identification and invitations to such visitors.**

**When the Government of Montenegro (GoM) participates in international events with an sustainable development element, every attempt should be made by the OSD to ensure cross sector representation in the official party.** Initially this would be a good way to build the skill and experience of NCSO members, and could be broadened to help develop a growing cadre of people competent in this area.

## **6. Propose measures to strengthen the capacities of the OSD especially in terms of its staffing and training.**

The arrival of the new Director of the Office, and his staff has provided an opportunity to review the capacity and expected demand on them.

The changes contained within the original recommendations, when considered with these few amendments, will impact on the workload of the OSD. On the one hand, there is a recommendation that the number of annual meetings of the Council be reduced, but **it is expected that that reduction in workload will be more than replaced by the requirement to service and administer Working Groups.** The suggestion that an element of the Council be selected through open application and the development of an induction programme for new members will also add significantly to the office's workload over the first few months.

The staff complement (the Director plus three support staff) depends at present on one externally financed position. This support may continue, but given that the 2008 workplan is only manageable with this external support, **a strategy should be in place either to negotiate the continuance of the externally funded staff post, or to identify alternative funding for its replacement. In the medium and long term, the proper resourcing of the OSD should be the responsibility of the GoM.**

2008 workplan is practical but ambitious. It is difficult to judge whether it is within the capacity and resources of the current staff, but the reviewer was told of the possibility of an additional post being funded by the GoM. **The proposed administrator's post would appear fully justifiable in terms of the expected increase in workload.**

The issue of the appropriate level of staff salaries was discussed. It is beyond the remit of this review to pass comment other than to note that current government salary levels can put pressure on the recruitment and retention of appropriately qualified staff. This is not unique to the OSD, but will need to be considered carefully of the appropriate skills competences are to be available to the Council.

The OSD is in part responsible for identifying and maintaining Montenegro's international links and responsibilities in the sphere of sustainable development. This is a subject which is evolving very quickly in many parts of the world, and for this reason, and to ensure that the Director and his staff are able to keep abreast of best practice and developments, **a deliberate effort should be made to ensure that the personal development of OSD staff takes into account opportunities to broaden their experience through international collaboration and participation in courses or events. Where possible and affordable, representative groups of Council members should be involved in such opportunities to ensure that the collective understanding of the NCS is strengthened over time.** Given budget constraints it is recognised that this may require some additional funding either from government or external funders.

Although it is not in the OSD's current mandate (and with its current staff level it would be impractical) **it would be sensible in the medium term for the OSD to develop some form of fundraising/project finance capacity.** As stated in the original review, the core budget of the OSD should remain the responsibility of the GoM.

One possible consequence of the development of Working Groups is that some of participants (especially those drawn from civil society organisations) may require costs covered, and even some form of incentive if they, and invited experts, are to be able to attend and contribute fully. **It will be necessary for the OSD to review its budget if it is to be able to properly facilitate the proposed Working Group processes.**

# Annex 1

## Proposed 'inaugural' meeting of the NCSD

In order to start the process and to help address a number of the issues outlined in this report, it is recommended that the June 2008 meeting of the Council is used to welcome new members, acknowledge the proposed new rules and procedures, and enable the OSD to help members acquire a base level of understanding about SD.

To achieve this without the potentially divisive inclusion of policy debates at a gathering of new members, it is recommended that the meeting consider the following items only.

1. A presentation of current global trends related to climate, social, natural resource pressures, and demographics. This presentation should stress the scale, urgency and inter connectedness of a number of trends, and the need for collaborative responses with clear roles for government, business and wider civil society.
2. The annual report to the Council of progress against the National Strategy
3. An independently facilitated session which would consider the relationship between sustainable development and the constitutional commitment to an 'ecological' Montenegro. This should attempt to result in the adoption of a set of primary principles, which would guide the work of the Council.
4. Consideration/adoption of the Council's revised rules and regulations, amended structure (Working Groups etc), and a proposed plan for the year ahead.

## Annex 2

### Summary of Original Recommendations

**\*\* Recommendation 1:** That the NCS D develop, agree and disseminate a clear definition of 'an ecological state', so as to help policymakers and citizens better understand and monitor progress towards it. This definition could then form the basis of the Council's work in monitoring progress, and measuring the relevance of the National Strategy, and would also help inform subsequent legislation and regulation.

**\*\* Recommendation 2:** One of the outcomes of the review should be a commitment to build wider public awareness and recognition of the role of the NCS D in providing a forum for national debate. One of the additional supporting functions of the OSD should therefore be to ensure the wider dissemination of Council deliberations and recommendations.

**\*\* Recommendation 3 :** That the NCS D should evolve into a more effective national forum where the strategic, policy and practical aspects of the commitment to an 'ecological state' can be discussed by an expert group drawn from across the spectrum of Montenegrin society. It should make recommendations or reports to the GoM and to Parliament, and to disseminate issues related to SD to the wider public. Its tasks would include all those outlined in the current list and in addition, it is recommended that the following additional responsibilities be considered.

- To play a more active role in ensuring that there is wider understanding of SD and to its importance for Montenegro's future.
- To provide an annual public report to Parliament on progress towards the achievement of an ecological state.

**\*\* Recommendation 4:** That the NCS D's quarterly agenda should be prepared by the Director of the OSD and Chairman of the Council. To enable it to fulfil its statutory duties, an annual timetable should be proposed by the Director of the OSD and adopted if appropriate. In addition to these standing items, the Council should allow sufficient time at each meeting for debate on current issues brought to the attention of the Council by the OSD in response to requests from its members.

**\*\* Recommendation 5:** It is proposed to broaden the formal links that the NCS D has, to include a formal link to Parliament.

**\*\* Recommendation 6:** That the NCS D be charged with providing to Parliament an Annual Report on progress towards an 'ecological state'.

**\*\* Recommendation 7:** that the NCS D establish as many Working Groups as would enable it to carry out more depth research or consideration of issues that from time to time the Council may wish.

**\*\* Recommendation 8:** Whilst the detailed functioning of the Working Groups will be a decision for the Council to agree, it is recommended that they should:

- Be limited in scope, with clear and agreed terms of reference.
- Be limited in time so as not to give rise to an unnecessarily large, complex and costly structure. (eg No Working Group should exist for more than 12 months without a formal review and renewed mandate from the Council).
- Report only to the NCS D
- Be chaired by an appointed Council Member
- Reflect the diverse nature of the Council in their membership.
- Be able to identify and request expertise from outside the Council, or from abroad if necessary, to assist in their work.

**\*\* Recommendation 9:** To increase effectiveness and facilitate debate, the number of Council Members should be reduced from the current level to twenty six:

The Chairperson

5 members from National government

5 members from Civil Society organisations

5 members from the Business community

5 members from local government (2) and academia (3)

5 independent members with specialist skills

**\*\* Recommendation 10:** That the representation from National Government should be at Ministerial level, and selected by the Prime Minister to ensure that the most appropriate government departments are involved, and that mechanisms are in place to ensure that other relevant Ministries are engaged in NCS D Working Groups as required, and receive information about Council recommendations.

That the members of the Council drawn from Civil Society and Business sectors should be nominated by their respective sectors through appropriate groupings (the Chamber of Commerce or the NGO Forum might be current examples). Their selection processes should be open, and should ensure that their recommendations provide the Council with a range of skills and experience that will best contribute to the achievement of its objectives.

That the independent members and observers should be invited by the Council to join the NCS D for defined, fixed terms (say of 3 years) following recommendation by the Director of the OSD following consultation with members. The criteria for selection should be to ensure

that complementary skills and experience are available to strengthen the quality of the Councils deliberations.

**\*\* Recommendation 11:** Any quorum of the NCSO should require that there are at least two representatives of each sector present.

**\*\* Recommendation 12:** That serious thought be given to whether the Prime Minister is best placed to Chair the NCSO. If an alternative is not possible, then the creation of the role of Vice Chair be established, drawn from the Independent members of the Council should be considered.

**\*\* Recommendation 13:** That the recruitment of a Director for the OSD should be pursued with urgency. (A suggested person specification for the role can be found as Annex XXX)

**\*\* Recommendation 14:** that the OSD be equipped to be able to fulfil an extended range of services:

- To provide the Chairman and members of the NCSO with secretariat support to a high standard.
- Working with the Chair and members, to establish an agenda that properly reflects the SD priorities for Montenegro.
- To work with external stakeholders and their associations to ensure that the process of the selection of Council members is timely, appropriate, and transparent.
- To provide administrative support to any Working Groups that the Council might establish, as well as providing or helping to identify additional expert contributions to facilitate their work.
- To undertake regular and occasional analysis and monitoring functions as requested by the Council.
- To undertake any tasks (dissemination, public information etc) on behalf of the Council as determined.
- To engage with individual Council members before and between meetings, to ensure that their views are adequately canvassed, and priorities for discussion identified.
- To ensure that the related member organisations (NGO Forum, Business Forum, etc) are engaged with the work of the Council.
- To maintain contacts with regional and international bodies in the field of SD to ensure that the NCSO is aware of issues that may be of national significance are brought to its attention.

**\*\* Recommendation 15:** That the OSD is itself strengthened through a combination of recruitment and secondment to enable it to carry out these expanded roles.

**\*\* Recommendation 16:** That the core budget of the NCSO and OSD should continue to form part of the GoM budget, but that proposals be prepared for possible external funding to identify what will be needed to strengthen the capacity of the OSD to enable it to perform its enhanced role.

## Annex 3

### Draft Job description for Council members

Preamble:

Members of the NCSD should recognise that they are part of a governmental body, which is unique in the Montenegrin context. They enjoy privileged access to, and input into, policy at a critical moment and this brings with it rights and responsibilities. Their task is to ensure that proposals brought before them are thoughtfully assessed against agreed sustainability principles to enable government and legislators to benefit from the range of experience and that they can bring to bear.

1. Members are appointed in their own right, and membership cannot be delegated or transferred, even within organisations. It is expected that members will attend all meetings of the Council, and non-attendance for more than 2 of the proposed 3 annual meetings will lead to a member's replacement.
2. Whilst recognising that issues under consideration will inevitably be of national significance and approaches to them reflect differences of world view and sector, members are expected to make every effort to achieve consensus.
3. Members are drawn deliberately from different sectors of Montenegrin society. Whilst they are not elected, and thus have no formal representative role, this does require them to use their best efforts to reflect their wider constituencies. It is expected that members will engage their personal and professional networks to ensure that issues of national interest are widely considered and thus help to ensure that the deliberations of the Council are widely informed.
4. Members will from time to time be invited to participate in an NCSD Working Group. It is recognised that this is an additional commitment, and the OSD will do its utmost to ensure that such involvement is equitably allocated to ensure that the burden is evenly shared across the membership.
5. Government appointees will serve at the invitation of the Prime Minister. External constituency appointees will serve a three-year term, renewable once. Independent experts invited to become members will serve a two-year term, renewable for as long as the Council wishes to renew the invitation.

## **Annex 4**

### **ToR for Working Groups**

It is recommended that a Working Group be established by the Council when it is clear that a particular issue is either too complex or contested to be easily resolved by a discussion of the Council.

Working Groups should be time bound, and operate to specific Terms of Reference agreed by the Council.

Working Groups are carrying out work with delegated authority, but have no decision making or recommending power themselves.

They are charged with reporting back to the next full meeting of the Council either with recommendations, or to report on progress. They should not report to any other body.

Working Groups should be chaired by a Council Member, and the OSD should ensure that their membership reflects the sectoral balance contained in the Council.

Working Groups are expected to work hard to achieve consensus in their reports to the Council. However, minority views or differences of opinion may be inevitable, and these should be reflected in the reports made to the Council.

It is not expected that Ministers will participate in the deliberations of Working Groups. Civil servants from relevant Ministries may be invited to participate in their place.

Working Groups may wish to invite specialists to advise them in their deliberations, either as witnesses or as co-opted members. They may also wish to instruct that research or be undertaken to facilitate their consideration of specific issues.

It will be normal practice for Working Group meetings to be held in closed session to encourage open debate and recommendations to the Council based on consensus.

The OSD will provide secretarial and administrative support to Working Groups, and facilitate additional expert input as required.

## Annex 5



*Government of the Republic of Montenegro*



*United Nations  
Development Programme*

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### **TERMS OF REFERENCE**

**Job Title:** Short Term International Expert Consultant for the National Council of Sustainable Development and the Office for Sustainable Development

**Duty station:** Podgorica, Montenegro

**Section/Unit:** UNDP Montenegro/Government of Montenegro-Office for Sustainable Development

**Duration of Appointment:** 25<sup>th</sup> February – 12<sup>th</sup> March, 2008

#### **Background**

Government of Montenegro has made a commitment that future development of Montenegro will be in accordance with the principles of sustainability by adopting the *Declaration on Montenegro as an Ecological State* in 1991. This commitment was reconfirmed in the new Constitution adopted in November 2007, according to which Montenegro is defined as “democratic, civic and ecological state”. The need to develop these principles at the operational level has led to the preparation of the *Strategy for Sustainable Development*, adopted in 2006.

In June 2002, Government of Montenegro established the **National Council for Sustainable Development (NCSD)** as an advisory body of the Government of Montenegro. NCSD is chaired by the Prime Minister and is established as a partnership of government, business, environmental community and civil sector with the objective to advise the Government on all sustainable development related issues. Main tasks of the NCSD are defined in the *Decision on the Establishment of the National Council for Sustainable Development* and are as follows:

- leading the process of development, adoption and implementation of sustainable development strategy and action plan;
- analyzing strategic development documents and priority investment programs in terms of its harmonization with the Strategy for Sustainable Development of Montenegro;

- support the process of civil society inclusion in the process of defining and implementation of the Strategy for Sustainable Development of Montenegro;
- strengthening the regional and international cooperation in the area of sustainable development etc.

To support the effective functioning of the National Council for Sustainable Development and the Government's efforts in formulating and implementation of the activities relevant to the sustainable development of Montenegro, Government of Montenegro with the support of the Capacity Development Programme<sup>1</sup> has established in October 2005 the **Office for Sustainable Development (OSD)**. OSD is established to function as a secretariat of the NCSD<sup>2</sup>, but also as a main link between the National Council and different institutions and organizations such as the Parliament, ministries, NGOs, media and different donor's organizations involved in the sustainable development process. OSD is envisaged to give opinions and recommendations to the National Council and to the Prime Minister on all relevant issues related to sustainable development and is in charge of leading a training process on sustainable development issues of the relevant government's staff and other stakeholders included in the process.

Although these were seen as promising steps in terms of strategic planning, still there is not sufficient understanding and support for sustainable development principles "on the ground". Institutional capacities that exist for carrying out this task are weak. There is little coordination among ministries on sustainable development issues, no research on the linkage between environmental, social and economic consequences of (lack of) sectoral policies and strategies as well as no EU standard environmental impact assessment legislation yet in place. Although the number of environmental NGOs is high, given the size of the Republic, their capacities are varied and most function on a voluntary basis with no full-time staff and no secure funding. Their impact is small as there is little or no coordination and cooperation among them. Furthermore, NGOs selected to be the members of the NCSD are dealing more with environmental than with socio and economic issues while the private sector representatives, also members of a NCSD, are still not sure of their role in the whole process.

### **Objective of the assignment**

During November 2006 – January 2007, UNDP and the Government of Montenegro conducted an external review on the role, results and procedures of the NCSD and OSD. This review proposed such an enhancement, and strengthening of the OSD to enable the NCSD realise the objectives assigned by the Government of Montenegro. Even though, the report recommendations were endorsed by the NCSD and the Prime Minister himself, the implementations was very slow, mostly due to

<sup>1</sup> Joint initiative of the Government of Montenegro, UNDP and Foundation Open Society Institute

<sup>2</sup> This function was previously performed by the Ministry of Environment and Physical Planning but was deliberately transferred to the OSD in order to broaden range of issues to be dealt with from just environmental to cover socio and economic issues too.

institutional vacuity in functioning of the OSD and lack of leadership and personnel.

The recent recruitment of OSD Director and two highly qualified programme staff, but also changes in the leadership of the government reopened for OSD and the NCSD the prospect of stability and reform. This provides an opportunity for OSD and the NCSD to think beyond the demands of short-term practicalities and to consider policies, and to implement activities that reflect longer term national concerns and aspirations, i.e. reform and enhance the NCSD to become a national forum where the economic, social and technical challenges of progress towards an ecological state can be raised and discussed in such a way as to lead to better informed decision making by government, parliament and Montenegrin society.

It is therefore now a good time to go back to the review report and develop a concrete Plan of Action, for implementation of key recommendations and immediately commence operations for its implementation. The Plan of Action should focus on concrete means and operational tools to reforming and strengthening of the OSD and the NCSD, including division of responsibilities among key institutions, timelines and costing.

Having in mind complexity of this task UNDP, and the Government of Montenegro wish to engage a Short Term International Expert Consultant to assist the OSD to develop such a Plan.

### **Job content**

The Short Term International Expert Consultant will have the following key tasks:

1. Propose concrete ways for the OSD and NCSD to develop and disseminate a clear definition of 'an ecological state', so as to help policymakers and citizens better understand and monitor progress towards it.
2. Propose concrete operational procedures to enable NCSD retain its close links to, and relationship with government, so that government policy and subsequent legislation and regulation can benefit from the enhanced quality of debate and analysis. But at the same time that the debate and deliberations at the NCSD be as open as possible, both to facilitate positive and full participation by all members, and to reflect the spectrum of views and constituencies that are present
3. Advice on appropriate process and procedures leading to reduced NCSD membership to increase its effectiveness and facilitate debate, including specific categories and the number to be represented in the NCSD.

4. Review the NCSD/OSD rules and procedures; propose corrective measures, if/when necessary.
5. Propose measures to strengthening the awareness raising and capacity building for implementation of the concept of sustainable development.
6. Propose measures to strengthen the capacities of the OSD especially in terms of its staffing and training.

### **Timing and Reporting**

The evaluation expert will produce Report that will include recommendations on all above-listed tasks. The report shall serve as a direct input to the Plan of Action and shall be submitted to the Office for Sustainable Development and UNDP no latter than two weeks after the mission is completed.

### **Requirements and Qualifications**

- University degree plus at least 10-15 years of relevant professional experience, and including by preference special academic qualifications relating to sustainable development.
- Substantial knowledge of sustainable development concepts and practices.
- Experience of working in a multi-cultural environment especially in transitional countries.
- Excellent analytical skills.
- Excellent English written and oral skills.