

Outcome Assessment of the Development Cooperation between Sweden and Montenegro 2001-2010

An Independent Evaluation Report
by James A Newkirk and Dragiša Mijačić

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The Report

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Preface

This report was prepared by the independent evaluation team of Dragiša Mijačić and Jim Newkirk, who were engaged by the Swedish Embassy in Serbia to conduct the assignment.

The evaluation team wish to thank the many individuals from many Departments, Agencies and organisations who agreed to be interviewed. The evaluation would not have been possible without their insights, advice, knowledge, contributions and support.

The evaluation was undertaken during November and December of 2011.

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Acronyms and Abbreviations

BiH	Bosnia and Herzegovina
CG	Crna Gora (Montenegro)
CG MUP	Ministry of the Interior, Montenegro
CEDEM	Centre for Democracy and Human Rights
CEMI	Centre for Monitoring of Elections
CEPOL	European Police College
CHwB	Cultural Heritage without Borders
CoE	Council of Europe
CPI	Corruption Perception Index
CRD	Civil Rights Defenders
CRI	Centre for Roma Initiative
CRNVO	Centre for Development of NGOs
CSO	Civil Society Organisation
CSW	Center for Social Work
CYW	Community Youth Work
DEU	Delegation of the European Union
DIS	Decentralised Implementation System
EC	European Commission
EIB	European Investment Bank
ERA	Economic Reform Agenda
EU	European Union
EUR	Euro
EVYP	Especially Vulnerable Young People
FoI	Freedom of Information Act
FPH	Fondation Partnerships in Health
GFATM	Global fund to Fight AIDS, Tuberculosis and Malaria
GO	Government Organisation
GRECO	Group of States against Corruption
HBS	Household Budget Survey
ILP	Intelligence-Led Policing
IPA	Instrument for Pre-Accession
JJ	Juvenile Justice
LEAP	Local Environmental Action Plan
LFS	Labour Force Survey
LGBT	Lesbian Gay Bisexual Transgender
MANS	Mreza za afirmaciju nevladinog sektora (Network for Affirmation of the non-government sector)
MIFF	Multi-annual Indicative Financial Framework (EU)
MNE	Mladi i Neformalna Edukacija
MoI	Ministry of Interior
MONSTAT	Montenegro's Statistics Office
NAC	National AIDS Councils
NAP	National Action Plans for Roma inclusion
NES	National Employment Service

NGO	Non-Governmental Organisation
OPC	Olof Palme Center
OSCE-ODIHR	Organisation for Security and Cooperation in Europe - Office for Democratic Institutions and Human Rights
PACE	Parliamentary Assembly of the Council of Europe
PAPRR	National Action Plan for Gender Equality
PD	Police Department
PHC	Public Health Centre
PLHIV	People Living with HIV/AIDS
RAE	Roma, Ashkali and Egyptians
REC	Regional Environmental Centre
REF	Roma Education Fund
SBR	Strategic Business Register
SBS	Structural Business Statistics
SEE	South-East Europe
SEK	Swedish Krona
SILK	Social surveys except poverty line
SNPB	Swedish National Police Board
SORS	Statistical Office of the Republic of Serbia
SPSP	The Spatial Planning Support Project
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNGASS	UN General Assembly Special Session
UNSCR 1244	UN Security Council Resolution 1244
VCT	Voluntary Counselling and Testing centres
VET	Vocational Education Training
WB	The World Bank
WHO	World Health Organisation
YIHR	Youth Initiative for Human Rights

Executive summary

This report is the result of a study into the results of the Sida's Development Cooperation with Montenegro from 2000 through 2010. The Study incorporates a review of the development cooperation defined by the *Strategy for development cooperation with the Federal Republic of Yugoslavia (FRY), excluding Kosovo*, which was for the period 2000-2004, the *Country Strategy – Serbia and Montenegro – 2004-2007*, and the *Phasing-out plan for development cooperation with the Republic of Montenegro*, which defined the cooperation strategy from 2008 to the end of Swedish assistance to Montenegro, formally at the end of 2010.

The study incorporated a desktop review of documentation relevant to development cooperation in general and a wide range of specific project documentation on all projects relevant to the study. This documentation included proposals, assessment memos, project reports and evaluation reports. As well as the review of documentation, the evaluation team undertook a large number of interviews with parties directly involved in project initiatives as well as interested representatives of partner agencies and other international donors.

The desktop analysis and interviews provided the evaluation team with significant amounts of information, data and analysis on the approach and work of Sida in Montenegro, as well as reflection of the strengths and weaknesses of the cooperation.

It is interesting to note that Swedish development cooperation in Montenegro has taken place during a very interesting and at times difficult period in the history of Montenegro and the Balkans. Initial support in Montenegro was focused on humanitarian assistance and subsequent reconstruction efforts and was undertaken as part of Swedish support to, first, post-war Yugoslavia and subsequently to the State Union of Serbia and Montenegro and finally, during the phase-out period to the Republic of Montenegro, with a clear focus on EU integration.

The initial cooperation strategy (2000-2004) prioritised:

- Meeting humanitarian needs.
- Promoting peaceful development in the region.
- Strengthening the development of democracy.
- Supporting the development of civil society.
- Supporting the establishment of democratic authorities/institutions.
- Promoting gender equality.
- Laying the foundation for a socially sustainable market economy and thereby sustainable economic growth.
- Supporting a transformation of the social structures which facilitate rapprochement with the rest of Europe and the European development cooperation agencies.¹

The focus from 2004-2007 was:

- Democracy and good governance.
- Respect for human rights.
- Gender equality.
- Economic growth.
- Sustainable use of natural resources and concern for the environment.²

The phasing-out period was defined as follows:

¹ 2000. *Strategy for development cooperation with the Federal Republic of Yugoslavia (FRY), excluding Kosovo*. Sida.

² *Country Strategy – Serbia and Montenegro – 2004-2007*. Sida.

'The goal of Swedish development cooperation with the Republic of Montenegro is equitable and sustainable development resulting in Montenegro's membership in the EU. Swedish support will continue to focus on Montenegro's EU agenda and action plan, including requirements to meet the Copenhagen criteria. The cooperation will include support to human rights and gender as well as democracy and good governance. Significant support will also be given natural resources and the environment.

During the phase-out period 2008-2010, it is expected that Swedish resources will contribute to achievement of the following results:

Montenegro successfully implements the priorities in the European Partnership (means of verification: EC annual progress reports)

- Civil society
 - Adopt comprehensive anti-discrimination legislation.
 - Implement the memorandum on cooperation between NGOs and governmental bodies.
- Police reform
 - Further strengthen the professional capacity of the police, by specialised training, development of intelligence and risk analysis tools.
 - Ensure the proper functioning of the Police Academy.
 - Upgrade capacity to use special investigative means in line with appropriate guarantees and strengthen criminal intelligence.
- Statistics
 - Reliable statistics in the areas of business, labour market and energy statistics are developed by MONSTAT as the key producer of official statistics in Montenegro.
- Municipal planning
 - Adopt and implement the land use plan.

Sida has carried out a responsible phasing-out process in close dialogue and cooperation with counterparts and stakeholders (Means of verification: Sida Outcome Assessment)

- Counterparts are satisfied with Sida's phasing out process.
- Findings of the Outcome Assessment are published and discussed with stakeholders and counterparts.³

Within the context of these cooperation strategies, the Terms of Reference for this assignment called for an assessment in three parts:

- A general assessment and analysis covering the overall outcomes and experience of the development cooperation, ownership on the part of the partner country, the implementing capacity of the partner country, procurement issues, systems and capacity for dealing with the risks of corruption, the channels of cooperation that functioned best, and the experience of other donors.
- An assessment and analysis of the most important areas of cooperation, that is based on programme and project documents, assessment memoranda, monitoring and follow-up, audit and evaluations. The designation of these 'most important areas of cooperation' was made by Sida Belgrade at project inception.
- Conclusions from these two sections.

The report narrative is drafted against these three areas.

³ *Phasing-out plan for development cooperation with the Republic of Montenegro.* Sida.

Summary of the General Assessment

Swedish assistance was particularly important, in terms of the reform process within Government in addressing the accession agenda, within MONSTAT, the Police Directorate, with regards spatial planning and in terms of judicial reform, particularly as this reform relates to young offenders.

- MONSTAT – key problems were noted at project completion in management and in staffing levels and capacity, issues that subsequently were (or are, currently) being addressed in an effective way. MONSTAT is being restructured, with the close of the organisation's regional units and a strengthening of the head office structure. The strengthening of management, with the appointment of a new Executive Director as well as the restructuring, has given weight to the work of MONSTAT. So too has MONSTAT's ability to produce data. The project assisted MONSTAT to establish its current statistics system, including a Statistics Council.
- The Police Directorate – The ILP model is being implemented within the Police Directorate in accordance with European models. The model is strengthened in implementation through the use of a manual, which is programmed for use across the police service. Officers demonstrate a strong commitment to use of the ILP model. The whole of the police training system in operation in Montenegro was developed through the project and the training system is currently in use. Further, the Police Academy is working on having the training programmed aligned with and accredited via the Bologna Framework.
- Spatial Planning – The project contributed to establishment of the link between economic growth, poverty reduction and environmental sustainability. The project also assisted in increasing transparency in decision-making process and the strengthening of capacities of NGOs to act as watchdogs.
- Judiciary - As a result of Swedish support there were changes in criminal legislation (2006) that established diversion measures for juvenile offenders and established an appropriate legal background. Subsequent operational changes through secondary legislation were introduced in 2007, supported by training of 40 mediators who are licenced by the Ministry of Justice. There are currently 55 cases where juvenile offenders are being diverted from the judicial system into mediation, and new legislation will include mediation *within* Police Stations.

The greatest influence of Swedish support though was in the area of human rights, including empowerment of women and Roma, and the development of the civil society sector in general.

As acknowledged by both the Government and the EU, the NGO community plays a significant role in Montenegrin society. The role is both advocacy/ lobbying and technical/ professional, both aspects of which are performed with high levels of professionalism, and with a clear strategic focus. There is a third aspect to the work undertaken by civil society organisations with Swedish support – the development of a truly grassroots civil society at the local level, most noticeable in the form of women's organisations, including Roma women's organisations. As well as performing the advocacy/ lobbying role mentioned above, these organisations also play a significant part in developing the skills of local activists – skills in activism as well as networking and mobilisation, the strategic thinking and management skills necessary for civil society organisations to function effectively.

Swedish support to civil society ended at a critical period in the development of the nation's approach to human rights and democratic governance, as well as at a delicate moment in the development of civil society organisations themselves. As a result, the very encouraging development that was happening, and which is seen in the detailed reporting on specific initiatives later in this report, is particularly fragile at the current moment. This fragility is noticeable in a number of ways:

- Strategic and management capacities within NGOs are not sufficiently well developed to be confident of the future of the sector. There are a handful of outstanding, and highly effective organisations (all of which owe their existence and the quality of their development to the Swedish Framework Organisations funded by Sida). However, the vast

majority of grassroots organisations focused on gender issues, human rights have not yet developed the organisational capacity to survive.

- Funding from Government sources is not transparent, nor does it dedicate enough priority to the critical human rights, lobbying, watchdog, transparency functions that will ensure civil society can play an effective role in these functions.
- EU support is too limited in nature to cover the breadth of issues – particularly noticeable when comparing the types and significance of initiatives funded through Swedish Framework Organisations. In any case, the system of support provided through EU grants is prohibitively complex for many organisations, as was confirmed by EU representatives during the assessment: ‘Some organisations can get funds and use them well, some organisations can get funds but use them poorly, some organisations do not have the capacity to access funds.’

As is referred to regularly within the second section of this report, the problem is capacity, and the exit of Sida from Montenegro can be seen, unfortunately, to have been too early to ensure the appropriate depth and breadth of capacity within the civil society sector.

Summary of Conclusions

Sweden’s development cooperation with Montenegro has been an important, even significant contributor to Montenegro’s development, particularly in relation to structures and frameworks of human rights and as regards EU accession in a number of focus areas.

This cooperation has developed structural capacity within a number of Government Ministries or Agencies, and capacity has improved as a direct result of Swedish assistance. Beneficiaries include:

- MONSTAT.
- The Police Directorate and the Police Academy.
- The Judiciary.
- Technical staff in a significant proportion of Montenegro’s 21 Municipalities, particularly in relation to spatial planning.

Human capacity has also been developed within a large number of NGOs, organisations with national significance, local significance and organisations of importance to their own constituents. To name some of the most important, these organisations include:

MANS.	The Regional Environment	Juventas.
UNEM.	Centre office in Montenegro.	SOS Hotline Nikšić.
Forum MNE.	Anima Kotor.	The Centar za Romski
CEDEM.	CEMI.	Inicijative, Nikšić.
	CRNVO.	

Swedish assistance contributed to sustainable strategic and management capacity in a small number of NGOs.

Specific, clear impact has been achieved in terms of the legislative, policy and procedural framework related to Montenegro's EU accession priorities, at the national and local levels. This change, which is either directly or indirectly attributable to Swedish assistance, is summarised here:

<p>The Law on Political Parties. The Law on Financing Political Parties. The Law on Financing Elections of the President and Mayors. The Law on Self-rule, which controls the relationship between civil society and Municipalities. Law on Gender Equality. Law on Prohibition of Discrimination. Law on Protection from Domestic Violence. Law on Minority Rights and Freedoms. Law on the Ombudsman. Law on Free Legal Aid. Freedom of Information (FoI) Act. Law on Discrimination. Law on Electronic Media. The Law on NGOs.</p>	<p>Changes in criminal legislation have established diversion measures for juvenile offenders and established an appropriate legal background for this work. Related operational changes through secondary legislation were introduced in 2007. Bylaws adopted related to the Law on development and construction. Guidelines on Anti-Discrimination. Action Plan Against Homophobia. Procedures for allocation of national funds to civil society projects. Statute on the strengthening of mayoral obligations to citizens, including annual reporting. Decrees on transparency of national bodies. The Decision of citizen participation in conducting public affairs. Changes to Municipal Statutes that enable stronger participation of citizens in decision-making. Rules of Procedure for local parliaments to enable citizens to participate at Municipal assembly meetings. National Council for Sustainable Development established. National Strategy for Sustainable Development. The Communication Plan for the National Strategy developed. Environmental Protection Agency established. Spatial Urban Plans adopted in 12 Municipalities in Northern Montenegro. A Local Urban Plan adopted in each of these 12 Municipalities. Analysis of the law implementation and recommendations for improvement.</p>	<p>Terms of Reference, tender procedures and timelines for Municipal plan development undertaken in accordance with the Law. Increased involvement of the civil society in the area of spatial planning. Increased involvement of Students of Architecture in the area of spatial planning. Spatial Plan of Special Purpose for area of the National Park 'Durmitor' with SEA developed. Structural Business Statistics (SBS) undertaken. The ILP model is being implemented within the Police Directorate in accordance with European models. An ILP database has been developed and is in active use. On-going capacity development within the Police Academy. An on-going relationship between the Police Academy and the Växjö Academy in Sweden exists, and there is close work being shared by Montenegrin and Swedish instructors. Significant skill upgrading in forensic methods on high quality equipment within the Police Directorate. The Montenegro Government established a Mediation Centre in Podgorica and Bijelo Polje). There are currently 55 cases where juvenile offenders are being diverted from the judicial system into mediation. New legislation will include mediation within Police Stations. Council for Protection Against Discrimination. Human Rights Reports by YIHR. Creating a transparent criteria for financing CSOs at the local level including development of a transparent selection criteria and creation of mechanisms for effective monitoring.</p>
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1 Introduction

This report is the result of a study into the results of the Sida's Development Cooperation with Montenegro from 2000 through 2010. The Study incorporates a review of the development cooperation defined by the *Strategy for development cooperation with the Federal Republic of Yugoslavia (FRY), excluding Kosovo*, which was for the period 2000-2004, the *Country Strategy – Serbia and Montenegro – 2004-2007*, and the *Phasing-out plan for development cooperation with the Republic of Montenegro*, which defined the cooperation strategy from 2008 to the end of Swedish assistance to Montenegro, formally at the end of 2010.

The study incorporated a desktop review of documentation relevant to development cooperation in general and a wide range of specific project documentation on all projects relevant to the study. This documentation included proposals, assessment memos, project reports and evaluation reports. As well as the review of documentation, the evaluation team undertook a large number of interviews with parties directly involved in project initiatives as well as interested representatives of partner agencies and other international donors.

The desktop analysis and interviews provided the evaluation team with significant amounts of information, data and analysis on the approach and work of Sida in Montenegro, as well as reflection of the strengths and weaknesses of the cooperation.

According to the Terms of Reference for the assignment⁴, which is found at Annex 2, 'the main purpose of this assignment is to produce an outcome assessment for Swedish development cooperation with Montenegro in the period 2001-2010, which is a part of the Phasing-out plan for development cooperation with the Republic of Montenegro.

The final outcome of this assignment will be an outcome assessment report for Montenegro for the period 2001-2010, which was governed by two cooperation strategies and the Phasing-out plan.

The outcome assessment consists of three parts:

- A general assessment and analysis.
- An assessment and analysis of the most important areas of cooperation, that is based on programme and project documents, assessment memoranda, monitoring and follow-up, audit and evaluations.
- Summary of conclusions from these two sections.'

The report is constructed according to these three parts.

⁴ Terms of Reference.

2 General assessment

Per the ToR, the 'general assessment will analyse the progress in relation to two aspects: 1) the overarching goal of Swedish development cooperation, i.e. contributing to an environment supportive of poor people's own efforts to improve their quality of life⁵ and 2) the specific goals of the two cooperation strategies and the Phasing-out plan, especially the overall goal to support reforms that lead to EU integration.⁶

The general outcome assessment reflects Swedish contributions in the wider context in which Montenegro's policies and strategies in relevant areas, and contributions of other donors, will be taken into consideration. It is not restricted to a narrow account of whether the goals established for Swedish support have been achieved.

2.1 The overall outcomes and experience of development cooperation

Per the *Phasing-out plan for development cooperation with the Republic of Montenegro*⁷, the main focus was:

- Support for human rights, environment and gender issues has been through several Swedish framework organisations and the Regional Environmental Centre for Central and Eastern Europe (REC), to strengthen civil society. Roma issues have received considerable attention through larger WB and UNDP programs. The Swedish resource base, Statistics Sweden and the Swedish National Police Board, have both been involved in several projects, over several years, to address Montenegro's good governance issues. Good governance has also been addressed through the UNICEF implemented juvenile justice project. Sustainable use of natural resources and the environment has focused on support through UNDP for improved spatial planning.

The focus of Sweden's Cooperation Strategy during the period under review included a focus on humanitarian assistance in the short-term context, and in the long-term context a focus on human rights, democracy, public administration, anti-corruption and some infrastructure priorities.⁸ Swedish development assistance to Montenegro in the review period can be assessed as having had important, and possibly significant, outcomes. This is true across the areas of support, where initiatives in democratic governance and the security sector established a change process that is continuing today, and that exhibits momentum within Government and within the EU's understanding of funding priorities.

Swedish assistance was particularly important, in terms of the reform process within Government in addressing the accession agenda, within MONSTAT, the Police Directorate, with regards spatial planning and in terms of judicial reform, particularly as this reform relates to young offenders.

- MONSTAT – key problems were noted at project completion in management and in staffing levels and capacity, issues that subsequently were (or are, currently) being addressed in an effective way. MONSTAT is being restructured, with the close of the organisation's regional units and a strengthening of the head office structure. The strengthening of management, with the appointment of a new Executive Director as well as the restructuring, has given weight to the work of MONSTAT. So too has MONSTAT's ability to produce data. The project assisted MONSTAT to establish its current statistics system, including a Statistics Council.
- The Police Directorate – The ILP model is being implemented within the Police Directorate in accordance with European models. The model is strengthened in implementation through the use of a manual, which is programmed for use across the

⁵ Shared Responsibility: Sweden's Policy for Global Development, 2003

⁶ Terms of Reference

⁷ Phasing-out plan for development cooperation with the Republic of Montenegro

⁸ 2000, *Strategy for development cooperation with the Federal Republic of Yugoslavia (FRY), excluding Kosovo*, Sida East.

police service. Officers demonstrate a strong commitment to use of the ILP model. The whole of the police training system in operation in Montenegro was developed through the project and the training system is currently in use. Further, the Police Academy is working on having the training programmed aligned with and accredited via the Bologna Framework.

- Spatial Planning – The project contributed to establishment of the link between economic growth, poverty reduction and environmental sustainability. The project also assisted in increasing transparency in decision-making process and the strengthening of capacities of NGOs to act as watchdogs.
- Judiciary - As a result of Swedish support there were changes in criminal legislation (2006) that established diversion measures for juvenile offenders and established an appropriate legal background. Subsequent operational changes through secondary legislation were introduced in 2007, supported by training of 40 mediators who are licenced by the Ministry of Justice. There are currently 55 cases where juvenile offenders are being diverted from the judicial system into mediation, and new legislation will include mediation *within* Police Stations.

It can be argued though that the greatest influence of Swedish support was in the area of human rights, including empowerment of women and Roma, and the development of the civil society sector in general.

The NGO community plays a significant role in Montenegrin society, a role acknowledged by Government and the EU. The role is both advocacy/ lobbying and technical/ professional, both aspects of which are performed with high levels of professionalism, and with a clear strategic focus. There is a third aspect to the work undertaken by civil society organisations with Swedish support – the development of a truly grassroots civil society at the local level, most noticeable in the form of women's organisations, including Roma women's organisations. As well as performing the advocacy/ lobbying role mentioned above, these organisations also play a significant part in developing the skills of local activists – skills in activism as well as networking and mobilisation, the strategic thinking and management skills necessary for civil society organisations to function effectively.

Unfortunately, it can also be assessed that Swedish support to civil society ended too early in Montenegro, at a critical period in the development of the nation's approach to human rights and democratic governance, as well as at a delicate moment in the development of civil society organisation themselves. As a result, the very encouraging development that was happening, and which is seen in the detailed reporting on specific initiatives later in this report, is particularly fragile at the current moment. This fragility is noticeable in a number of ways, noted here and more clearly elaborated later in the report:

- Strategic and management capacities within NGOs are not sufficiently well developed to be confident of the future of the sector. There are a handful of outstanding, and highly effective organisations (all of which owe their existence and the quality of their development to the Swedish Framework Organisations funded by Sida). However, the vast majority of grassroots organisations focused on gender issues, human rights (notably for the Roma community and the LGBT population) have not yet developed the organisational capacity to survive.
- Funding from Government sources is not transparent, nor does it dedicate enough priority to the critical human rights, lobbying, watchdog, transparency functions that will ensure civil society can play an effective role in these functions. Where Government funding is provided, it is often insufficient for the expressed needs of the organisations, including granting at levels significantly lower than the requested amounts.
- EU support is too limited in nature to cover the breadth of issues – particularly noticeable when comparing the types and significance of initiatives funded through Swedish Framework Organisations. In any case, the system of support provided through EU grants is prohibitively complex for many organisations, as was confirmed by EU representatives

during the assessment: ‘Some organisations can get funds and use them well, some organisations can get funds but use them poorly, some organisations do not have the capacity to access funds.’

As is referred to regularly within the second section of this report, the problem is capacity, and the exit of Sida from Montenegro can be seen, unfortunately, to have been too early to ensure the appropriate depth and breadth of capacity within the civil society sector.

2.2 Ownership on the part of the partner country

‘There are still deep issues in the country - there are strong political divisions between ‘Serbs’ and ‘Montenegrians’, and between the ‘two’ Orthodox churches – the Serb Orthodox Church does not recognise the Montenegrin Orthodox Church and priests are politically active. The Census is indicative of this – no ethnic group in the country reached 50% of the population (44.98% state they are Montenegrin, 28.73% Serb, 8.65% Bosnian and 4.91% Albanian⁹).

The legislative (and to a certain lesser extent the policy and procedural) framework required to change Montenegro’s directions, and specifically in order to facilitate its entry into the EU is developing well, and harmonisation of legislation with the EU is progressing at an appropriate speed. However, implementation of this legislative/ policy/ procedural framework is slow, nationally and locally, and is hampered by a lack of human capacity (insufficient numbers of appropriately skilled and experienced workers) within Ministries and Municipalities.

Montenegro is a country in which the legal system related to the protection of women and minorities, is relatively well-rounded. This is confirmed by the laws that have been adopted, which are detailed in the following sections of this report.

The new government has begun to involve NGOs in the process of policy development, to a certain extent as a consequence of EU pressure on the government to be more open and responsive to civil society. The EU Delegation confirmed the view that civil society plays a large, even significant role in legislative, policy and procedural reform, and the NGO community is very outspoken, and is prominent in public and strong in its criticisms.

The National Action Plan for Gender Equality (PAPRR) is a document adopted by Government of Montenegro for period 2008 – 2012. Although PAPRR is adopted 2007, the state has not divided the funds from the budget intended for the implementation of activities from the document.

Domestic violence was defined as a criminal act in 2002 by the Article 220 of the Criminal Law of Montenegro. 2010. Law on Protection from Domestic Violence was adopted. 2011. Strategy for prevention and protection of victims of domestic violence was made, and S.O.S Niksic was part of the working group that has been delegated to create this strategic document.

The EU Delegation is also active in the implementation of Laws, including implementation of the Law on Prohibition of Discrimination. The state has also ratified numerous international conventions in this area, and in the Constitution of Montenegro is stated that the international agreements adopted and generally accepted rules of international law are an integral part of the internal legal order. Mentioned international documents have primacy over national legislation, and are applied directly when they regulate the relations differently from national legislation.

2.3 The implementing capacity of the partner country

As discussed throughout this report, human capacity is a serious issue for Montenegro, especially notable in the public service, and - to some extent - in NGOs. In reports and interviews, reference is made to the ability of Montenegro to establish the legislative, policy and procedural frameworks necessary for EU accession but is not able to actually implement these laws and policies. Capacity is an intractable problem. Ministries do not have the depth of strong individual professionals required. They have quality, but not depth. And there are issues with salaries that mean it is difficult to engage

⁹ Census of Population, Households and Dwellings in Montenegro 2011 - Preliminary results.

appropriately qualified people, or, when such people do come to work at the Ministry it is difficult to keep them as they leave for better-paid work. The EU has assessed that while Montenegro has one of the largest public services in the Balkans per capita.

Montenegro is already exceeding its capacity to absorb funds from the EU and other donors, especially International Financing Institutions. The EU IPA portfolio is about 30-35 million euro annually¹⁰. According to an assessment undertaken by the EU, Montenegro public administration lacks a total of 250 appropriately qualified and experienced local staff to implement IPA Projects. On average, Task Managers within the Delegation of the EU have 17-18 projects, which is a significant number. The EU Delegation has adjusted its rules to local conditions, however, the low capacity of the public administration has slowed processes. Application of the Decentralised Implementation System (DIS) will be a further issue, and the EU is concerned about Ministries that are still ‘fishing’ for small projects with other donor agencies and in doing so use their limited capacities in the ‘wrong’ direction.

There is an ownership over IPA projects in Montenegro since the Government, its ministries and other public sector agencies are responsible for preparation of project fiches for upcoming potential IPA projects. Nevertheless, the Delegation of the EU is still responsible for tendering of projects and selection of technical assistance providers. In the view of the EU the real problem of ownership will come when the Government takes over responsibility for the whole of the process of IPA funding, as accession processes continue – this will be quite problematic as the ability to prepare the documentation and the tender processes will be difficult with the scarcity of appropriately qualified staff. This is ‘problem number one in relation to accession. The political will is there.’

The same is true at the local, municipal level. For instance, the national government asked all Municipalities to draft waste-management plans. Only a few of the 21 were able to complete the plans and less had the actual capacity to implement them. There is a range of other examples of weak capacity at the municipal level. Although some municipalities has received EU grants for developing communal infrastructure, lack of technical documentation has caused delays in project implementation, while in a few cases grants have been withdrawn.

Capacities within civil society organisations are also weak, especially in the field of strategic and management capacity. However, there is significant quality of staffing within a few major organisations of the NGO sector. ‘Civil society has a problem with absorption of funding. Many can get money and do excellent implementation, many can get money but do not know how to implement, many cannot even win a grant. However, the situation with capacity in the civil sector is less problematic than in the public sector.’

One of the seven priorities¹¹ that the European Commission put in front of Montenegro for starting the negotiation process for the EU accession is related to strengthening cooperation with the civil society.

¹⁰ The EU provides financial assistance to Montenegro under the Instrument for Pre-accession Assistance (IPA). For the period 2007-2013, IPA allocations to Montenegro total € 235.2 million. The IPA allocation for 2011 is € 34.1 million. The 2011-2013 Multiannual Indicative Planning Document (MIPD) for Montenegro was presented to the IPA Committee in March 2011. The main sectors for EU support during this period will be justice and home affairs, public administration, the environment and climate change, transport, social development and agriculture and rural development. Assistance is also being provided to help the country prepare for decentralised management of the IPA programme. Montenegro benefits also from regional and horizontal IPA programmes. It is participating in four cross-border cooperation programmes with neighbouring Western Balkan countries and a fifth, with Kosovo (UNSCR 1244), is under preparation. Montenegro is also participating in the transnational cooperation programmes under the European Regional Development Fund and in the IPA Adriatic cross-border programme with Member States. EU financial support has been provided for development of civil society under the Civil Society Facility. The IPA programme is currently managed by the EU Delegation in Podgorica. Montenegro's preparations for transfer of management of component I of the IPA programme from the EU to the national authorities have further advanced. Montenegro is participating in the following EU programmes: the Seventh Research Framework Programme; the Entrepreneurship and Innovation Programme and the Information Communication Technologies Policy Support Programme, both under the Competitiveness and Innovation Framework Programme, Culture and Customs 2013 (EU Montenegro 2011 Progress Report: 4-5).

¹¹ In order to start the negotiation for accession to the EU, the Government of Montenegro has to achieve necessary degree of compliance with the following key priorities: (1) Improve the legislative framework for elections in line with the recommendations of the OSCE-ODIHR and the Venice Commission; strengthen the Parliament's legislative and oversight role; (2) Complete essential steps in public administration reform including amendments to the law on general administrative procedure and the law on civil servants and state employees and the strengthening of the Human Resources Management

In order to meet this priority, the new Government of Montenegro¹² has significantly increased its consultative process with civil society organisations, including seeking their voice in drafting new laws, policies and procedures at the national and local levels. Involvement of civil society in policy dialogue has contributed to the advancement of the organisational and implementation capacities of non-governmental organisations in Montenegro. Civil Society organisations have become outspoken in critiquing, and are prominent in society as their voice becomes valuable in the media, often appearing on the front page. According to public opinion research conducted by CEDEM in September 2011, CSOs are ranked as the 4th most trusted institutions in Montenegro (after Education, Health and the President) and the second least corrupted (after primary education)¹³.

2.4 Systems and capacity for dealing with risks of corruption

The fight against corruption through improvements in the anti-corruption legal framework and implementation of the government's anti-corruption strategy and action plan is one of the seven priorities that Montenegro is required to fulfil in order to start the negotiation process on EU accession. This was a good impetus for the Montenegrin Government to make a significant effort in this regard, especially in strengthening the legal framework needed for combating corruption and addressing recommendations received by the Council of Europe's Group of States against Corruption (GRECO)¹⁴. The provisions of the Criminal Code regulating criminal offences of active and passive bribery have been amended, with a view to ensure alignment with the Council of Europe's Criminal Law Convention on Corruption and its additional protocol. A new Law on political party financing, enacted in July 2011, brought important legislative improvements in this area. A new Law on Public Procurement was enacted in July 2011, aimed at reducing opportunities for corruption and increasing transparency. The new Law on Civil Servants and State Employees provides legal protection for whistleblowers. Institutional and administrative capacities of prosecutors and police to fight corruption have also been advanced. A special anti-corruption investigation team has been established, made up of representatives of the police administration, the Office for Prevention of Money Laundering and Terrorism Financing, the tax and customs administrations, and reporting to the Special Prosecutors for Organised Crime, Corruption, Terrorism and War Crimes. As a result of these efforts, the number of corruption cases that were brought to Court has increased. In 2011 there was the first case of fighting high level corruption, involving the then Mayor of Budva, his deputy and a Member of Parliament.

The NGO sector has significantly contributed to fighting corruption, raising awareness on this issue and revealing some important cases of corruption to the public. Of notable success and importance is the NGO MANS, whose director, Vanja Čalović, recognised as the most trusted public person in Montenegro. MANS has created successful and efficient mechanisms for submitting official requests for obtaining information of a public interest, and produced important results in combating corruption and bribery among public officials.

Authority and the State Audit Institution, with a view to enhancing professionalism and de-politicisation of public administration and to strengthening a transparent, merit-based approach to appointments and promotions; (3) Strengthen rule of law, in particular through de-politicised and merit-based appointments of members of the judicial and prosecutorial councils and of state prosecutors as well as through reinforcement of the independence, autonomy, efficiency and accountability of judges and prosecutors; (4) Improve the anti-corruption legal framework and implement the government's anticorruption strategy and action plan; establish a solid track record of proactive investigations, prosecutions and convictions in corruption cases at all levels; (5) Strengthen the fight against organised crime based on threat assessment and proactive investigations, increased cooperation with regional and EU partners, efficient processing of criminal intelligence and enhanced law enforcement capacities and coordination. Develop a solid track-record in this area; (6) Enhance media freedom notably by aligning with the case-law of the European Court for Human Rights on defamation and strengthen cooperation with civil society; and (7) Implement the legal and policy framework on anti-discrimination in line with European and international standards; guarantee the legal status of displaced persons, in particular Roma, Ashkali and Egyptians, and ensure respect for their rights. This will include the adoption and implementation of a sustainable strategy for the closure of the Konik camp (EC COM (2010) 670, p.11-12).

¹² On 31 December 2010 the Parliament of Montenegro approved the new Government, led by Prime Minister Igor Luksic. The government has two Deputy Prime Ministers and 15 ministers. Among the ministers there is only one woman.

¹³ The survey is available at http://www.cedem.me/fajlovi/attach_fajlovi/pdf/cedem_september2011-2011-10-4.pdf.

¹⁴ More about the GRECO is available at the CoE page: http://www.coe.int/t/dghl/monitoring/greco/default_EN.asp.

Improvement in combating corruption is demonstrated in the recently published report *Corruption Perception Index 2011*, where Montenegro was ranked in 66th place, together with Slovakia, with a Corruption Perception Index (CPI) of 4.0¹⁵. Montenegro's CPI rank is constantly improving, starting with an index of 3.3 and 84th place in 2007, the first year in which the index for Montenegro was calculated.

2.5 The experience of other donors.

The cooperation has been done through implementing partners, and not directly through the Montenegrin government. Support to microfinance has had a role to enable access to financial services for poor, while support in the field of public procurement has aimed at improved national capacity for the public procurement legislative process and harmonisation with the EC directives.¹⁶

The number of multi-lateral and bilateral donors that are active in Montenegro is decreasing, as a consequence of their phase-out strategies. A year ago there were 38 donors active in Montenegro, which was quite a significant number for such a small country. The most active donors are the Delegation of the EU (EUD), the Council of Europe (CoE), UNDP, UNICEF, UNHCR, USAID, GIZ (GTZ), as well as the Embassies of EU countries such as the Netherlands, Norway, Austria, and Luxemburg. International financial institutions such as the World Bank, EIB, EBRD, KfW and others are also quite active in Montenegro, especially in providing loans for reconstruction and modernisation of infrastructure (roads, water supply networks, waste disposal sights, etc).

The EU, through IPA funds managed by the EU Delegation, is the most significant donor in Montenegro. The IPA envelope for Montenegro is about 35 million annually, which is the maximum capacity that the Government of Montenegro can absorb at this moment (see Table 1). The problem of the weak capacity of the Government to absorb IPA funds is demonstrated in the reallocation of funds for the Component I budget line to IPA Components III, IV and V in the last two years of budget 2007-2013.

Table 1: Breakdown of the EU IPA Envelope for Montenegro

Country	Component	2007	2008	2009	2010	2011	2012	2013
Montenegro	Transition Assistance and Institution Building	27,490,504	28,112,552	29,832,179	29,838,823	29,843,599	16,346,471	5,238,958
	Cross-border Co-operation	3,909,496	4,487,448	4,667,821	3,682,690	4,310,344	4,588,551	4,418,687
	Regional Development						8,000,000	15,200,000
	Human Resources Development						2,800,000	2,957,077
	Rural Development						3,300,000	7,600,000
	Total		31,400,000	32,600,000	34,500,000	33,521,513	34,153,943	35,035,022

Source: EC COM(2011) 641, p.7, available at: http://ec.europa.eu/enlargement/pdf/how_does_it_work/miff_12_10_2011.pdf

In order to increase the impact of project interventions in Montenegro, the Delegation of the EU is seeking a synergy with other donors and international organisations that are present in Montenegro. Concrete collaborative arrangements have been signed between the Delegation and UNDP, GIZ (GTZ), World Bank and others. In these cases, the Delegation has either provided a direct contract to these organisations to implement project activities (in case of UNDP and GTZ), or they top-up the others' interventions (in the case of infrastructure projects which are funded by the international financial institutions and where the EU-provided funds are for 'soft' activities such as capacity building of management structures and environmental impact assessments).

¹⁵ The report "Corruption Perception Index" is annually published by the Transparency International and calculates the level of corruption in 183 countries of the World. The 2011 report is available at <http://cpi.transparency.org/cpi2011/results>, last visited on 3 December 2011.

¹⁶ Phasing-out plan for development cooperation with the Republic of Montenegro.

There is a strategic partnership between the EU and the World Bank in the field of rural development and education. This strategic partnership includes complementary and coordinated actions in project interventions, all in order to maximise the development impact for beneficiaries.

Representatives of the EU Delegation have welcomed the fact that the number of donors in Montenegro is shrinking. The reason behind is in the fact that 'small' donor initiatives make use of the absorption capacity of the local beneficiaries in a direction that is not strategic. Therefore, it is much better for Montenegro to focus their capacities on implementation of IPA projects than to engage in interventions that will create much weaker impact.

3 Assessment and analysis of the most important areas of cooperation

Per the Terms of Reference for the assignment, the ‘outcome assessment of most important areas of cooperation shall present experience gained in respect of planned and achieved results, goals and effects. This assessment shall be supplemented with a report on the results achieved in a few selected programmes and/or contributions. The assessment should contain the following headings:

- Basic facts.
- Relevance and effectiveness.
- Assessment of outcomes.
- Assessment of goal fulfilment, effects and sustainability.

This assessment is found below.

3.1 Natural Resources And The Environment

3.1.1 Supporting Environmental Civil Society Organisations in SEE (SECTOR) - Montenegro

3.1.1.1 Basic facts

The Sector program began in April 2006 and ended in April 2010 and had a budget of Euro 3,699,947 (SEK 5,613,300 in Montenegro). This regional programme, aimed at strengthening civil society environmental organisations, environmental education and awareness raising, environmental interest groups and networking, was undertaken in Albania, Bosnia and Herzegovina, Croatia, Kosovo (as defined under UNSCR 1244), the former Yugoslav Republic of Macedonia, Montenegro and Serbia. The project was implemented by the Regional Environment Center for Central and Eastern Europe (REC).

3.1.1.2 Relevance and effectiveness

According to the Final Report of the *Supporting Environmental Civil Society Organisations in South Eastern Europe* project,¹⁷ the ‘programme was developed by the REC and Sida with the primary goal of promoting the development of a vibrant and democratic environmental civil society within SEE countries in order positively to influence society towards sustainable development and to improve living conditions in urban areas.’ The support was targeted at CSOs whose focus was on urban and sustainable development, and included three core components:

- An assessment of organisational viability.
- Provision of assistance in development and implementation of projects by supported CSOs.
- Assistance in networking of CSOs and some focused training programmes. This training was specifically directed at knowledge and skills in the environment sector and on LEAP.

This three-component focus was important for a number of reasons. According to the Final Report¹⁸:

- The organisational viability component increased knowledge within CSOs on organisational planning, and the use of planning tools to increase their effectiveness, strengthen their sustainability and relevance within their communities.
- The grant program identified CSO projects, and was of value in providing a tool for CSOs to increase their experience and skills and for the initiatives undertaken with the projects.

¹⁷ September 2010. *Supporting Environmental Civil Society Organisations in South Eastern Europe – Final Report*. Regional Environmental Centre, Budapest.

¹⁸ Ibid

- The networking component promoted change through environmental lobbying - working with independent media, public participation, advocacy and playing a watchdog role for government and industry. This lobbying/ watchdog role came together with the networks established with this component, enabling different civil society actors to share information, activities and initiatives more effectively.

3.1.1.3 Assessment of outcomes

The legal framework for sustainable development in Montenegro is almost completely harmonised with the EU framework (approximately 70% harmonised – with only by-laws yet to be completed). This legislative framework includes water, waste water and solid waste, and is linked to a national sustainable development strategy.

This legislative/ strategic framework is not the problem. The problem lay in weak financial and especially human capacity for implementation of the legislation and adopted strategies, which is true at the national level, but also locally. Solid waste disposal is difficult, as it is the responsibility of Municipalities, and ‘they are not able to do this work.’ The Law was prepared and approved in 2005, with a three-year implementation period so the Law could start in 2008 (according to my notes, there were changes on the Law in 2008). As municipalities were not ready for implementation of the Law, its application has been postponed until 2010. It was also amended in 2008, in anticipation of its application. Although 30 million euro were provided to municipalities from loans from international financial institutions, they are still not ready to provide the required good quality services of waste disposal. Currently, the World Bank is providing a two-million Euro grant for a sanitary waste disposal site at the coast, and in 2012 a further two fields will be funded, a three-million Euro site in Niksic and a 4-million Euro site in Berane.

This weakness of financial and human capacity is also true for civil society. Civil society environmental organisations are quite weak, and SECTOR had little impact with environmental CSOs in Montenegro, mostly as a result of unfortunate historical occurrences. The programme was originally programmed for Serbia and Montenegro when they were part of a federation. However, Montenegro became independent after project inception. As a result, there was only one call for environmental CSOs in Montenegro. The call was open to other relevant professional organisations although none of them applied. As a consequence, only 6 CSOs were granted a project, mainly for doing awareness raising or waste disposal initiatives worth 10-12 thousand Euros each. The initiatives were good, and interesting, but had no real impact, and no Montenegrin NGOs got a cross-regional grant.

3.1.1.4 Assessment of goal fulfilment, effects and sustainability

Montenegro has established a National Council for Sustainable Development (2002), a National Strategy for Sustainable Development and a Communication Plan for the national strategy. In 2008 they also established an Environmental Protection Agency¹⁹. However the sustainable development rhetoric often does not match the reality.

The Žabljak Declaration of 20 September 1991 declared Montenegro declared as the first ecological country in the world. The Žabljak Declaration was presented at the United Nations Conference on Environment and Development (UNCED), also known as the Rio Summit, held in Rio de Janeiro from 3 June to 14 June 1992. However, the Žabljak Declaration did not make any substantive changes in management of environmental protection in Montenegro and the Ministry for Sustainable Development and Environmental Protection become one of the most unstable institutions in the Government, as is indicated by the numerous replacements of Ministers in the past 20 years (14 Ministers have changed since 1991, six since 2002), significantly more than within any other Ministry. Changes of the Ministers always brings with it changes of civil servants and professionals within the Ministry, which additionally undermines continuity, and human capacity within the Ministry.

¹⁹ More about the Environmental Protection Agency is available on their website: <http://www.epa.org.me/>, last visit on 4 December 2011

While there have been good outcomes at the national and local administrative levels on some issues, and in terms of legislative and policy frameworks, there is no evidence to suggest that Sida's contributions to improving the capacity and influence of environmental CSOs in Montenegro has contributed to these outcomes nor had any lasting effect. Speaking specifically about Montenegro, the REC continues to function at a high level, and will continue doing so for the foreseeable future, but the advocacy, lobbying and watchdog role that civil society organisations can play, locally and nationally, has not been developed.

3.1.2 The Spatial Planning Support Project (SPSP)

3.1.2.1 Basic facts

The SPSP project was funded with SEK 19,200,000 and was implemented from January 2007 - August 2011. The project, which involved the Ministry of Sustainable Development and Tourism (formerly the Ministry of Spatial Planning and Environmental Protection), 12 Northern municipalities (Andrijevisa, Berane, Bijelo Polje, Cetinje, Kolasin, Mojkovac, Plav, Pluzine, Pljevlja, Rozaje, Savnik, Zabljak), local NGOs dealing with issue of spatial planning and the Faculty of Architecture from Podgorica, aimed to increase public debate around the draft National Spatial Plan, to enhance physical planning capacity in the 12 partner municipalities, to develop spatial planning legislation and the spatial plan for the National Park 'Durmitor' and to enhance civil society participation in spatial planning.

The project was implemented by UNDP Montenegro.

3.1.2.2 Relevance and effectiveness

The Government of Montenegro's Economic Reform Agenda (ERA) lists three goals as Government priorities regarding Physical (Spatial) Planning:

- Develop a modern urban and spatial planning function that will provide guidelines for communal services investment planning.
- Elaborate physical plan of the Republic to promote sustainable economic development and in particular, to attract investment.
- Support preparation, adoption and implementation of municipal physical plans.

Through *improving enforcement of legislation on planning and development, and integration of sustainable development principles into planning processes*, the project contributed to establishment of the link between economic growth, poverty reduction and environmental sustainability. The project also assisted in increasing transparency in decision-making process and the strengthening of capacities of NGOs to act as watchdogs. As the majority of the poor in Montenegro live in the north, the project focused on development of plans in that region.

3.1.2.3 Assessment of outcomes

Per its design, and directly in line with Swedish priorities in Montenegro as defined in the phase-out plan, this project achieved the following specific outcomes.²⁰

1. Development of sustainable spatial planning and development in municipalities in northern Montenegro.
 - Spatial Urban Plans adopted in 12 Municipalities in Northern Montenegro.
 - One Local Urban Plan adopted in each of these 12 Municipalities.
2. Efficient implementation of the spatial planning legislation, including active participation of civil society.

²⁰ November 2011. *Spatial Planning Support Project In Montenegro - Final Report*. Ministry of Sustainable Development and Tourism, Sida, UNDP, Podgorica, Montenegro.

- Adopted Bylaws related to the Law on development and construction.
- Developed Template for Terms of Reference, Tender procedure and Timeline for Municipal plan development in accordance with the Law.
- Analysis of the law implementation and recommendations for improvement.
- Increased involvement of the civil society in the area of spatial planning.
- Increased involvement of Students of Architecture in the area of spatial planning.
- Spatial Plan of Special Purpose for area of the National Park 'Durmitor' with SEA developed.

A strong need remains for spatial planning and regional development services, and the development of experts and of local and regional approaches. However, here, as in other areas mentioned in this report, the limited capacity of municipal and state administrative structures hampers the effectiveness and extension of these initiatives.

3.1.2.4 Assessment of goal fulfilment, effects and sustainability

Per the SPSP's Final Report, 'several conditions caused the delay in completion of the initially planned outputs. The most important change was the shift in the Government of Montenegro policy regarding the issue on illegal building. The second condition that affected the implementation was the delay by the Government in finalizing the National Spatial Plan, which caused delay in development of Local Spatial Plans in the partner municipalities.

These changes led to the first non cost extension that was approved in June 2009 together with a revised Project Document. This non cost extension prolonged the project one year (until end of 2010). In order to achieve planned goals and ensure long-term sustainability and proper closing of the project, SPSP was extended for a second time, until August 2011, with unchanged project components and goals.²¹

The project *achieved* the development and adoption of spatial planning documentation and processes which provide the basis for municipal socio economic development and the attractiveness of investments. The project also *began* the critical capacity development of technical and administrative employees at the Municipal level and *contributed to* an increase in public awareness of and participation in spatial planning. In all of these senses, the intent of the project to ensure public participation in development of the National Spatial Plan, and to 'strengthen capacities of institutions at the national and local level for implementation of the Law on Planning and Development'²² has been met, and the initiative contributed to improvements in the public's understanding of the priority necessary to be given to sustainable development.

The project has provided a basis for future work, and there are some good indicators: some work is ongoing in relation to the legalisation of informal settlements (including adoption by the Government of Montenegro of a Strategy for Formalization of Informal Settlements in Montenegro; and action plan for implementation of this Strategy has also been developed and adopted.

3.2 Democratic Governance

3.2.1 Partnership in Statistics

3.2.1.1 Basic facts

The Partnership In Statistics project, which was a cooperation between the Statistical Office of Serbia and Montenegro originally (from May 2004), together with Statistics Sweden, and was then a cooperation between the Statistical Office of the Republic of Serbia, the Statistical Office of the

²¹ Ibid

²² Ibid

Republic of Montenegro. The total programme, which is still on-going in Serbia but was finalised in Montenegro at the end of 2008, had a value of 16,775,890 SEK.

3.2.1.2 Relevance and effectiveness

The Montenegro component of the Partnerships In Statistics had an unfortunate history, which was tied up in the dissolution of the Federation of Serbia and Montenegro. The program originally addressed the whole of the Federation, and was then directed at each of the two organisations (MONSTAT and SORS) as separate projects. Reality on the ground though was that MONSTAT was not ready for development cooperation in statistics – not at the time. There were a number of critical issues that impacted in a negative way on the project. In the former Yugoslavia, the Federal Statistical Office was in charge of statistical data, while Republican Offices were engaged mainly in collecting data. This situation continued during the time of the State Union of Serbia and Montenegro, during which time the statistical office remained at the federal level. When Montenegro declared independence in 2006 the Federal Statistical Office stopped its functioning and the Republic Offices became the main producers of statistics for each country. However, the Montenegrin Statistical Office, MONSTAT, did not have available to it the necessary human capacities as existed in the Federal Statistical Office. This was coupled with a lack of awareness in Government, in the early years of independence, of the necessity of reliable statistics.

In addition, the initial human capacity of MONSTAT was weak, with aging and relatively unskilled workforce, weaknesses in management of the organisation and insufficient staffing levels for the work required. Due to its limited analytical capacity, in the early years after independence, MONSTAT outsourced data processing and analysis to the Statistical Office of the Republic of Serbia (SORS). This situation began to improve in 2007 as new staff were employed and new management engaged.

The necessary systems for gathering and analysing statistics only began to be established in 2006. An absence of personnel with English language capacity further hampered work. According to an internal project evaluation undertaken in June of 2006, the ‘main reasons preventing the development work in MONSTAT are as follows:

- Development work is not appreciated enough by the management;
- Lack of general long-term development plan of MONSTAT;
- Scarcity of labour and non-efficient utilization of existing human resources.’²³

The objective of the project was ‘to assist the partner statistical offices in their transition to competent and reliable producers of statistics in compliance with national and international demands and in accordance with EU and international regulations and standards’²⁴. The project focused on providing support in the areas of:

- Agricultural statistics.
- Economic statistics.
- Survey methodology.

According to the project document for the second phase (2005)²⁵, the first phase initiated work in the areas of agricultural and economic statistics, including a household budget survey in compliance with EU and international standards. Other components concerned management, general capacity building, human resource training, cooperation with users and monitoring of sector performance. The second phase continued assistance in the development of prioritised statistics and in development of capacity, including logical framework approaches in project planning, English and survey methodology.

²³ June 2006. *General evaluation of the situation in MONSTAT*.

²⁴ Project Document: *Partnership in statistics - A cooperation project between the Statistical Office of Serbia and Montenegro, the Statistical Office of the Republic of Serbia, the Statistical Office of the Republic of Montenegro and Statistics Sweden*. December 2005.

²⁵ Ibid

3.2.1.3 Assessment of outcomes

The project intended to leave behind a statistical office capable of dealing with national statistics against a Eurostat framework. The project's exit strategy refers to MONSTAT as 'one of the weakest statistical offices in Europe and one of its weakest points concerns the management'²⁶, and while this was certainly true at the time, the project contributed to significant improvements in systems and methodologies and these improvements continue.

Outcomes in the area of social statistics was the weakest during the project, and they are not yet a priority, nor has MONSTAT received any further assistance in this area since the end of the project. They are only now starting to look in these areas, and have a structure and methodology for a Labour Force Survey (LFS), a Household Budget Survey (HBS) and for an Employee and Earnings (Work1) Survey, where they have prepared pilot project. In this sense, all key social surveys except poverty line (SILK) are in place and they are working on SILK.

Structural Business Statistics (SBS) were the most successful outcome of the project, and the whole SBS questionnaire is now in place, with a methodology, as a result of the project. The Strategic Business Register (SBR) was also very successful. Initiated during the project, MONSTAT has completed the SBR through IPA assistance and the SBR is now completed and is being used and updated daily. The reason for the outstanding progress in this field can be found in the professional qualifications of the person who was providing technical assistance to MONSTAT, on behalf of Statistics Sweden.

The statistical infrastructure remained underdeveloped and over-complicated for a small country such as Montenegro. Montenegro chose to pursue a decentralised statistical system, in which MONSTAT is not the only public agency that processes the statistical data, but it shares this responsibility with the National Employment Service and the Ministry of Agriculture and Rural Development. This decentralised system might work well in developed countries with strong coordination mechanisms, but this is not the case in Montenegro. There was a need for a revision of the Statistical Law, which needs to be adopted in order to provide a favourable framework for development of a stronger statistical system in Montenegro. The coordination of the national statistical system needs to be reinforced by strengthening both the coordinating role and the administrative capacity of the national statistical office, which is not the case at this moment. The lack of human resources, especially specialised statistics experts, and sufficient office space remains an urgent issue within the Montenegrin statistical office.

With regards to the progress on the EU Acquis' Chapter 18: Statistics, the latest EC 2011 Montenegro report concludes:

*Good progress can be reported in the area of statistics, but, overall, significant challenges remain before Montenegro reaches a satisfactory level of alignment with the acquis. Weaknesses in the areas of agricultural, business and macroeconomic statistics need to be addressed as a matter of urgency. The statistical infrastructure needs to be improved as a matter of urgency, including adequate human and financial resources. Preparations are moderately advanced.*²⁷

3.2.1.4 Assessment of goal fulfilment, effects and sustainability

As indicated above, key problems were noted at project completion in management and in staffing levels and capacity. Generally these issues have been, or are being addressed in an effective way. On the management side, MONSTAT is being restructured according to the recommendations of an IPA study, with the close of the organisation's regional units and a strengthening of the head office structure. The restructuring also includes the establishment of four separate functional areas under the Executive Director. The four are:

- Agricultural Statistics.

²⁶ Exit Strategy – Partnership in Statistics – In Cooperation with MONSTAT (Montenegro) and SORS (Serbia).

²⁷ EC Montenegro 2011 Progress Report 2011, p.51

- Economic Statistics.
- Social Statistic.
- HR, Finance and Legal.

With the exception of Economic Statistics, each functional area has its own Assistant Director, as it is intended to fill the Assistant Director of Economic Statistics in the near future (for the moment this sector functions with a Head of Economic Statistics).

The strengthening of management, with the appointment of a new Executive Director, as well as the restructuring, has given weight to the work of MONSTAT. So too has MONSTAT's ability to produce data. During the past two years the organisation has completed the Agricultural Survey and Statistics and the Population Survey. These outputs have ensured that Government understands the importance of statistics, and the organisation, and they are demonstrating a higher level of understanding of and commitment to improvements in MONSTAT's position and funding.

MONSTAT staffing has undergone a significant facelift in recent years, with large number of older staff retiring and being replaced by younger workers with much better skill in English and a greater understanding of the technologies, methodologies and tools necessary to be effective. There remains a significant issue with the number of staff, with MONSTAT's staffing complement at 105 against a staffing need of 204. While Government has promised to address this need, it has not yet done so.

The project assisted MONSTAT to establish its current statistics system, including a Statistics Council. There were initiatives at early stages of the project to allow private statistics initiatives to undertake statistical work for the country, but ultimately MONSTAT, and the Statistics Council were established as the gatherers and processors of official statistics, and this is the established approach now.

3.3 Security Sector Reform

Swedish assistance to security-sector reform in Montenegro focused on intelligence-lead policing and on democratic policing.

3.3.1 Intelligence-Lead Policing

The intelligence-lead policing (ILP) programme was funded in three separate components, a series of projects which included a preparation phase and two implementation phases. The discussion below encompasses each of the three components. Following the end of Sida support to the initiative, the programme has been rolled into an IPA project, which is not the subject of this assessment. A further IPA project is in preparation.

3.3.1.1 Basic facts

The preparation phase was supported to the level of SEK 3,500,000 and involved the Ministry of Internal Affairs, Republic of Montenegro (CG MUP) and the Swedish National Police Board (SNPB). This phase ran from May 2006 through May 2007. The model was created in this period.

The first phase, which ran from August 2007 through June 2009 also focused on enhancing the capacity of the Montenegrin Police to conduct strategic and operational police work based on a functioning criminal intelligence system. The budget was SEK 13,500,000 and the program was undertaken by the SNPB and CG MUP. This phase laid the foundation for establishing the new model, with minimum standards, training programmes, a baseline study. It also developed a process for Montenegrins to take over the training.

The second phase was the most important component of the project. The budget of this phase was SEK 20,000,000, and also involved the SNPB and CG MUP. Due to the phasing out strategy, Sida reduced the funding and the project intervention was reduced from 8 to only 2 coastal regions (Bar and Budva) and to the Criminal Police Division in Podgorica, while intervention in other regions was cancelled. However, based on the good results of the second phase, the CG MUP was awarded an IPA

grant by the European Commission to extend the project results to all other regions of Montenegro, as was intended in the original Sida proposal.

The second phase of the project focused on covering basic needs: knowledge, people (capacity), sources of information and an IT system. The main intent of the second phase was to enhance the capacity of the Montenegrin Police to conduct strategic and operational police work based on a functioning criminal intelligence system, with project objectives described as ‘Police work on strategic and operational level supported by intelligence through:

- Improved collection, evaluation and analysis of information.
- Availability of quality intelligence data in database.
- Enhanced use of intelligence data in on strategic and operational levels.
- Good coordination among organisational units.’²⁸

3.3.1.2 Relevance and effectiveness

According to the EU:

Some progress was made in the area of policing and police reform during 2007-2009. The internal reorganisation continued. Staff have been receiving extensive training. The Police Academy continued to build its capacity for general and specialised training for various levels of staff, including specialised training for criminal and border police. A track record is being established in the area of internal control. A pilot project on community policing has also been successfully implemented in all regional police units. A modern forensic centre has started work. New equipment was provided to the police and new police uniforms were introduced.

However, the professional capacity of the police still needs to be improved, in particular as regards use of modern investigation and analysis techniques, the availability of basic infrastructure and equipment and a comprehensive IT network. Equipment and facilities need to be upgraded, in particular for the organised crime department. Police staff specialising in the fight against organised crime need to remain focused on this field rather than diverted to other tasks. Operational effectiveness and security require that dissemination of intelligence and operational data need to be based on the ‘need to know’ principle rather than on hierarchical channels of communication. Data maintenance rules and compilation of statistics in the Police Directorate need to be improved.’²⁹

The ILP programme (in its entirety) responds to these critical questions from the EU, questions directly related to police reform and accession. It is particularly relevant to, and has been effective in addressing ‘use of modern investigation and analysis techniques’ and the ‘dissemination of intelligence and operational data ... on the “need to know” principle’. These are fundamentals of the programme.

‘The intelligence led policing model may in brief be said to be created for command and management of all planned operative policing, based on intelligence and other relevant knowledge. One function of ILP may further be described to be strategic by contributing to the setting of priorities in policing; namely to assist in efficient allocation of resources, ILP may also enhance the information/the intelligence to be “timely” (it is produced in good time) and “actionable” (it is comprehensible and presented in forms which assist and enable rational decision making by the users). ILP may reinforce abilities to see patterns of criminal behaviour allowing anticipation of crimes.

²⁸ 2010. *Enhancing the Capacity of Intelligence Led Policing in Montenegro Final Project Report.*

²⁹ EU Commission. *Montenegro 2008 Progress Report Accompanying The Communication From The Commission To The European Parliament And The Council Enlargement Strategy And Main Challenges 2008-2009.*

*In sum ILP may facilitate a pro-active work style, as opposed to being reactive. To generalize, a more traditional reactive work method for the police is to wait for a crime to be reported, a complaint to be made etc , and then to investigate it.*³⁰

3.3.1.3 Assessment of outcomes

The ILP model is being implemented within the Police Directorate in accordance with European models. The model is strengthened in implementation through the use of a handbook/ manual, which is first and foremost of importance to intelligence officers, but is programmed for use across the police service. Officers demonstrate a strong commitment to use of the ILP model.

An ILP database has been developed and is in active use.

There is a strong correlation between the work of the Democratic Policing Project, specifically in the curriculum and work of the Police Academy, where ILP has been integrated into basic police education and where in-house trainers from the Police Directorate provide training to trainees according to Europol (<https://www.europol.europa.eu/>) standards. Thirteen trainers have been licenced by the Police Directorate, of whom three are women.

There has been a clear phasing process for the work of reform in these areas. Initial Swedish assistance provided the structure and framework for the reform processes, initiated the process and funded some key equipment requirements. The Sida project initiated ILP at the *national level*.

Since then, IPA-funded twinning intervention with the Austrian police as a partner has provided technical assistance and has furthered the process through strategy development:

- Strategy documents against EU standards.
 - Threat assessment on Organised Crime.
 - Formed a Strategy and Operational Analysis team.
- ILP in 6 more regions.
- A road map for the ILP model.

The current IPA project implements ILP at the *regional level*.

The IPA project being designed and negotiated will address ILP at the local level:

- ILP
- Threat Assessment
- Command and Control according to European Standards.

3.3.1.4 Assessment of goal fulfilment, effects and sustainability

‘In this case the development train has to be seen as Montenegro approximation process and EU harmonisation. It should therefore be one of the main goals of the phasing out period to link the achievements of the project as closely as possible to the EU partnership and the IPA funds. One possibility would therefore be to strengthen the MoI in its capacity of strategic planning and dialogue with the EU Commission on IPA programming. Links with and possible continuation of the project by other bilateral donors do also have to be strengthened.

In this case the main issues are the establishment of realistic and feasible goals. It is not important how far the project advances during the phasing out but if there are possibilities for the development to continue beyond the project.³¹

³⁰ *Development cooperation project between Police Directorate, Montenegro and the Swedish Police, Skåne Police County; “Enhancing the capacity of intelligence led policing in Montenegro” 2007-2010. Review, lessons learned and recommendations.*

³¹ Jan 2009. *Key points from the discussion on what to consider during the assessment of the phasing out of the Crime Intelligence Project in Montenegro.* Internal Sida Document.

'He concluded by saying that Sida could not finance the roll-out to all regional police departments and that we should rather focus on consolidating the impact on pilot regions during the remaining project period. The roll-out would be left to the Montenegrin Police, who would think of the best way to finance it.'³²

'The possibility to hand over the funding to other donors or have the project included in the IPA programming should be explored.'³³

This process of phasing-out and handing over (not to 'other bilateral donors' in general but to the EU, through IPA support) is happening effectively. The Police Directorate has taken on board the need to move past Swedish assistance and has developed a clear strategy for ensuring the reform process towards ILP takes place, turning initial Sida support into a programme with a wide and long-term implementation.

According to an independent assessment of the project: *Development cooperation project between Police Directorate, Montenegro and the Swedish Police, Skåne Police County; Enhancing the capacity of intelligence led policing in Montenegro 2007-2010. Review, lessons learned and recommendations*, the 'project may be overall described as contributing towards the achievement of;

1. Establishing principles, methods, framework regarding a modernized intelligence led policing model in line with European Standards.

A new system, ILP, for gathering and analysis of criminal intelligence adopted to Montenegrin context has been developed and is in its initial stage of implementation.

2. Establishing the institutional, organisational, regulatory framework needed to implement the new model for intelligence led policing.

During the project period steps have been taken towards the institutionalisation of ILP. A unit centrally placed at the police Directorate and two pilots (Bar and Budva) have been included in the project.

3. Development of capacity of ILP human resources

The project has provided training and capacity building. In addition to formal delivery of training, the method of training of trainers, dialogue, discussions and joint problem solving exercises and sharing of best practices have been used. Training materials have been developed. Participants in trainings have been senior managers, senior officers and regional commanders and training to police officers working at Crime Intelligence units and for DESK functions.

4. Development of ILP material resources (infrastructure).

To some extent infrastructure is in place centrally at PD and in the pilot Bar. The IT component of this project is being procured at the time of the writing of this report (providing for 4x4 evaluation and document flow development)

The undertaking for Montenegro to accomplish full EU alignment in the sector is of course a considerable task, but on a general level the project should be considered to contribute to the EU integration process. The activities in the project aim towards approaching European Standards, e.g normative principles, European Code of Police Ethics, Council of Europe and OSCE principles of democratic policing, Europol Standards and other best practices which can be said to form part of the "Acquis Communautaire" in relation to Justice and Home Affairs.'³⁴

³² February 2009. *Discussions with the Montenegrin Police and the Swedish National Police Board regarding the second phase of the Crime Intelligence project in Montenegro*. Embassy of Sweden Belgrade. Internal Sida Document

³³ Jan 2009. *Protokoll. Peer Review*. Internal Sida Document.

³⁴ *Development cooperation project between Police Directorate, Montenegro and the Swedish Police, Skåne Police County; "Enhancing the capacity of intelligence led policing in Montenegro" 2007-2010. Review, lessons learned and recommendations*.

3.3.2 Democratic Policing

3.3.2.1 Basic facts

The Democratic Policing Project, budgeted at SEK 30,000,000. The original timeframe was for three years, from 2005-2007 with a later extension to June 2008 and a final extension to March 2009, and was intended to bring the Montenegrin Police Service in line with international standards of modern and democratic policing:

- Increasing the principles of legality, accountability and transparency in the Police Service.
- Lifting the level of police protection of individual security and property.
- Regaining public trust in the Police Service.
- A Police Academy is established with capacity to educate and train police officers featured by the principles of modern and democratic policing.

The project was a cooperative initiative of the SNPB and CG MUP,³⁵ and as will be seen below, there is a significant amount of good will towards Sweden because of the project. Having said that, the view was expressed in interviews that the manner and timing of Sweden's exit was abrupt, that 'we spent more than four years working together and were right in the middle of a strategic phase and it was just cut, with no discussion of ending strategies. It just ended. There was no transition and no strategic thinking about the ending processes or how to maximise outcomes.

3.3.2.2 Relevance and effectiveness

Montenegro developed the project, the initiatives funded by Sweden through Sida. The project was not developed by Sida or SNPB. The fact that the approach came from CG MUP placed all stakeholders on a partnership footing from the beginning, and as a result the project is used as an example by the Police Academy, because they were the driver.

The project focused in two areas, the Police Directorate and Police Academy.

The Academy was new, as prior to the project all police training was done in Serbia. Through the project the Police Academy established direct cooperation with the Swedish Police Academy in Växjö, greatly increasing their capacity to deliver police training. This cooperation continues, through a Memorandum of Understanding which was developed and signed by the Academy in Montenegro and the Police Academy in Växjö, and students still attend the Academy in Växjö. This whole process has allowed the Academy to bring its education standards into line with EU standards – the Academy is now part of the International Association of Police Academies; the Association of European Police Colleges and by the end of 2011 the EU Police Agency CEPOL (European Police College Organisation). Coupled with this is the Academy's partnership with the University of Montenegro, where police officers now undertake training in law, at the law faculty, and the Academy's training programme is harmonised in some segments with the law faculty.

In terms of the Police Directorate, the Forensic Centre has been opened, and crime scene examiners trained through the project now work in compliance with European standards. Indeed, certain procedures were developed purely as a result of the project, including, for example, crime scene reporting procedures were completely revised and the new procedures are now fully operational.

3.3.2.3 Assessment of outcomes

The Police Academy is very happy with the current levels of capacity within the organisation. The development of capacity is on-going, and while there is still some way to go, the fact they are being accepted into CEPOL is indicative that they are moving in the right direction. The detailed work of the project was defined during a planning workshop with all stakeholders from the security sector, a

³⁵ 2010. *Final Report - Enhancing the capacity of modern and democratic policing in Montenegro.*

workshop that defined the major problems of police function in Montenegro. This made the project response effective.

The single critical outcome of the Police Academy component was the sharing of experience and training programmes with the Växjö Academy in Sweden, and the close work that was shared by Montenegrin and Swedish instructors. This work included development of complete new training programmes, for instance in domestic violence, and the related development of the skills of instructors.

The key outcome of the Police Directorate component of the project was the skill upgrading in forensic methods on high quality equipment, equipment which was then (and remains) available for actual police work. Closely related to this was the development of the practical training ground at the Academy, where instructors could receive and deliver tactical training, a process never used before in Montenegro.

3.3.2.4 Assessment of goal fulfilment, effects and sustainability

The whole of the police training system in operation in Montenegro was developed through the project and is the training system currently in use. It has been adapted, from an 18 month program into a 2 year program, but the basics are the same. Further, the Police Academy is working on having the training programmed aligned with and accredited via the Bologna Framework.

According to the project's final report, the number of police officers has been significantly reduced and new models of work have been introduced, supported by new legislation, and NGO surveys indicate an improvement in trust between citizens and police. It also notes the introduction of the community model of policing.³⁶

According to the EU, the internal reorganisation process (for the Police Service) 'has continued. Staff received extensive training, both general and specific, as along with English lessons to facilitate international cooperation.

The police academy has built up its capacity for training in several areas and for several categories of police officers, including on public administration. However, the professional capacity of the police - particularly as regards use of modern investigation and analysis techniques - should be improved. Equipment and facilities, in particular for the organised crime department, need upgrading. The same applies to the police academy, in order to ensure adequate facilities for the various types of training to be conducted in-house. Internal control needs strengthening. The overall number of policemen remains high.

Overall, police reform in Montenegro is moderately advanced.³⁷

The latest EU progress report on Montenegro (2011) emphasises the progress achieved in the area of the ILP project intervention:

An organised crime threat assessment has been developed and further steps were taken to establish an intelligence-led policing (ILP) model. A joint investigation team has been put in place and an undercover unit set up within the Criminal Police Directorate. The institutional and administrative capacity of the police has been strengthened, including with the aid of training courses to improve its capacity to fight organised crime and corruption. Specific training on the new provisions of the CPC has been given to law enforcement agents, judges and prosecutors.³⁸

³⁶ 2010. *Final Report - Enhancing the capacity of modern and democratic policing in Montenegro.*

³⁷ EU Commission. *Montenegro 2008 Progress Report Accompanying The Communication From The Commission To The European Parliament And The Council Enlargement Strategy And Main Challenges 2008-2009.*

³⁸ EU Commission. *Montenegro 2011 Progress Report.* p.62-63

3.4 Human Rights and Gender Equality

Swedish support to human rights and gender equality has been implemented by three Framework Organisations – Civil Rights Defenders (formerly the Swedish Helsinki Committee), the Olaf Palme International Center and Kvinna till Kvinna. Operations of the Framework Organisations were undertaken on an annual basis until 2007, when each prepared and were granted multi-year programs. The discussion below looks at the programmes of each of the three Framework Organisations.

3.4.1 Children's Chance for Change: A Juvenile Justice Reform Initiative in Serbia and Montenegro

3.4.1.1 Basic facts

The programme *Children's Chance for Change: A Juvenile Justice Reform Initiative in Serbia and Montenegro* (Juvenile Justice), implemented by UNICEF had a budget of SEK 19,000,000 (80% of which went to Serbia and 20% to Montenegro) and a timeframe of September 2003 through December 2007. UNICEF worked in partnership with the Ministries of Justice, Social Affairs, Education and Interior. The programme promoted comprehensive and multidisciplinary reform of the juvenile justice systems of Serbia and Montenegro to protect the rights of children at risk and children in conflict with law. It included:

- Advocacy.
- Policy development.
- Capacity building.
- Development of alternative community-based care and prevention programmes.

This report focuses on the Montenegro component.

3.4.1.2 Relevance and effectiveness

In working closely and consistently with the Government and the NGO community, as well as with juvenile justice professionals, the project utilised 'a child-centred and multidisciplinary approach that reflects the principles of Restorative Justice in keeping with international standards of law and practice'³⁹ and included activities addressing:

- Legislation.
- Support to the judiciary, including training.
- Police practices in the arrest and detention of children.
- Enhancement of social services for children in conflict with the law.
- The development of alternative community-based care, including diversion measures.
- Improving the care and treatment of children in custody.

The intent of the programme was to promote the rights of children at risk and children in conflict with the law. At the time the project was initiated there was a 'complete lack of commitment on the part of the Montenegrin Government. There was no interest. The Montenegrin legal profession is good, but the criminal justice system in relation to children was just 'were not ready'. As one respondent said, 'the main government stakeholders did not a defined juvenile justice approach in their consciousness – not the Ministry, not Judges.

The project focused on a range of advocacy activities to change this situation and there is a significant change at all levels – ownership of the change and the approach exists within the Ministry and the Judiciary.

³⁹ Project Document - *Children's Chance for Change: A Juvenile Justice Reform Initiative in Serbia and Montenegro*. UNICEF.

3.4.1.3 Assessment of outcomes

The programme in Montenegro confronted a very difficult environment, with limited funding. The work though did lay the groundwork – groundwork that is continuing to deliver change in the system. As a result of Swedish support there were changes in criminal legislation (2006) that established diversion measures for juvenile offenders and established an appropriate legal background. Subsequent operational changes through secondary legislation was introduced in 2007, supported by training of 40 mediators who are licensed by the Ministry of Justice.

- The Montenegro Government established a Mediation Centre in Podgorica and Bijelo Polje).
- There are currently 55 cases where juvenile offenders are being diverted from the judicial system into mediation.
- New legislation will include mediation *within* Police Stations.

The Sida-funded work changed mind-sets – a critical initial step in the change process. As a result of the programme the Ministry of Justice became proactive, including establishing a Commission of Juvenile Justice which was, at the time, a very important step.

3.4.1.4 Assessment of goal fulfilment, effects and sustainability

A second critical outcome was gaining the interest of the EU and the UN, which was a specific strategy of the project team, given the difficult environment and the timeframe and funding of the project. The strategy succeeded and the EU was drawn into support through an IPA project which was the first IPA grant from the EU Delegation in Montenegro. This was followed by a request from the Government for assistance to the UN to continue the programme. The UN agreed to a one-year allocation for an initiative that was to focus, intensely, on mediation and alternatives for young offenders. The initiative is on-going, and works in close support to the IPA project which has focused on training of people within structures that come in to contact with juvenile offenders. These on-going developments, and the continued support of the Government, have given impetus to the longer term prospects for strengthening outcomes. A further IPA project is in preparation, in discussion with the EU Delegation, which focuses on:

- Improving juvenile justice policy and the legislative framework (secondary legislation, rulebooks, standard operating procedures etc.)
- Improving Juvenile Justice Data Collection using an internationally recognized set of indicators.
- Training of juvenile justice professionals in implementation of the Juvenile Justice Law.
- Support to implementation of alternative measures for juvenile offenders.
- Improvements to existing – as well as development of new child rights-based rehabilitation programmes for work with children in conflict with the law.

3.4.2 Civil Rights Defenders

3.4.2.1 Basic facts

The Civil Rights Defenders (CRD) program, funded for SEK 5,230,000 for the final, multi-year programme from December 2007 through June 2011, intended to:

- Contribute to an increased respect for human rights.
- Build democracy through support to strengthening the Rule of Law.
- Strengthen freedom of expression and protection against discrimination.

Prior to this final, multi-year programme, CRD was recipient of a number of annual grants.

3.4.2.2 Relevance and effectiveness

Ten years ago it was not clear the policy direction of the Government of Montenegro in terms of the EU, and the legislative and policy framework in relation to human rights gave no reason for optimism in this regard. Now, and particularly as a result of the past 5 years, laws, by-laws and policies are very focused on accession. The Law on Discrimination is a specific example, as initially there was no political will to develop and adopt such a measure, but when it was decided it was necessary, things moved quickly.

CRD has worked closely with a number of local CSOs in focusing on its priority areas. Some of CRD's partners are large, influential NGOs with strong histories and strong prospects moving forward. Others are small, with a narrow focus, and are struggling to survive. All, though, are focused on ensuring the changes needed within politics, legislation and policy - changes which will inherently improve the civil rights of Montenegrin citizens as well as improve Montenegro's prospects for accession.

The most important work being done by CRD partners, with Swedish assistance, is in relation to the rights of the Roma community, the LGBT population and other minorities, specifically in terms of addressing violations of human rights and in developing a legislative framework against discrimination. Significant work is being done also with the media, both in terms of work on encouraging and facilitating an independent media and work on ensuring professionalism within the media. 'The main challenges to freedom of expression in Montenegro continue to be the growing number of attacks on journalists, the increase in criminal and civil proceedings against journalists and the government's efforts to reverse the media legislation.'⁴⁰

However, while there have been significant steps forward, challenges remain. Although the legislative and policy framework for combating discrimination has been strengthened, its implementation remains a challenge. The fight against discrimination is one of the seven priorities for EU accession, and the Government was required to make progress in this area. In response, the new Law on the Ombudsman was passed in July 2011. The Law provides a framework that enables responsibility over cases of discrimination. However, the capacity of the Ombudsman's Office to effectively address cases of discrimination remains limited, as does its ability to address cases of discrimination by law enforcement bodies.

In addition, an advisor on human rights and anti-discrimination was appointed to the Prime Minister's Office in September 2011 and a Council for Protection Against Discrimination has been established, chaired by the Prime Minister. The role of the Council is to monitor and coordinate activities on anti-discrimination by different authorities.

Roma, Ashkalis and Egyptians, persons with disabilities and lesbian, gay, bisexual and transgender (LGBT) persons remain subjects of discrimination in practice, including on the part of State authorities. Hate speech by the Minister of Human and Minority Rights against the LGBT community initiated a negative reaction in public that forced the Government to drastically change the course in protection of this population group. As a result, the Government organised a conference to promote anti-discrimination (September 2011) and advanced an action plan for protection of LGBT. The Police Directorate signed a Memorandum of Understanding with the relevant NGO, in order to ensure a peaceful rally of the LGBT community. However, LGBT individuals continue to be subject to serious threats, while some cases of violence have been reported, and the legal processing of cases reported to the police have not been initiated. An NGO, LGBT Forum Progress, from Podgorica has recently opened a safe house for LGBT people that are victims of violence that. The safe house, as well as shelter, provides counselling and psycho-social support⁴¹.

The Law on Free Legal Aid was poorly drafted, and has in any case not been adopted.

⁴⁰ June 2011. *Montenegro 2008 until July 2011 Report on Developments and Results*. Civil Rights Defenders.

⁴¹ This project was supported by the Embassy of the Netherlands.

3.4.2.3 Assessment of outcomes

Swedish support funded the only organisation in Montenegro (The Youth Initiative on Human Rights - YIHR) 'fully dedicated to monitoring and reporting on cases of serious human rights violations, including Police torture and discrimination'. YIHR, who with a number of its local partners has recently incorporated an alliance called 'Human Rights House', provides legal aid to victims of human rights violations (and worked closely on the development and adoption of the Law on Free Legal Aid) and prepares regular Human Rights Reports which remain of keen interest to both national and international organisations.⁴² YIHR reports abuses and cases of police torture in prisons, which has caused significant changes in attitudes of the police reflected by opening prisons for human rights monitoring. The police chief in a city of Berane resigned from his position as a result of YIHR reports on police torture that occurred in the Berane police station.

Swedish support funded an NGO, Mreza za afirmaciju nevladinog sektora (MANS), that is deeply involved in exposing corruption, while also promoting and expanding a programme of gaining access to a wide range of information and government/ judicial decisions through use of the Freedom of Information Act (FoI). The work on FoI is of particular interest, as it demonstrates how effective advocacy can be used as both a carrot and a stick – MANS reports that some issues with gaining access to information was sometimes blocked for political reasons and sometimes was inaccessible as a result of administrative inefficiencies. Some ministries and state agencies, as a result of the flood of FoI requests, have re-organised their files, and are even publishing information without being asked. The FoI initiative has seen over 40,000 requests for information submitted, with over 5,000 ending up in court, where MANS wins over 80% of cases.

According to CRD's report *Montenegro 2008 until July 2011 Report on Developments and Results*, while 'Montenegro has improved its status from "partly free" to "free" according to the Freedom House Civil Liberties Rating, the number of reported human rights violations is still rather high. Freedom House explains that the improved rating can be credited to the successful parliamentary elections in March, progress in adopting anti-corruption legislation, and an overall stabilization of country conditions.

In June 2011, the Parliamentary Assembly of the Council of Europe (PACE) Rapporteur for Montenegro stated that Montenegro had made progress in reforming its implementation of the rule of law ... (and) specifically mentioned the success in the adoption of a Law against Discrimination – something that Civil Rights Defenders and our partners worked with for many years.'⁴³ As well as the Law on Discrimination, Swedish funding has assisted in drafting Guidelines on Anti-Discrimination which form a key component of training, for Judges and CSOs, being undertaken by the Centre for Democracy and Human Rights (CEDEM).

With Swedish support the Law on Electronic Media was adopted in 2010, a significant component of CRD's work in bringing Montenegro media legislation in line with European standards. This work was coupled with on-going initiatives in the strengthening media support organisations, some of which maintain some anticipation of sustainability through the Digital Media Archive, an initiative funded through CRD.

While there is significant work to be done for the protection of the human rights of the LGBT community, with Swedish support the issue has been placed on the political/ public agenda – an important step in moving the debate forward. There is one functioning LGBT NGO, and a coalition of NGOs, Government and media drew up an Action Plan Against Homophobia. Although it is not possible at this time to comment, it is understood that this draft policy paper, that was to be a negotiating tool with Government, will be adopted by Government as their action plan.

⁴² *Results achieved in cooperation with Partners*. Civil Rights Defenders.

⁴³ June 2011. *Montenegro 2008 until July 2011 Report on Developments and Results*. Civil Rights Defenders

3.4.2.4 Assessment of goal fulfilment, effects and sustainability

Swedish-funded initiatives in Montenegro over the past 10 years have been of particular importance to the development of the country's human rights perspective, as well as laws, by-laws and policies. There is no doubt that the work of civil society organisations on the issues of journalistic professionalism, freedom of speech, access to information, basic human rights, government and judicial transparency, anti-discrimination and the rule of law has provided impetus for change at the national and local level – practical change in the form of Laws, by-laws and policies. The monitoring, advocacy and lobbying activities of NGOs have allowed the citizens of Montenegro to see what otherwise would be hidden activities and to pass judgement in an atmosphere of knowledge.

Having said that, significant work in human rights and democracy remains to be done in Montenegro. It is unfortunate that Sweden withdrew its support as early as it did, as the role and impact of civil society organisations is important to Montenegro in achieving outcomes in these areas, and the necessary advocacy/ lobbying/ watchdog work is severely hampered now by a lack of funds, and the lack of a sufficiently well-developed capacity (both in depth and in breadth) in the NGO community. This lack of capacity is the critical issue.

The widespread view is that management and administrative capacity is weak within both Government (national and local) and within NGOs. The EU's view is that there are fully 250 positions in government which are needed to be filled by qualified, capable people in order to effectively deliver the *current* IPA program in the country. It is the view of YIHR that all five war crimes trials failed because of the poor capacity of authorities to prepare and prosecute the cases.

Many civil society organisations have no capacity to access EU funds, or to effectively administer grants if they were to be successful with applications, and there is strong concern across the NGO community about the lack of transparency of the Government's grants programmes, as well as the political nature of awarded grants. According to CRD, the professional capacity of NGOs in Montenegro is the lowest in the region. They are good at programming, advocacy and lobbying, but they do no strategic planning, do not have effective Boards and will struggle intensely for years to find any level of sustainability. There is a significant issue with Government taking good people from NGOs to work in Government administration/ management.

3.4.3 The Olaf Palme International Centre (OPC)

3.4.3.1 Basic facts

The OPC programme intended to:

- Contribute to the strengthening of the participation of citizens in civil society organisations and enable them to influence the (local) political agenda.
- Enable civil society, local political representatives and local civil servants to fully benefit from and participate in the process of EU integration.

The programme ran from December 2007 through June 2011, as a multi-year programme, with annual funding provided prior to that. The final multi-year program was for SEK 1,800,000.

Prior to this final, multi-year programme, OPC was recipient of a number of annual grants.

3.4.3.2 Relevance and effectiveness

The OPC programme in Montenegro focused strongly on citizen participation in democracy, and in democratic change. OPC partners worked both with Municipalities and with national government institutions, with an aim to influence the local political agenda by organising civil society, to improve linkages between local NGOs and Municipal governance and to assist civil society organisations to participate in the EU accession processes. The focus of the programme is appropriate to the needs of Montenegro as well as to the priorities of Sweden for its assistance. The development of effective democratic processes in Montenegro is very fragile, nationally and locally, and the role of civil society in assisting in this development is critical as it provides both impetus and a watch-dog capacity. This

is exactly the approach taken by OPC partners, and the work they undertake directly addresses priority areas.

3.4.3.3 Assessment of outcomes

There has been significant change in the relations between civil society and local self-government in some areas. One of these is that as recently as 2003 there was no sharing of information between civil society and Municipal authorities and no policies or procedures existed for cooperation. CRNVO's involvement with local NGOs and Municipalities has seen development of citizen participation in public affairs,

The following summarises the key, specific outcomes of OPC's cooperation with its two Montenegrin partners as a result of Swedish assistance:

'The award introduced by *CRNVO* for the municipality who has the best cooperation with civil society became a trade mark and an important recognition for the local administration. That is a strong verification that the environment is changing and that it is not by accident that there are more and more NGO projects and initiatives in Montenegro that are supported (financially or in a different way) by the local self-rule.'⁴⁴

The Center for Development of Non-Governmental Organizations (CRNVO)⁴⁵ is not-for-profit, non-governmental association established in September 1999 with the vision of Montenegro as a democratic and civil society where rule of law is respected and active citizens and NGOs play vital role in the development of society. CRNVO is one of the strongest NGOs in Montenegro, active in providing technical assistance in the field of: public administration reform and strengthening capacities of NGOs (financial and organisational capacity, human resources, fundraising capacity). CRNVO is also active in conducting researches and surveys on various issues, drafting Laws and other public policies as well as raising public attention on issues of their concern.

Laws or related proposed and worked on by CRNVO:

- The Law on NGOs.
- Procedures for allocation of national funds to civil society projects.
- Statute on the strengthening of mayoral obligations to citizens, including annual reporting.
- Decrees on transparency of national bodies.

CRNVO also contributed to the development of the policy instruments, such as:

- The Decision of citizen participation in conducting public affairs.
- Changes to Municipal Statutes that enable stronger participation of citizens in decision making.
- Rules of Procedure for local parliaments to enable citizens to participate at Municipal assembly meetings.
- Creating a transparent criteria for financing CSOs at the local level including development of a transparent selection criteria and creation of mechanisms for effective monitoring.

All 21 municipalities in Montenegro have adopted those policy instruments, although the quality of implementation varies.

The Monitoring Center - CEMI⁴⁶ is a non-government, non-profit organization founded in March 2000, whose main goal is to provide expert support for monitoring of the process of transition currently on-going in Montenegro. CEMI is active in providing policy papers, the drafting of laws and in conducting research.

⁴⁴ 2011. *Annual Report 2010 Montenegro*. Olaf Palme International Center.

⁴⁵ More about CRNVO is available on their website: <http://www.crnvo.me/>.

⁴⁶ More about CEMI is available on their website: <http://www.cemi.org.me/>.

Laws drafted and/ or proposed by CEMI:

- The Law on Political Parties (2004).
- The Law on Financing Political Parties (2004 and the revised law in 2009). The original Law was a ‘civic initiative proposed by 13,000 citizens, who spoke at Parliament. In 2007 the Law was changed so ‘civic initiatives were no longer allowed in Montenegro.
- The Law on Financing Elections of the President and Mayors (2008).
- The Law on Self-rule (2010), which controls the relationship between civil society and Municipalities.

CEMI also drafted the Code of Conduct for the State Electoral Commission and is currently advocating for the establishment of the Agency Against Political Corruption.

3.4.3.4 Assessment of goal fulfilment, effects and sustainability

OPC’s program and partners in Montenegro have made an *effective contribution* to ‘strengthening of the participation of citizens in civil society organisations and enable them to influence the (local) political agenda; enable civil society, local political representatives and local civil servants to fully benefit from and participate in the process of EU integration.’ The work undertaken by CEMI, with high school students in each of the country’s 21 Municipalities improved their understanding of democracy and their ability to influence the political agenda through civic activism. This was key, as the program went beyond education to involvement, generally in local NGOs, who then began a number of local initiatives. One change is particularly worth noting:

One positive behavioural change that was noted by CEMI in relations between local governments and civil society was that most of the Montenegrin institutions that were approached by CEMI understood the potential and helped the organisation with visits of “peer educators”. They also supported the significance of this idea which created opportunities for young ambitious people from all around Montenegro to present the problems of their local communities. Besides that, high school management became increasingly supportive to the project and started to realise the need for the educational system to provide and discuss certain civic values with students, not only transferring knowledge.⁴⁷

Both OPIC partners have engaged in project whose aim is to improve relations between civil society and local self-governance. These initiatives have succeeded in putting in place the *legal framework for cooperation between local government and local NGOs*, and are stimulating participation of citizens in local decision-making. Examples of specific results, which demonstrate this cooperation and participation in local decision-making, include:

Strengthened capacities of NGOs were a basis for increased number of NGOs involved in task forces/commissions and increased number of comments submitted by local NGOs to local Assemblies, measured by Municipal annual report on the work of local self-government, as well as the increased level of satisfaction of citizens with functioning of local self-government which was measured with CEMI Periodical reports on results of the public opinion surveys on functioning of local self-government.

Eight civic initiatives concerning the amendments of the local decision on distribution of local funds to NGOs were prepared by organisations that participated in the project and were submitted to the competent authorities of the local self-government). Four policy briefs were created by local NGOs and supported by local authorities. These policy briefs concerned the issues of social care (i.e. the first policy brief targeted the issue of accommodation and care of the children with special needs in Daily Centre in Herceg Novi, while the other one was dedicated to the issue of removing physical barriers to free movement of persons with disabilities in the municipality Pljevlja) and corruption at the

⁴⁷ July 2011, Annual Report 2010 Montenegro, OPIC

local level (i.e. 2 policy briefs prepared within this project, tackled the issue of the implementation of local anticorruption plans).

Eight NGOs from the project were closely monitoring the process of development of local Statutes in four of the municipalities covered by this project –Mojkovac, Berane, Niksic and Herceg Novi.⁴⁸

CRNVO has created an annual award for the Municipality that has the best cooperation with civil society. This award has become an important recognition for local governance and demonstrates the effective advocacy on the part of civil society with Municipalities, where they have taken the lead and brought about change.

3.4.4 Kvinna till Kvinna

3.4.4.1 Basic facts

The Kvinna till Kvinna (hereinafter Kvinna) program, which targets local women's organisations was funded as a multi-year programme from December 2007 through June 2011 inclusive and focused on:

- Improving the position of women and contributing to an increased respect for women's rights in conflict and post-conflict areas.
- Creating a strong women's movement contributing to the democratisation of society by advocating for respect for women's human rights in all areas of life.

Total funding for this period was SEK 3,850,000.

Prior to this final, multi-year programme, Kvinna was recipient of a number of annual grants.

3.4.4.2 Relevance and effectiveness

Kvinna continues to be a strong contributor to (women's) human rights across the Balkans, and its programme in Montenegro is a good example of the relevance and effectiveness of its approach. This relevance and effectiveness can be seen most clearly in three areas:

- War and war crimes. The Kvinna-supported groups Anima and Bona Fide are two of very few organisations in Montenegro addressing these issues. Fundamentally, the Government of Montenegro's view is that Montenegro 'was not involved in any war, ever', and 'avoid reality in this sense'. The Bona Fide and Anima programs are a direct response to this situation. The upcoming regional 'Women's Courts' also respond directly in this area, with the regional focus seen as critical, as well as the focus on victims and survivors.
- Violence against women. Kvinna's support in this area has been critical not least because the Government of Montenegro, except for the legislative framework, has provided no support whatsoever to initiatives against violence against women. All support has come from international donors. Supported NGOs are working with the police and with the judicial system, and indeed, partly in response to the International Year On Violence Against Women, both a national strategy and a national action plan on violence against women have been developed, although as indicated above not one Euro has been allocated to either by the Government.
- Political participation of Roma women. A number of initiatives were undertaken that are of importance to improvements in women's human rights in Montenegro, initiatives which included work on gender equality in Roma society. As described in the report *Be Realistic, Strive For The Impossible*⁴⁹:

The small group of activists of the NGO *SOS Hotline for Women and Children – Victims of Violence* from Niksic, Montenegro has initiated one pioneering

⁴⁸ Ibid

⁴⁹ 2010, *Be Realistic, Strive For The Impossible*, Biljana Brankovic.

undertaking: a project “*Roma Centre*”, aimed at empowering women and children – members of Roma and Egyptian minority in Niksic and enhancing their integration into the local community. The project led to foundation of a new organisation, *Centre for Roma Initiatives (CRI)*, composed of young Roma and Egyptian women from Niksic who previously participated in the programs of Roma Centre. Five young Roma and Egyptian women were co-founders of CRI. Upon establishing their own independent organisation in 2004, these young Roma and Egyptian women, activists of CRI, have continued to work in partnership with SOS Hotline, and later initiated a foundation of the first Roma women’s Network in Montenegro, entitled (simply but symbolically): “*The First*”.

The work of the SOS Hotline and the CRI represent 10 years of activism which is delivering greater participation by Roma women in society, including ‘it can be said that both SOS Hotline and CRI did what most autonomous women’s groups have done anywhere in the world – challenged practices and traditions of their own community.’⁵⁰

There were a fourth and fifth priority which were cross-cutting to these three key areas:

- Development of the women’s movement. The program’s underlying theme of development of a women’s movement focused on cooperation and coordination. Kvinna approached this consciously, with a view to developing a political influence. Activities included initiation of 8 March conferences, including choosing, with intent, the venue for these conferences. Activists supported by Kvinna are now in regular communication in 10 of Montenegro’s 21 Municipalities, constantly lobbying on behalf of changes related to women’s human rights.
- Development of a regional perspective. Kvinna’s programme intends to assist the Balkan community to face its past through the Women’s Courts which will address the post-war scenario while focusing on victims and survivors. The programme is also focused on developing leadership, particularly among young women, responding to a perceived need to widen and deepen the leadership of the women’s movement.

3.4.4.3 Assessment of outcomes

Swedish funding has contributed to some fundamental changes in relation to women’s human rights in Montenegro. In 2001 there was virtually no concept within Montenegrin Authorities of the relevance, importance or need for a focus on gender equality nor, of course, any related plans. In the past 10 years Swedish contributions assisted civil society in its work with Authorities – improving its capacity and effectiveness. As a result, a national body on gender equality was established, (the Department for Gender Equality within the Ministry for Human and Minority Rights), the Strategy for the Prevention and Protection of Victims of Domestic Violence and National Action Plan on Violence Against Women were developed and a number of other mechanisms came into effect. As well, directly related to intended outcomes and the goals of improving the position of women in Montenegro and development of a women’s movement⁵¹:

- National campaigning by women’s organisations improved the outcomes in representation of women in parliament. In 2009 it was predicted that women’s representation would decrease and it was maintained. In 2010 there was an increase, albeit small.
- Bona Fide’s long-term efforts to establish the truth about the war crimes in Bukovica, contributed in 2009 to the initiating of a court process against several representatives from the police and army accused of killing civilians. While ultimately unsuccessful in court, the initiative placed the issue of Montenegrin participation in the war, and involvement in war crimes, on the public agenda and contributes to an honest assessment of responsibility.

⁵⁰ Ibid

⁵¹ 2010. Result Report For Montenegro, Jan 2008 – May 2010, Kvinna till Kvinna.

- Anima's intensive program of Women's Studies has trained and prepared 200 women across the country, including the preparation of a team of trainers to carry on the work.
- The Roma Women's Network strengthened their capacity and increased their visibility, and became involved in regional networking with women's groups and Roma women's groups.
- Women's organisations have increased their capacity and have sourced funding from new donors. They have increasingly used their new knowledge in fundraising for local fundraising events and initiatives with outstanding results.
- Shelters for women victims of domestic violence have been developed in both Nikšić and Pljevlja, following years of advocacy and the education of local Municipalities.
- A number of activist women's organisations have developed and signed Memorandums of Understanding with local institutions and the Police, furthering their ability to work cooperatively and to advocate at the local level.

3.4.4.4 Assessment of goal fulfilment, effects and sustainability

Swedish support through Kvinna to activist women's organisations in a variety of locations across Montenegro has contributed to change in relation to gender equality in Montenegro. Some contributions have been direct and significant, direct results of advocacy and lobbying, and some have been a more general contribution, together with others, in how the issue of women's human rights is perceived in Montenegro. The most significant examples of this change include the legislative framework for protection of women and minorities which includes, importantly, the following Laws:

- The Law on Gender Equality.
- The Law on Prohibition of Discrimination.
- The Law on Protection from Domestic Violence. Domestic violence was defined as a criminal act in 2002 by Article 220 of the Criminal Law of Montenegro and in 2010 the Law on Protection from Domestic Violence was adopted.
- The Law on Minority Rights and Freedoms.⁵²

Montenegro's Constitution references international laws and conventions and their primacy in relation to the formulation of Montenegrin law and policy, and the Government of Montenegro has ratified a number of international conventions in the areas of human and gender rights.

The National Action Plan for Gender Equality (PAPRR) was adopted by the Government in 2007 and covered the period 2008 – 2012. Unfortunately, Government did not allocate the funds necessary to implement activities envisaged in the PAPRR.

SOS Nikšić had direct inputs into the Strategy for the Prevention and Protection of Victims of Domestic Violence, as part of the working group delegated to draft the Strategy.

Notwithstanding the discontinuation of Swedish funding, the efforts of Kvinna and its partners *continues* to improve the position of women in Montenegro and continues to contribute to an increased respect for women's rights. The support also *continues* the development of a strong women's movement that is contributing to the democratisation of Montenegrin society - advocating for respect for women's human rights in all areas of life.

Having said this, there are reasons to lack optimism about the future of (women's) human rights advocacy and change in Montenegro. There is no question that some of Kvinna's partners are experiencing existential difficulties as a result of the loss of Swedish funding – Anima for example is likely to close its doors in mid-2012, which will be a significant loss to women's human rights advocacy. Anima has further developed its women's studies program, including its registration within

⁵² 2010. Annual Report Montenegro, Kvinna till Kvinna.

Montenegrin structures, but donor support has not been forthcoming and Government support through its support to civil society programs did not happen.

CRI too is in deep financial crisis, although it is working hard to shore up its future beyond early 2012 when current funding ends. The issue is serious. There are two Government schemes that support NGOs in Montenegro, one provided from Lottery money and the second provided by the Parliament of Montenegro. However, these schemes are usually blind in relation to women's organisations. Anima has analysed the grants provided to NGOs through these grants. Their findings were that only between .05% and 1.8% of *all* grants went to gender-specialist or women's organisations. According to SOS Nikšić, since Sida funding ended there are 'not only fewer women's organisations, there are fewer activists'. If the grants are provided, the awarded budgets are often significantly smaller than the requests that were made, making project implementation almost impossible.

And, the issue goes beyond finance. Yes, the legislative framework is in place but the reality within Government is often not supportive, sometimes even dismissive. Anima provided support to striking female workers at the Lenka textile factory in Bijelo Polje, as well as the Podgorica tobacco factory. There was a complete lack of response from Government to the issue, and indeed the Government refused to engage directly with either Anima or the striking women – responding only via the media and making use of inappropriate terminology.

3.4.5 Roma Education Fund

3.4.5.1 Basic facts

The Roma Education Fund (REF) project is a regional initiative, supporting the Budapest-based REF in association with the World Bank. The objective of the REF education projects in the Western Balkans is to contribute to closing the gap in educational outcomes between Roma and non-Roma, including desegregation of educational systems. The project support budget totalled SEK 3,340,000 – and was supported in Montenegro from April 2005 through June 2010.

The REF works in six cities in Montenegro, with its longest initiatives at the Konik camp in Podgorica. The REF focuses on how to increase the numbers of children in school and how to lessen the dropout rate. This is not a huge issue nationally, but is critical at Konik, where children attend only three classes daily, each of 30 minutes duration, with no break between. School only functions from 9.30 – 11.00, and only for grades 1-3.

The School was opened in 1999/2000 as a temporary solution for one school year and remains active today. The German NGO Help built the school, which was later given to the Red Cross to take care of. However, repair and maintenance of the school is always an issue as no-one wanted to take responsibility (the Red Cross and the Ministry blaming each other on this issue). The condition of the school is very bad, there are no toilets and heating, most of the windows are broken and there are holes in walls as well. The ministry pays the teachers with a full salary, although they work only 3 hours a day.

The Roma population of Montenegro included both domicile Roma and Kosovo Roma, each of which has a different story and a different set of issues. Domicile Roma are largely integrated and go to school, and speak the local language. Kosovo Roma, most of whom comprise the population of Konik camp, speak using a mix of Albanian and Roma.

3.4.5.2 Relevance and effectiveness

There was an initiative to close the school and bus the children to an integrated school, but this was not supported in the past. The alternative was to provide in-house classes and there was a pilot initiative in this regard but the line ministry did not continue the funding of this project. A proposed new project will close the school, progressively over 3 years, grade-by-grade, and bus the children. This project will also provide additional support to students – special assistance through additional training and volunteerism. A decision on this initiative will be made in April 2012. Closing the school is very important for the development of the student's language and education levels as the view of the REF is that it is much better that they are integrated into other schools and are not segregated.

According to REF, people in Konik camp also are of the view that the segregated school is not the solution, with 100 children currently bussed daily around Podgorica, successfully.

3.4.5.3 Assessment of outcomes

According to the EU Progress report 2011:

In July 2011, the government adopted the "Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro, with special emphasis on the Konik area". The new strategy replaces the 2009 Action Plan and confirms the extension of the 7 November 2011 deadline for applications for foreigner with permanent residence. The deadline for adoption of the amendment to the law is October 2011. The strategy outlines action for facilitating access to documents for vulnerable persons. However, mainly due to cumbersome procedures, including the costs of collecting supporting documents from their countries of origin, around 30 % of displaced persons submitted relevant applications and less than 20 % of them obtained legal resident status. Smaller numbers have obtained temporary status, while around 600 have qualified for citizenship rights. Return to countries of origin continued but overall numbers remain limited. Efforts to accelerate the process of voluntary return for persons originating from Kosovo have been made, but results remain limited. Further efforts are needed by both Montenegro and Kosovo to remove remaining obstacles and facilitate return.

According to the strategy and in line with the extension of the deadline for applying for permanent residence, the validity of the decree which currently gives displaced persons access to social and economic rights will be extended. The strategy also commits to harmonise basic laws with the Law on Foreigners to ensure full access of displaced persons to economic and social rights. Several laws still have to be adopted or amended to this effect. Currently, enforcement of these rights remains insufficient. The new strategy outlines a durable solution to the Konik area but implementation is still at a very early stage.⁵³

3.4.5.4 Assessment of goal fulfilment, effects and sustainability

Solving the issues in Konik is one of the 7 priorities established by the EU for Montenegro's accession. As a result, the Government and the EU pay significant attention to the issue, and there is a forthcoming IPA project that will deal with urban construction and infrastructure development at Konik. The project will be implemented by the City of Podgorica, which causes some concern among NGOs and the Roma community that the project will not be appropriately implemented, given the discriminatory language and actions of high city authorities, including the Mayor, in relation to Konik.

3.4.6 Cultural Heritage without Borders

3.4.6.1 Basic facts

The Cultural Heritage without Borders (CHwB) programme works with National Museums, NGOs and Institutes for the Protection of Monuments to renovate historically interesting and war-damaged buildings. They also provide institutional capacity building and work to strengthen civil society. The objective of the project is to create conditions for reconciliation as a prerequisite for peace and democracy, with respect for human rights through regional cooperation, and to spur economic growth by conceptualizing cultural heritage as an income-generating factor at the community level.

CHwB is funded and implemented regionally. CHwB received assistance from Sida, initially in Bosnia and Hercegovina (BiH) in 1996, for a post-war reconciliation programme. Agreements were always annually, and only covered BiH until 2001. CHwB opened an office in Kosovo in 2001, with a programme similar to the BiH programme. The BiH programme ended in 2005, when at the same time the programme focus became regional, focusing on the whole of the Western Balkans.

⁵³ EU Commission. *Montenegro 2011 Progress Report*.

According to the current approach, each Swedish Embassy in the region contributes to the regional program. The current contract is from 2008-2011, and included funding from Sida Belgrade of SEK 1,768,500 for the period 2008-2010. There was a previous multi-year contract (2005-2007) and CHwB is currently negotiating a further contract for 2012-2015.

3.4.6.2 Relevance and effectiveness

In 2007, the Board of CHwB commissioned an evaluation of the work of the organisation. According to that evaluation, 'Provided that the protection and renovation of cultural heritage is seen as an important step in the process of rebuilding a war-torn society (a case for which there are also strong arguments in terms of social and economic progress), the work which CHwB has carried out must be seen as highly relevant. Added to that, the reestablishment of cultural symbols can be seen as a strong agent for reconciliation and the creation of a tolerant society.'⁵⁴

CHwB focuses in two areas, Museum cooperation (the Regional Museum Network) and the SEE Heritage Network, although the cornerstone of their work is Museum cooperation. Work began with Museums in BiH, and it has become apparent with time that Museums across the Balkans have the same problems as those with whom CHwB worked in BiH.

According to the recent evaluation of the programme - *Final Report - Evaluation of Cultural Heritage without Borders (2008-2011)*:

*Cultural Heritage without Borders is **unique among cultural heritage organisations** in its work in conflict and post-conflict countries where it attempts to set cultural heritage in the context of reconciliation and human rights. It is an organisation with several strengths: by bringing people, previously in conflict, together to work on creative projects in a participatory and democratic way, it concretely contributes to reconciliation processes. It operates with a large tool box and an approach that promotes participation, gender equality, inclusion and ownership, while building institutional capacity and strengthening civil society in a way consistent with EU ways of working. It works efficiently, applying democratic leadership with competent, dedicated, dynamic and largely local staff.*⁵⁵

The programme is interesting and important, and in focusing on Museums (government institutions) and work with NGOs the programme addresses reconciliation through work on cultural heritage in two differing and important ways. As governmental organisations, Museums are not as flexible as NGOs. They depend on government funding and often have political appointments as leaders. In this context, sometimes Museum representatives from Serbia do not go to Kosovo and vice versa. Museum representatives from Banja Luka and Sarajevo do not meet. Networking with Museums is much more difficult.

On the other hand, the SEE Heritage network has only ever been fruitful and with joint cooperation. It is a self-sustaining network now, and with the new contract with Sida SEE Heritage will not be funded – they have separate funding. As a network they are involved in joint initiatives – for example there was a recent issue with the Petrovaradin Fortress in Novi Sad that was to be partly destroyed and all members of the network from across the Balkans protested against this in writing. There is a wide range of sharing between Serbia and Kosovo for example, and the word 'ethnic' has never been an issue within the network.

3.4.6.3 Assessment of outcomes

The Regional Museum Network (<http://www.chwb.org/index.php?articleId=119>) incorporates 11 Museums in six countries, and includes large and small institutions. Driven by a commitment 'to support the development of museums as democratic meeting places', the Network works on professional development and joint problem solving. It is worth noting that within a difficult political

⁵⁴ 2007. T Källemark. *Cultural Heritage for Peace and Reconciliation - An evaluation of Cultural Heritage without Borders (CHwB)*.

⁵⁵ Sept 2011. Ljungman and Taboroff. *Final Report - Evaluation of Cultural Heritage without Borders (2008-2011)*. InDevelop. Stockholm.

environment, CHwB has Serbian and Kosovo Museums, mentioned with their full names, on the same piece of paper. Through strategic approaches such as the use of neutral zones for meetings, professional persons, meeting in professional situations to discuss professional issues have developed a capacity to communicate about a problem and, at that point, to forget about ethnicity and to discuss cultural heritage professionally. And, from that point on they relate professionally – they return to an ethnic relationship, but it is softened by the professional interaction.

According to Ljungman and Taboroff:

*The Network itself has created a space for dialogue, understanding, collaboration and interaction. Professional relations and friendships have been established across the borders. This contributes to building basic foundations for peace and reconciliation in the Balkans. As a consortium consisting of public institutions that have the mandate to reach out to all groups in society, the Network has the potential over time to influence attitudes by reflecting concepts conducive to peace and reconciliation in their exhibits and publications. The extent to which the museums have had impact in this way is unknown, but it is certain that the 1+1 exhibit was a deliberate action with this aim. Should the museums continue to work together to further promote dialogue, understanding and human rights values, the museums can become important actors for peace and reconciliation.*⁵⁶

The SEE Heritage Network works to assist people to cooperate, understand and respect each other on the basis of their cultural differences, working as a ‘network of individuals and non-governmental organizations that believe in cultural, ethnic and religious diversity as a valuable resource.’⁵⁷ CHwB recognizes the need for a results-based approach to its work, both for its own internal understanding of outcomes and to assist donors in assessing the work that they assist, and this has led them to take a different approach to their work, with a specific focus in some areas on visible, concrete examples of its work, such as the ‘100 Roofs’ initiative in Negotin, Serbia and work in Kosovo on spatial plans which is attracting budgetary support from the Kosovo authorities.

A key activity of CHwB which brings together network activists from across the region are the reconstruction camps that are run in Albania (a neutral zone), where young people studying history, or the history of art, come together to work professionally. According to Ljungman and Taboroff:

*CHwB has successfully established and nurtured the soon-to-be independent **SEE Heritage Network**. It is a model of regional cooperation and professional exchange among NGOs in the heritage sector. SEE Heritage plays an important convening role in the region, and worldwide it is one of the few of its kind. The Network provides space for exploration and open discussion and continues to draw attention to the risk of misuse of heritage for nationalistic purposes through its website, public fora, and debates.*⁵⁸

3.4.6.4 Assessment of goal fulfilment, effects and sustainability

CHwB tells an important story about its reconstruction and reconciliation work in BiH, where the organisation worked in east Herzegovina on the reconstruction of a mosque in a local community – a place of significant cultural heritage. The reconstruction was critical, as this type of reconstruction rebuilds the sense of safety for people who have been driven from their homes by war – people feel like things ‘are getting back to normal’. However, ‘it is clear that for the mothers that lost brothers and sons, forgiveness is not likely to ever happen and reconciliation is a matter of generations and generations, and we should not fool ourselves about this.’ CHwB works at a different level – it understands that this critical group is left out, but this is a conscious decision, to work where change is possible through joint activities, priorities and capacity building.

According to Ljungman and Taboroff:

⁵⁶ Ibid.

⁵⁷ SEE Heritage Vision and Mission: http://www.chwb.org/regional/reg_net/misija_i_vizija.pdf.

⁵⁸ Sept 2011. Ljungman and Taboroff. *Final Report - Evaluation of Cultural Heritage without Borders (2008-2011)*. InDevelop. Stockholm.

The Museum Network and SEE Heritage Network constitute impressive accomplishments. They are also unique – although cultural heritage presents a powerful means of uniting people, there are few effective actors in this field of work. These initiatives, which combine cultural heritage conservation with a human rights and reconciliation perspective, have potential for replication in other parts of the world.⁵⁹

3.4.7 The Forum Syd Balkan Program

3.4.7.1 Basic facts

The Forum Syd Balkan Program began as PRONI in 2002, focusing on an integration of education, youth work and youth policy. PRONI became Forum Syd in 2005 and was localised into Forum MNE in 2007. Since 2010 there is no formal relationship with Forum Syd, although the Forum MNE (Forum Mladi i Neformalna Edukacija) maintains a partner relationship with Forum Syd. The programme was supported by Swedish contributions from 2008-2010 with a budget of SEK 4,320,000, for the purpose of setting up youth clubs with an inter-ethnic mix, training of youth leaders, local adoption of youth training curricula at the university level and support for development of a national youth policy.

The program was regional – this report refers only to the Montenegro component.

3.4.7.2 Relevance and effectiveness

Montenegro became independent in 2006, and expressed a clear intention for its integration into the European Union. Within in this context, in the field of youth affairs, the Government prepared and adopted a National Youth Action Plan. Subsequently, a National Youth Office was established and a Call for Proposals issued to provide grant funding for youth activities. Forum Syd (Forum MNE) activities, as part of the regional programme, fit into this context. The main components of the programme Sida supported were support for provision of youth policies, education and training development, encouraging community youth work (CYW) and providing services relevant to the needs of young people, and support to the development of organizational structures, policies and practices and building efficient, locally owned, nationally respected, community responsive centres for CYW services, that would ensure organizational long-term program and financial sustainability. Forum MNE then structured itself into four departments:

- Training and Education.
- Municipal Youth Policy.
- Vulnerable Groups – Youth.
- Multi-IPA Advocacy and Youth Issues; Capacity of CSOs working with youth.

3.4.7.3 Assessment of outcomes

Outcomes associated with the work of Forum MNE fall into three areas:

Youth Activist Profession – the profession of youth activist has been formally recognised by the Education Council. As a result, the Employment Bureau licences training for youth activists and Forum MNE provides training in the field, as a recognised service provider. They do other, ad hoc programmes for the Bureau of Education as well.

Community Youth Work – As a result of their years of involvement in youth training and youth policy, Forum MNE has recently won a contract with the Montenegrin Government to provide training in democracy for children and young adults. The program will run for 2-3 years and will involve 1000 participants annually. Forum MNE maintains its training program for youth activists who cannot complete the university course.

⁵⁹ Ibid.

Vulnerable Groups – Forum MNE was heavily involved with the Roma community – notably at Konik Camp – where they worked with a group of 15 activists at a youth club that focuses on community activities and education.

*'The general conclusion is that FSBP significantly contributed in empowerment of young people of Western Balkans to play important part in development of democratic societies and built solid foundations for programmatic, institutional, policy and financial sustainability of achieved results. It should be noted that Serbia, Macedonia and Montenegro achieved appreciable results, while in BiH, due to a variety of reasons, the results were slightly attenuated.'*⁶⁰

3.4.7.4 Assessment of goal fulfilment, effects and sustainability

Although they have on-going support from a range of donors, as well as participation in IPA funding, since 2005 Forum MNE has struggled with the concept and reality of a 'diverse donor base'. Indeed, while Forum Syd itself stayed until 2010, it is the view of Forum MNE that they 'did not work, structurally, to help us make the shift. We were not ready – we did not have enough money and our activities suffered.' It needs to be said that Forum Syd *did* phase-down funding from 2008-2010 (80%, 60%, 20%), but the view is that other organisational needs, assistance to be better prepared to stand alone after 8 supported years, did not happen. The significant resourcing the organisation had in its early years, coupled with its international status, has left Forum MNE with a poorly developed network of local partners. The organisation is also without any partnerships with government, local or national, and as a result no youth clubs are currently operational – donors will not fund basic costs such as rent and utilities, and with no Municipal contributions there was no way to keep the clubs open.

As well as the programmes noted above, the organisation is a recognised service provider (in the Bureau of Education's Catalogue) for provision of 2-3 day training programme for teachers in VET schools.

As noted by Sarić and Kurtović, the 'main impression about Forum MNE is that nothing in this organization is happening accidentally – the approach to programs and organizational development is strategic, mindful and deliberate. The argument for this statement are two researches that Forum MNE conducted, which are used as planning tool (engaged agency for "Research on impact of Forum MNE" and research "Mapping civil society - youth sector"). Also, the argument is excellence of the Strategic plan, which is highly pragmatic and usable.'⁶¹

3.4.8 UNDP's Regional Programme: Improving Institutional Capacity and Monitoring Capabilities at Central and Local Level for Decreasing Vulnerability of Roma in Western Balkans

3.4.8.1 Basic facts

UNDP's regional programme *Improving Institutional Capacity and Monitoring Capabilities at Central and Local Level for Decreasing Vulnerability of Roma in Western Balkans* was designed with the intent of improving the access of the Roma community to social services, development of opportunities at the local level and to thereby decrease the vulnerability and human security risks experienced by Roma. The programme ran from January 2007 through June of 2010 and had a budget of SEK 5,957,756. According to Milosheva-Krushe, the programme was in practice 'a regional facility that brought together four specific and autonomous sub-projects – one regional and three country components, under a broad framework of common principles and objectives. The Project aimed at expanding the capacities of central and local institutions and redefining the service provision frameworks for adequate responses to the challenges of Roma inclusion, with a particular focus to

⁶⁰ January 2011. Sarić and Kurtović. *Forum Syd Balkan Program 2008-2011 Evaluation Report*. Forum Syd Balkan Program.

⁶¹ Ibid.

assist the implementation of the National Action Plans for Roma Inclusion (NAPs) adopted within the 'Decade of Roma Inclusion'.⁶²

Office for Human and Minority Rights

3.4.8.2 Relevance and effectiveness

The programme in Montenegro focused on the Municipalities of Berane, Nikšić and Bar, and targeted work with the RAE (Roma Ashkali and Egyptian) population in these Municipalities. It had two strategies:

- Upgrading the provision of services from Centres for Social Work (CSWs).
- Improving capacity at the National Employment Service's (NES) local offices to assist the RAE community with vocational education and training (VET) and access to employers; direct attention to increasing employment for women and creating small business pilot projects.

According to Milosheva-Krushe, a 'major strength of the strategy was that its design was rooted in the good knowledge base and well established functional partnerships of the UNDP country office with the Ministry of Labour and Social Welfare through the CSWs and with the EA through local NES in the three municipalities, as well as with local RAE civil society organizations.'⁶³

In the context of EU accession, such strategies are critical, and a direct response to EU requirements. The EU Commission's 7 priorities for Montenegro, detailed above, include as number 7 - Implement the legal and policy framework on anti-discrimination in line with European and international standards; guarantee the legal status of displaced persons, in particular Roma, Ashkali and Egyptians, and ensure respect for their rights.

The programme was directly in line with the Strategy for Improvement of the RAE Population – encouraging local authorities to cooperate with local Roma organisations. In this area the focus was on building capacity within government and to assist them to better understand the RAE community – why the group is different and has different priorities. Importantly, the CSW's in Nikšić and Berane are fully supportive of the work of the project and they are closely involved with active Roma NGOs in these Municipalities. There is also a real possibility of other Municipalities, Herceg Novi and Kotor specifically, replicating the approaches. The level of support *within Municipal administrations* is not so certain, and within the Ministry for Labour, Social Welfare and Health ownership of the approach and vision is weak.

3.4.8.3 Assessment of outcomes

The key outcomes of the programme, in Montenegro, have been in two areas:

- Members of the RAE community have official documentation, which is the first requirement for accessing public services. This has been a long process (it requires at least 6 months for each person and includes their country of previous citizenship as well as Montenegro) and was complicated by introduction of the new Law on Citizenship which required a re-doing of the complete process. This re-working was done however, and all of the new documents are in line with the new law.

Through its work in Berane, Nikšić and Bar the programme has addressed the documentation needs of almost all the domicile Roma population in Montenegro except Podgorica. Through a range of advocacy processes, including by the programme, the needs of the Podgorica Roma population is being addressed by the Roma Council with Government support.

⁶² 2011. Mariana Milosheva-Krushe. *Making A Difference: Decreasing Vulnerability Of Roma In The Western Balkans - Evaluation Of The UNDP Regional Project: Improving Institutional Capacity and Monitoring Capabilities at Central and Local Level for Decreasing Vulnerability of Roma in Western Balkans*. CREDA consulting.

⁶³ Ibid.

- Working with local institutions such as CSWs and the local NES offices has improved their understanding of their Roma clients. It has put them in contact with Roma NGOs, and they are doing joint training programmes. This is changing approaches; pushing social workers to do real social work, such as actually visiting the Roma community, meeting with clients and then using them as agents for Roma needs when undertaking public campaigns etc.

Special attention was paid to RAE women, and more than 50% of VET participants were women. Through this work a women's craft cooperative was established in Nikšić which included a tailor and hairdressing shop which are still active. Issues remain with management capacity and marketing approaches, but the cooperative is currently being supported by an international organisation and while more work is needed, it is being undertaken.

The project's work locally has actually impacted on local structures, with greater attention to addressing issues, including from a number of institutions and NGOs. For example, Local Action Plans for work with the RAE population have been adopted in Nikšić Herceg Novi, Tivat and Kotor, with support from the Project's NGO partners.

The Strategy for Improvement of the RAE Population in Montenegro was adopted in 2008 and included an allocation (approximately 600,000 Euros annually) for improvements in education, housing and documentation.

3.4.8.4 Assessment of goal fulfilment, effects and sustainability

The assessment of Milosheve-Krushe best addresses the goal fulfilment and sustainability of the program:

1. Visible change of the institutional approach and practice of the social welfare and public employment service provision in the three municipalities

Both the CSWs and the NES in the three localities have increased their capacities to reach out to the RAE communities and include them effectively into the service system. The number of eligible RAE families covered by the social welfare system, has grown to 90%, but will be close to 100% by the end of the Project. The number of people registered with the NES has increased to 67% from the beginning of the project.

2. Growth of RAE NGOs as important, civic actors advocating for the interests of their communities and effective partners of local institutions.

Seven NGOs have increased capacities to effectively serve and represent the interests of the RAE communities. The supported initiatives of these seven NGOs were not just projects. They were effective direct service of benefit to the local RAE communities. The facilitation for the ID issuance has increased the trust of the community members served in the usefulness of their NGOs to represent their interests. Due to their effective work and growing capacities, the RAE NGOs have growing legitimacy with the local and central institutions.

3. Visible increase of the equal access of RAE communities to social services and support systems in the targeted municipalities.

Nearly 800 RAE community members from the targeted municipalities who got personal documents and have obtained or are obtaining Montenegrin citizenship became eligible for access to all the public social security, health and employment mediation services. They got the first precondition to become visible to the social system – to have documents and citizenship. With entering the social security and support system the RAE families made the first important step out of extreme poverty and exclusion. The Project has contributed for the next step out of poverty – becoming proactive job seekers, motivated to gain new skills and new income generation opportunities; 105 or 23% of the targeted RAE registered with the

EA gained new skills and certifications for new occupation and 107 of targeted Roma registered with the EA have been employed during the implementation of this Project.

4. New opportunity for RAE women by opening a new vision out of their complete exclusion that they live in.

Within the RAE who registered with the EA, 202 were women, 59 of them successfully attended vocational trainings and got certificates for new occupations, and 28 got jobs. Over 80 RAE women, involved in the supported NGO initiatives got access to completely new experience out of the narrow perspective of the traditions and isolation. Some of the initiatives brought for new self-organizing of women to continue working for communities interests – like the new women’s NGO in Berane. Others, like the initiative of SOS Niksic gave birth to a new social enterprise like the first Roma Women Craft Cooperative, which gave a completely new perspective of living for the participating women.⁶⁴

3.4.9 HIV Prevention With Especially Vulnerable Young People (Regional)

3.4.9.1 Basic facts

The regional programme *HIV Prevention with Especially Vulnerable Young People in South Eastern Europe* was implemented by UNICEF, partnering with national Ministries of Health, in BiH, Kosovo, Macedonia, Serbia and Montenegro, the Institute for Public Health and youth NGOs. References are made to the regional programme but this report is focused on the Montenegrin component of the program.

Overall the regional programme had a budget of SEK 25,000,000 and ran from May 2005 through the end of 2007. The Montenegro component had a budget of SEK ***** and a timeframe of 2007 – 2009.

3.4.9.2 Relevance and effectiveness

The programme complemented to the national response in fighting HIV/AIDS through building capacity of especially vulnerable young girls and boys in prevention of HIV/AIDS and awareness raising through the implementation of Youth Camps, Life Skill Based Education for out of school and Peer support.

‘It is known that while there are currently only a low number of HIV cases reported in the Western Balkans countries, weak surveillance systems and under-reporting make it very difficult to predict the current scale or trends of the epidemic in this region. In particular, information about the most vulnerable, isolated and stigmatized groups of people is scant. WHO has noted that the estimated prevalence of HIV in the region is likely to be ten times greater than reported as a result of inadequate coverage and inaccuracy of surveillance.

The assessment showed that numbers of intravenous drug users in South-eastern Europe (SEE) are rising as are the rates of sexually transmitted diseases. Many young people are also doubly vulnerable as they are engaging in both intravenous drug use and engaging in risky sexual behaviours. The combined effect of economies in transition, high levels of corruption, unstable governance structures, post-conflict contexts, high levels of migration, weak surveillance systems, lack of employment opportunities for youth and availability of cheap drugs has resulted in a high number of risk factors for young people.’⁶⁵

The programme emphasis was on:

- Data collection.
- Dissemination of research findings.

⁶⁴ Ibid.

⁶⁵ May 2005. Sida Assessment Memo. Internal Document.

- Developing strategies.
- Developing monitoring systems.
- Integrating most at risk adolescents and especially vulnerable young people into national strategies, plans and monitoring systems.
- Facilitating partnerships and leveraging resources.
- Strengthening programming and service delivery capacity.
- Scaling up youth-friendly health services, Voluntary Counselling and Testing (VCT) centers and life-skills based education.
- Promoting behaviour-change communication.
- Reducing stigma and discrimination.

3.4.9.3 Assessment of outcomes

The programme was planned and developed as a part of a regional response. It was effective in terms of initiating and strengthening the capacity of both NGOs and professionals to work as a team and recognise the importance of partnership building to achieve results.

3.4.9.4 Assessment of goal fulfilment, effects and sustainability

Proper attention was given to especially-vulnerable young people to build their capacity, as well as awareness-raising for youth participation in HIV/ AIDS related activities. The SIDA supported programme served as a base for further policy planning and response to HIV/AIDS, VCT establishment at the Municipality level, the National Strategy on HIV 2010-2014 and GFATM-related activities.

3.4.10 HIV/AIDS Programme by Fondation PH – Partnerships In Health

3.4.10.1 Basic facts

The programme *Building Western Balkans Regional HIV Resilience: Multi-sectoral civil society and government partnerships together fighting against HIV and AIDS*, was an initiative of the organisation Fondation PH – Partnerships In Health (FPH), implemented by CAZAS (<http://www.cazas.org/sajt/>), that was supported from June 2007 through the end of 2010, with a budget of SEK 1,909,000. It was the second phase of a longer term initiative. The programme's aim was to slow the HIV epidemic in the Western Balkans through creation of an enabling environment through engagement of multiple sector partners. Partners in the programme included the Ministry of Health and local civil society organisations.

The intent of phase two was to slow the HIV epidemic in the Western Balkans through engagement of multiple sector partners. It had three objectives:

- To build social capital through participatory social networks at the community level: advocacy, risk-behaviour preventive education, gender equity and de-stigmatization with institutions and for human development.
- To scale-up capacity and built sustainability of GO and NGO responses with integration of GIPA and gender equity in clinical sexual, reproductive, health services and civil society services.
- To strengthen regional collaboration and partnerships for knowledge building and learning exchanges with outreach to marginalized and vulnerable populations, PLHIV networks and clinical services.

3.4.10.2 Relevance and effectiveness

Phase one of this programme included 'prevention, treatment, care and support activities. It reached members of the high risk groups via the NGO Trust Fund by supporting the activities and strengthening the capacities of local NGOs by directly accessing these populations. It also supported the establishment of voluntary and confidential counselling and testing centres, with particular attention to reduce barriers related to gender inequity and the creation and strengthening of PLHIV NGOs.'⁶⁶

According to the project proposal, the second phase responded directly to the results of the first phase and the indicated priorities from that work:

'With specific requests from the NACs and the local NGOs as well as encouragement by other local partners, FPH prepared this Phase II proposal to facilitate community-based multidisciplinary responses that reduce stigma and discrimination, are gender sensitive and protect the rights of marginalized populations including that of PLHIVs. The proposed approach would enhance regional synergies in resource sharing and exchange of experiences. It is in line with international commitments (UNGASS 2006, Millenium Development Goals) and addresses the following needs:

- *Marginalized groups including ethnic groups and mobile populations.*
- *PLHIV and their significant others.*
- *Clinical service provider capacity.*
- *Promoting non-health and health sector collaboration.*
- *Quality Assurance.*
- *NGO Capacities.*
- *Regional collaboration and exchange of experience.'*⁶⁷

The programme was pioneering, with critical and very successful cooperation with CAZAS and Project Hope (<http://www.projecthope.org/>). The critical component in terms of focus was the development/ establishment of Voluntary Counselling and Testing (VCT) centres within Public Health Centres (PHC) in Bar and Podgorica, as pilot approaches. The VCTs are places where clients can come for information or they can come for a test. Both activities are free, and anonymous. As required, clients who test positive for HIV can get free psycho-social support in the VCTs.

3.4.10.3 Assessment of outcomes

Later work in Montenegro grew directly from the FPH initiatives, and is being supported in large part by the Global Fund Against HIV/AIDS (<http://www.theglobalfund.org/>):

- Making use of both national and international funds, Montenegro has established a national strategy against HIV/AIDS⁶⁸. There is strong support at the Ministry of Health. There is a will to address the stigma side of the question, including through the Law on Discrimination, but implementation measures remain problematic.
- A further six VCTs have been established in PHCs in the Podgorica vicinity.
- All VCTs operational in PHCs are being funded from the National Health Insurance, and all are recognised officially by Government. Indeed, VCTs will, in the near future, become officially recognised as part of Montenegro's public health care system and will be Government funded.

⁶⁶ February 2007. Phase II Proposal. *Building Western Balkans Regional HIV Resilience: Multi-sectoral civil society and government partnerships together fighting against HIV and AIDS*. Fondation PH – Partnerships In Health.

⁶⁷ Ibid.

⁶⁸ May 2009. *National AIDS Strategy for Montenegro 2010 to 2014*. Government of Montenegro. Awaiting Ratification.

- As part of cooperation with other HIV/AIDS projects, initiatives have been developed which will see Youth Friendly Health Services also become part of VCTs, although this initiative is at very early stages.

3.4.10.4 Assessment of goal fulfilment, effects and sustainability

Overall, Montenegro's national response to HIV/AIDS in the past 10 years shows great progress and great promise. All of this progress has evolved with Swedish assistance from the early days – so much so that the new strategy document makes reference to this assistance: 'These efforts appear to be having an effect: numerous national HIV prevention and AIDS treatment guidelines and protocols have been developed, laws and policies have been revised or new ones introduced, key target groups have been reached by HIV prevention information, commodities and treatment services, capacity of health care providers, prison staff, peer educators, youth and NGOs has been built, and government capacity has been strengthened in monitoring and evaluation, including biological behavioural surveillance.'⁶⁹ What have been the basic, but key changes?

- There was no coordinated approach – now there is. The National AIDS Commission was formed in 2001, which began the coordination. It involves all Public Health Institutes and NGOs.
- Education processes were initiated – NGO-based and voluntary.
- The national strategy was developed (first in 2006 and now the revised Strategy).
- The National HIV/AIDS Program is in development and likely to be implemented beginning in early 2012.
- VCTs/ Youth Friendly Health Services incorporated into the National HIV/AIDS Program during 2012-2014.

⁶⁹ Ibid.

4 Conclusions

Sweden's development cooperation with Montenegro has been an important, even significant contributor to Montenegro's development, particularly in relation to structures and frameworks of human rights and as regards EU accession in a number of focus areas. Described in detail above, these contributions are summarised here:

- Structural capacity within a number of Government Ministries or Agencies was improved as a direct result of Swedish assistance. Beneficiaries include:
 - MONSTAT.
 - The Police Directorate and the Police Academy.
 - The Judiciary.
 - Technical staff in a significant proportion of Montenegro's 21 Municipalities, particularly in relation to spatial planning.
- Development of human capacity within a large number of NGOs, organisations with national significance, local significance and organisations of importance to their own constituents. These organisations include MANS, UNEM, Forum MNE, CEDEM, the Regional Environment Centre office in Montenegro, Anima Kotor, CEMI, CRNVO, Juventas, SOS Hotline Nikšić, the Centar za Romski Inicijative, Nikšić, to name some of the most important.
- Sustainable strategic and management capacity in a small number of NGOs.
- Specific, clear impact in terms of the legislative, policy and procedural framework in relation to Montenegro's EU accession priorities was achieved, at the national and local levels. This change, which is either directly or indirectly attributable to Swedish assistance, is summarised here:
 - The Law on Political Parties.
 - The Law on Financing Political Parties.
 - The Law on Financing Elections of the President and Mayors.
 - The Law on Self-rule, which controls the relationship between civil society and Municipalities.
 - Law on Gender Equality.
 - Law on Prohibition of Discrimination.
 - Law on Protection from Domestic Violence.
 - Law on Minority Rights and Freedoms.
 - Law on the Ombudsman.
 - Law on Free Legal Aid.
 - Freedom of Information (FoI) Act.
 - Law on Discrimination.
 - Law on Electronic Media.
 - The Law on NGOs.
 - Changes in criminal legislation have established diversion measures for juvenile offenders and established an appropriate legal background for this work.
 - Related operational changes through secondary legislation were introduced in 2007.

- Bylaws adopted related to the Law on development and construction.
- Guidelines on Anti-Discrimination.
- Action Plan Against Homophobia.
- Procedures for allocation of national funds to civil society projects.
- Statute on the strengthening of mayoral obligations to citizens, including annual reporting.
- Decrees on transparency of national bodies.
- The Decision of citizen participation in conducting public affairs.
- Changes to Municipal Statutes that enable stronger participation of citizens in decision making.
- Rules of Procedure for local parliaments to enable citizens to participate at Municipal assembly meetings.
- National Council for Sustainable Development established.
- National Strategy for Sustainable Development.
- The Communication Plan for the National Strategy developed.
- Environmental Protection Agency established.
- Spatial Urban Plans adopted in 12 Municipalities in Northern Montenegro.
- A Local Urban Plan adopted in each of these 12 Municipalities.
- Terms of Reference, tender procedures and timelines for Municipal plan development undertaken in accordance with the Law.
- Analysis of the law implementation and recommendations for improvement.
- Increased involvement of the civil society in the area of spatial planning.
- Increased involvement of Students of Architecture in the area of spatial planning.
- Spatial Plan of Special Purpose for area of the National Park 'Durmitor' with SEA developed.
- Structural Business Statistics (SBS) undertaken.
- The ILP model is being implemented within the Police Directorate in accordance with European models.
- An ILP database has been developed and is in active use.
- On-going capacity development within the Police Academy.
- An on-going relationship between the Police Academy and the Växjö Academy in Sweden exists, and there is close work being shared by Montenegrin and Swedish instructors.
- Significant skill upgrading in forensic methods on high quality equipment within the Police Directorate.
- The Montenegro Government established a Mediation Centre in Podgorica and Bijelo Polje).
- There are currently 55 cases where juvenile offenders are being diverted from the judicial system into mediation.
- New legislation will include mediation within Police Stations.
- Council for Protection Against Discrimination.

- Human Rights Reports by YIHR.
- Creating a transparent criteria for financing CSOs at the local level including development of a transparent selection criteria and creation of mechanisms for effective monitoring.

4.1 Phasing-out Strategies and Approaches

It is evident the Sida withdraw from Montenegro at a very delicate moment, soon after Montenegro's independence. As a result, the impact of Sida's intervention was limited in many regards. A number of institutions and organisations that have sufficient internal capacity, especially human resources, have found a way to maintain sustainability of their achieved results, and in many cases to extend them either in scope (to new activities) or in scale (to other geographical areas).

As has been discussed in detail above however, for many civil society organisations there is a high level of financial and organisational fragility. As was heard in one important women's organisation, 'Critical voices in Montenegro are coming from margins that are very vulnerable and exhausted.' Practically, this means that a number of organisations that are critical of or oppose the Government, especially grassroots organisations that are not from Podgorica, have difficulty in finding a way to institutional sustainability. Their survival is dependent solely on their own levels of motivation and voluntary work - something to be commended, but not an effective model to ensure institutional advocacy and a watchdog function.

There is a strong feeling that Sida's phase-out strategy was implemented in 'too quickly'. Importantly, almost all respondents acknowledged that there was sufficient warning of the impending end of funding, but still felt that 'it happened too quickly – the messages were clear, but it was still abrupt. At least that was how it was experienced.'

The implication, which was confirmed in a number of interviews, was that the problem was how the exit strategy was implemented. To quote from one interview: 'We spent more than four years working together and then it just ended. It just ended. There was no transition, no strategic thinking about the ending processes or how to maximise outcomes. So, we understand, but perceptions in the field are that this was "not fair"'.⁷⁰

These perspectives are particularly relevant in the context of phasing-out strategies in general, and their importance to civil society organisations. A number of comments from a regional meeting between representatives of Sida and civil society organisations, held in Croatia in 2007, provide a relevant introduction to the discussion of the phase-out process undertaken by Sida in Montenegro.

*'Ms. Andrén from Sida continued to say that there are no standard criteria for phase-out. The decision to phase out bilateral development co-operation was primarily based on the fact that GDP of Croatia is higher than most other countries in the region and the country is in the process of entering the EU. But seen in retrospect, it is possible that more thought should have been given to the decision, considering that civil society is a special issue.'*⁷⁰

*'Considering that civil society is a special issue.' Civil society is a special issue, particularly in societies where democracy is developing, funding is limited and the politicisation of civil society organisations remains a constant threat. International funding remains the most effective way of ensuring an independent watchdog, advocacy, fundamental human rights, gender-aware approach that is in a position to hold government accountable. 'B.a.B.e. pointed out that 90-100 % of the human rights and democracy work has been foreign funded. Therefore there is going to be a huge gap as foreign donors leave.'*⁷¹

'Some organisations, in particular those having worked with Kvinna till Kvinna, noted that they had been informed about the phasing out of the co-operation well in advance and that there had been plenty of discussions to prepare for it. This was actually the first time we

⁷⁰2007. Notes from Round Table on Support to Civil Society. Lennart Peck.

⁷¹Ibid.

have had a phasing out process, one organisation noted. Most other donors just end their support. At the same time, several organisations around the table talked about the difficulties they faced after the co-operation came to an end. Some of the organisations indicated that they did not yet feel mature for phasing out of the co-operation and the former field co-ordinator of Kvinna till Kvinna said that they would have preferred to have had a longer phase-out period.⁷²

This was a consistent theme among civil society organisations in Montenegro as well – a recognition that the process of phasing out was advised in good time, but that it was inappropriately timed and left civil society, specifically those organisation that are focused in critical areas of human rights, exposed. Further, ‘we had 2 or 3 years of notice about the phase-out, which was good, but there was no rationale and, more importantly there was no ‘phase-out process’ – they just said ‘your funding will end at the end of this period’. These are extremely important perspectives that demand the attention of Sida as it prepares, at any time and in any location, to phase-out its support.

One of Sida’s most important framework organisations, Kvinna till Kvinna, commissioned a study in 2011 into phasing-out issues and approaches. This study, *Making Achievements Last – Learning From Exit Experiences*, provides a timely and relevant look at phasing out in general and provides an important perspective for donor agencies such as Sida on issues, criteria and approaches.

Today it is broadly acknowledged that democracy and respect for human rights require the voices of a strong civil society in the development process. Besides being an agent of aid, civil society organisations mobilise poor and marginalised people, influence democratic processes, review and monitor the state, and educate and promote a culture of solidarity and civic responsibility. However, less democratic states are at best not interested in and, in the worst scenario, work deliberately against these civil society watchdog initiatives.

Obviously, the priorities of states affect the work of Kvinna till Kvinna and other civil society organisations, and the turbulence created when countries move faster in and out of bilateral cooperation is likely to increase the interest in exit experiences.

A comprehensive study conducted by Jerve, A. & Slob, A. in 2008⁷³, and jointly undertaken by Denmark, the Netherlands, Norway and Sweden, evaluates the management of transformation processes in fourteen different bilateral exit cases. The evaluation shows that all of the exit decisions were politically motivated, all except one were donor initiated, and in no case had the sustainability of supported activities been assessed before the decision was made. Most common was a model referred to as “natural phasing out”, where ongoing commitments are respected and activities simply faded out at the end of a contract period.

The authors of the study argue that a constant search for new entry points for aid has overshadowed the issue of exit for too long with the agenda to focus aid on fewer countries having been a contributing factor. The authors also identify an increasing need for exit management guidelines, and offer recommendations based on success factors. On an overall level they advise donors to develop guidelines that are sensitive to different contexts, conduct country specific pre-exit assessments, establish firmer “rules of the game” that protect the interests of both parties, and explore options for addressing exit already at entry. Specific recommendations are then made for different types of exit situations.⁷⁴

As discussed by Rönngren, a phase-out strategy incorporates five components:

- An exit criteria.
- Measurable indicators of progress in meeting the criteria.
- A time line for the exit process.

⁷² Ibid.

⁷³ 2008. Jerve and Slob. *Managing Aid Exit and Transformation, Lessons from Botswana, Eritrea, India, Malawi and South Africa*. Synthesis Report.

⁷⁴ 2011. Jenny Rönngren. *Making Achievements Last – Learning From Exit Experiences*. Kvinna till Kvinna. Stockholm.

- Activities and a division of responsibilities.
- Mechanisms to assess progress (monitoring system).

Each of these five is important not just for an organisation such as Kvinna, in its own planning and implementation, but also for donor agencies such as Sida in their overall decision-making in relation to country strategies. Such an approach requires a decision on the timing of a phase-out to be taken some time before actually entering into the phase-out period, in order that the five components can be addressed effectively throughout the process of preparation and implementation of the phase-out strategy.

5 Annexes

5.1 Annex 1 - List of Interviewees

Name	Title	Organisation
Goran Miletić	Programme Coordinator for the Western Balkans	Civil Rights Defenders
Danilo Milić	Programme Coordinator	Olaf Palme International Center
Maja Stajčić		Kvinna till Kvinna
Mie Romee		Kvinna till Kvinna
Nela Krnić	Child Protection Officer	Unicef
Dragan Ignjatović	Project Coordinator	Balkan Project Office Statistics Sweden
Jasmina Protić	Project Administrator	Balkan Project Office Statistics Sweden
Vanja Čalović	Executive Director	MANS, Podgorica
Radovan Terzić	Legal Programme Coordinator	MANS, Podgorica
Vuk Maraš	Monitoring Programme Director	MANS, Podgorica
Boris Raonić	Program Director	Youth Initiative for Human Rights
Nikola Rogošić	Project Manager, Intelligence Lead Policing Project	Directorate of Police, Crime Police, Montenegro
Tanja Perković	Project Assistant, Intelligence Lead Policing Project	Directorate of Police, Montenegro
Danica Bulatović	Project Assistant, Intelligence Lead Policing Project	Directorate of Police, Montenegro
Ivana Kolačović	Division of International Cooperation and EU Accession	Directorate of Police, Montenegro
Marko Stanković		Directorate of Police, Montenegro
Ranko Vujović	Executive Director	UNEM – Union of Independent Electronic Media, Montenegro
Nadja Kočić-Rakočević	Country Facilitator for Serbia and Montenegro	Roma Education Fund
Tamara Čirgić	Former Executive Director	Forum MNE, Podgorica
Elvira Hadzibegović - Bubanja	Executive Director	Forum MNE, Podgorica
Nicola Bertolini	Head of Operations	EU Delegation to Montenegro
Alessandro Campo	Task Manager, Operations Section	EU Delegation to Montenegro
Vladan Golubović	UN HIV/AIDS Focal Point	UN Coordination Office
Nenad Koprivica	Executive Director	CEDEM – Centre for Democracy and Human Rights
Jovan Pavlović	Executive Director	Regional Environment Centre (REC) Serbia
Siniša Stanković	Deputy Minister – Waste Management and Communal Services Department	Ministry of Sustainable Development and Tourism
Paula Petričević		Anima Kotor
Ervina Dabižinović		Anima Kotor
Zlatko Vujović	President	CEMI Monitoring Centre
Ana Novaković	Executive Director	CRNVO
Ivana Vujović	Executive Director	Youth Cultural Centre Juventas
Žana Đurović	Advisor for International	Police Academy of Montenegro

	Cooperation Formerly Project Manager For The Democratic Policing Project	Ministry of the Interior
Lejla Hadžić		Cultural Heritage Without Borders
Srna Sudar	Country Office Director	Regional Environment Centre (REC) Montenegro
Fatima Naza		Centar za Romske Inicijative, Nikšić, Montenegro
Fana Delija		Centar za Romske Inicijative, Nikšić, Montenegro
Nataša Međedović		SOS Hotline, Nikšić, Montenegro
Nada Koprovića		SOS Hotline, Nikšić, Montenegro
Biljana Pištalo		SOS Hotline, Nikšić, Montenegro
Jelena Marković	In Charge of International Cooperation	MONSTAT
Jaroslav Kling	Project Manager	Poverty Reduction Practice, UNDP, Europe and the CIS, Bratislava Regional Centre
Igor Topalović	Project Coordinator	In charge of the Montenegro component of the Roma Regional Project.
Jelena Janušević	Project Coordinator, SPSP	UNDP Montenegro
Branka Kovačević		UNICEF HIV/AIDS

5.2 Annex 2 - Terms of Reference

TERMS OF REFERENCE FOR THE OUTCOME ASSESSMENT OF THE DEVELOPMENT COOPERATION BETWEEN SWEDEN AND MONTENEGRO DURING 2001-2011

1 Background

In September 2007, under the auspices of a wider portfolio concentration exercise, Swedish government reached a decision to phase out all Swedish development cooperation in Montenegro before 31 December 2010. A Phasing-out plan for development cooperation with the Republic of Montenegro was adopted in December 2007, regulating the goals and priorities and forms of development cooperation in the remaining strategy period. The main aim of this process was to ensure a responsible phasing out and complete initiated activities.

Swedish development cooperation with Montenegro started in 2001 and has been regulated by two cooperation strategies and the Phasing-out plan. The goal of Swedish development cooperation with the Republic of Montenegro has been to help create conditions that will enable the poor to improve their living conditions. Focus for the cooperation was to support equitable and sustainable reforms that help the country develop closer ties with the EU and its integration into European cooperative structures.

Swedish support was provided in a number of sectors, where support within the sectors of human rights and gender as well as democracy and good governance were the major sectors of engagement. Significant support was also given within the sector of sustainable use of natural resources and the environment.

One of the important elements of the responsible phasing-out process is the development an assessment of the results of Swedish development cooperation with Montenegro in the period 2001-2010. Within this assessment, experience from Montenegro is to be analysed on three levels – contribution, sector and strategic goals and the final assessment should provide an overview of outcomes and effects. This type of analysis is usually called the outcome assessment and it is the object of this assignment. The outcome assessment is going to be published and discussed with stakeholders and project/programme counterparts.

The outcome assessment shall assess experiences gained and outcomes of Swedish development cooperation with Montenegro in the given period. It shall contain conclusions on the types of cooperation that were efficient; the channels that functioned best; weaknesses; and experience of other donors.

2 Purpose and Scope of the Assignment

The main purpose of this assignment is to produce an outcome assessment for Swedish development cooperation with Montenegro in the period 2001-2010, which is a part of the Phasing-out plan for development cooperation with the Republic of Montenegro.

The final outcome of this assignment will be an outcome assessment report for Montenegro for the period 2001-2010, which was governed by two cooperation strategies and the Phasing-out plan. The report shall be prepared according to instructions below and in close coordination with the Embassy of Sweden in Serbia.

The outcome assessment shall consist of three parts:

1. A general assessment and analysis that takes up:
 - a. The overall outcomes and experience of development cooperation in relation to the overarching goal of making it possible for poor people to improve their living conditions and the specific goals of the two cooperation strategies and the Phasing-out plan for Montenegro, 2001-2010
 - b. Ownership on the part of the partner country
 - c. The implementing capacity of the partner country

- d. Procurement issues
 - e. Systems and capacity for dealing with risks of corruption
 - f. The channels of cooperation that functioned best (government counterparts, central/regional/local level, NGOs, etc.)
 - g. The forms of cooperation that are assessed as suitable (programme support/project support)
 - h. The experience of other donors.
2. An assessment and analysis of the most important areas of cooperation, that is based on programme and project documents, assessment memoranda, monitoring and follow-up, audit and evaluations.
 3. Summary of conclusions and recommendations from these two sections.

2.1 General assessment

The general assessment will analyse the progress in relation to two aspects: 1) the overarching goal of Swedish development cooperation, i.e. contributing to an environment supportive of poor people's own efforts to improve their quality of life⁷⁵ and 2) the specific goals of the two cooperation strategies and the Phasing-out plan, especially the overall goal to support reforms that lead to EU integration. It will answer the following questions: Is the programme permeated by the perspectives of the poor and a rights perspective⁷⁶? In what way are central component elements reflected in cooperation? Is this relevant in relation to Montenegrin Poverty Reduction Strategy? What is the situation with regard to effectiveness, feasibility and sustainability? How are the outcomes related to the goals established in the cooperation strategy? What effects and trends can be seen and what effects and trends cannot be seen? Why is the situation as it is?

Accordingly, the general outcome assessment should reflect the contributions in a wider context in which the partner country's policies and strategies in relevant areas and contributions of other donors shall be taken into consideration. It should not be restricted to a narrow account of whether the goals established for Swedish support have been achieved or not.

2.2 Assessment and analysis of the most important areas of cooperation (as identified in the cooperation strategies and the Phasing-out plan)

The outcome assessment of most important areas of cooperation shall present experience gained in respect of planned and achieved results, goals and effects. This assessment shall be supplemented with a report on the results achieved in a few selected programmes and/or contributions. The assessment shall answer the questions "why" and "what will the consequences be". It shall include a presentation of conclusions, based on goal fulfilment, effects of the programme/contributions, use of resources and a comparison between planned and achieved results. The assessment should contain the following headings:

- **Basic facts:** A short and concise presentation of the area of cooperation. What projects and programmes are included? How long have they been running? Who are the stakeholders?
- **Relevance and effectiveness:** A short assessment of relevance and effectiveness in relation to the country's needs and its own strategies and in relation to Sida's cooperation strategies and the Phasing-out plan. Is the analysis of relevance and effectiveness that was made in the planning stage still valid, both in relation to Swedish policies and the goals of the partner country? Specify possible changes, including the changes in donor composition and the framework for cooperation.
- **Assessment of outcomes:** What has – or has not – been achieved in relation to plans? Is there a difference between planned and actual results and, if so, why? An analysis of feasibility, including the implementing capacity of the partner in cooperation, should be

⁷⁵ Shared Responsibility: Sweden's Policy for Global Development, 2003

⁷⁶ Perspectives on poverty, 2002, Complement to Perspectives on Poverty, 2005

included. What factors – inside and outside the areas of cooperation – have influenced the results?

- **Assessment of goal fulfilment, effects and sustainability:** It is often not possible to assess long-term fulfilment, effects and sustainability until after the programme/contribution has been implemented. Therefore, it is important to give prominence to both short-term and long-term goal fulfilment (if there are any indications of the latter). It is not sufficient to state that “the result is good”. The analysis must be broken down into effects and what they have led to for the target group.

2.3 Conclusions from previous cooperation

The section on conclusions and recommendations should include a description of sustainability, based on a financial and institutional perspective.

Furthermore, the section on conclusions shall include the following components:

- A brief assessment of the outcomes of development cooperation during the two strategy periods and the phasing-out period and their relevance in relation to the development and poverty reduction strategies of Montenegro;
- Success factors and difficulties that affected the results of the two cooperation strategies and the Phasing-out plan in general or in specific sectors?
- Factors/outcomes/conclusions of importance for the phasing-out process?

The section on conclusions shall put a particular emphasis on civil society partners in Montenegro and the effects of the phasing out process on these organisations and their programmes. The report shall analyse and identify the lessons learned in relation to Swedish support to civil society in Montenegro. It shall address in particular the impact, relevance, effectiveness, cost efficiency and sustainability of Swedish support to civil society and outline key lessons.

References to sources

A specification of references to sources of information is important throughout the outcome assessment. Most of the information provided in the assessment shall be based on existing documents. In the analysis section, references to documentation, evaluations and the like shall be provided in the form of footnotes.

3 METHODOLOGY, TIME SCHEDULE AND REPORTING

The Consultant is expected to be familiar with Sida’s key steering documents and methodological approaches. In particular, this includes the following:

- Sweden’s Policy for Global Development
- Perspectives on Poverty and Complement to Perspectives on Poverty
- Sida at Work (2005)
- Strategy for development cooperation with the Federal Republic of Yugoslavia (FRY), excluding Kosovo, 2001-2003
- Country Strategy for Serbia and Montenegro, September 2004-December 2007
- Phasing-out plan for development cooperation with the Republic of Montenegro

The assignment will take part during the period September-November 2011 and will take up to 60 person-days. The team is expected to include two people. The Consultant shall propose the methodology, time plan and division of labour. The Consultant shall be responsible for all logistics during the assignment.

The Consultant shall start the assignment by contacting the Embassy of Sweden in Belgrade for relevant information and documents. Briefings will be held with the Head of the Development Cooperation Section and each Programme Officer in the beginning and in the end of the field work.

The Embassy in Belgrade shall provide the Consultant with the background documentation that is considered necessary to carry out the assignment.

The assessment shall be based on existing reports, evaluations and studies and meetings with relevant stakeholders in Montenegro, which will include government institutions, Sida's implementing partners, NGOs and other donors.

The assignment will consist of the following parts:

- Planning and implementation phase

This phase will include the collection and *review* of relevant *documentation* for the assignment and *interviewing the relevant actors* in Montenegro. This phase will include a trip to Montenegro for relevant meetings. Embassy of Sweden in Belgrade will be at the Consultants' disposal for discussions or questions during the assignment. Contact person at the Embassy in Belgrade will be Ms. Svetlana Bascarevic, phone +381 11 2069 261, e-mail: svetlana.bascarevic@foreign.ministry.se.

- Report writing

The Consultant shall prepare a *draft report* and submit it to the Embassy in electronic form by 15 November 2011. The draft report shall be discussed at the Embassy/Sida. Within two weeks after receiving the Embassy's comments on draft report, a final version shall be submitted to Sida, electronically and in two hardcopies. The report must be presented in a way that enables publication without further editing. If publication is considered, either by Sida or the Consultant, it should be discussed between the two parties.

The report shall be written in English and shall not exceed 30 pages, excl. annexes.

4 Profile of the Supplier and requirements for personnel

4.1 Person principally responsible for the implementation of the service (team-leader)

The tenderer must propose a person or persons with:

- Academic or other vocational education
- Work experience

adequate for the project.

The person proposed must have very good knowledge in spoken and written English.

The tender must include:

- A description in the form of a Curriculum Vitae for the person who is to be responsible for the performance of the project. The CV must contain a full description of the person's theoretical qualifications and professional work experience. The CV must be signed by the person proposed.
- Two written specifications of previously performed similar projects by the proposed person within the past three years.

4.2 Other personnel

Tenderers must assign personnel with adequate education for the project.

The proposed personnel must have a total of at least two years of work experience of similar projects.

The personnel proposed must have very good knowledge in spoken and written English.

The tender must include:

- A description in the form of Curriculum Vitae for the personnel who is/are to participate in the performance of the project. The CV must contain a full description of the person's or persons' theoretical qualifications and professional work experience. The CV must be signed by the person proposed.

- Two written specifications of previously performed similar projects by the proposed person(s) within the past three years.

4.3 Rating system

The selection and evaluation of tenders will be conducted on the basis of the Quality and Cost-Based Selection (QCBS) with the quality to cost ratio of 80:20. Under the technical evaluation, the following qualifications will be assessed and measured: 1) Approach and methodology, 2) Qualifications of the consultant. Under Approach and methodology, we will assess and measure the relevance of the proposed methodology and the grasp of the assignment and the work and time plan. Under Qualifications of the consultant, we will assess and measure the experience in Montenegro, the experience in M&E and the experience in assessments of development cooperation.

5 CONTACT INFORMATION

All tenders shall be submitted to the following address:

Svetlana Bascarevic
Programme Officer
Embassy of Sweden in Belgrade
Ledi Pedzet 2
11040 Belgrade

At the back of the envelope, the bidder should write the following: “Tender for Outcome Assessment of the Development Cooperation between Sweden and Montenegro during 2001-2010”.