

**MONTENEGRO FORESTRY SECTOR IN TRANSITION**

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**ABSTRACT:** This paper presents the results we have come to on the basis of five-year' work in legislative and new organizational structure of the forestry sector in Montenegro. The ultimate goal of this activity is to provide for permanent conservation and improvement of existing areas under forests and forest land as well as their functions within the defined frameworks. The principal prerequisites for this are: implementation of measures of prevention and monitoring of forests, their sustainable multi-functional utilization with substantial and more intense implementation of silvicultural works, conservation and improvement of biological and landscape diversity of forests and their environmental quality.

**Keywords:** Forestry in transition, permanent conservation and improvement of forests, sustainable multi-functional utilization.

**1 INTRODUCTION**

Total area of Montenegro covers 1.381.200 ha, and according to the first National Forest Inventory, forests and forest land cover 832.900 ha or 59.9% of the territory. Other categories (urban areas, water bodies, agricultural land plots, barren land, etc.), which are not forests and forest land, occupy 135.800 ha or 9.8%, which together make up for 968.700 ha<sup>1</sup> or 69.7% of the territory.

State forests and forest land cover 436,641 ha or 52.6 %, while private forests and forest land cover 393,839 ha or 47.6% of the territory. Total stock in forests of Montenegro is estimated at around 117,433 million m<sup>3</sup>, of which 31,478 million m<sup>3</sup> in private forests and 85,954 million m<sup>3</sup> in state forests. In total volume, hardwood accounts for 59.8% and conifer trees account for 40.2%. Conifer forests have a special role in terms of their multipurpose functions.

Forests and forestry provide a very important contribution to our society and economy given that around 60% of population is linked to villages and rural areas rich in forests.

According to the relevant data of the National Forest Inventory, ecological, social and economic values of the Montenegrin forests, including their diversity and impact on the environment, taking into account the areas damaged in the past, places the forests of Montenegro amongst the finest forests in Europe. If we take into account the number of inhabitants, the forest coverage is 1.3 ha / capita, and that places Montenegro in the group of European countries with the largest forest cover, together with Scandinavian countries.

If we take into account that the world's forest cover is 30%, and 46% of European (TBFRA, 2000) then by forests Montenegro (59.9%) is in third place, just behind Finland (86%) -4.5 ha / capita and Sweden (67% ), and ahead of Slovenia, which has the forest coverage of 58% (0.6 ha / capita), Croatia 37% (0.47 ha / capita), Serbia 29.1% (0.3 ha / capita), Bosnia and Herzegovina 41%, Spain 30%, Austria 38%.

The ratio between state and private forests in some European countries is the following: Austria 17.5%: 82.5%, Bosnia and Herzegovina 78.4%: 21.6%, 75.5% English: 24.5% Czech 84.1%: 15.9%, France 26.2%:

73.8%, 94.6% Romania: 5.4%, Slovenia 30.0%: 70.0%, 28.9% Finland: 71.1% (TBFRA, 2000).

Since forests are resources of general / public interest, it is in the national interest to legally regulate conditions for improvement of the current status of these forests to ensure a balance between protection, ecological, social and economic functions of forests, and to ensure sustainability. On the other hand, Article 1 of the Constitution prescribes that, inter alia, Montenegro is ecological state, which relies on its official Declaration of Ecological State adopted back in 1991 (Declaration of Ecological State of Montenegro).

Montenegro changed its forestry legislation three times in the last twenty years (1990, 2000 and 2010). Having regained state independence, the Government of Montenegro committed further to reforming forestry sector and, for the first time in its history, adopted the National Forest Policy in 2008. The National Forest and Forest Land Policy is actually only the first step in the process of implementing the National Forest Programme of Montenegro, and the basis for this is created by institutional reform defined by the 2000 Forest Law, successfully implemented 2003 Programme for Rebuilding of Forestry and Wood Processing and restitution process which is still ongoing. Based on these reforms, privatization of forestry and wood-processing enterprises was launched and created conditions for starting a new cycle of investments, which should result in stronger competitiveness of timber products from Montenegro at regional and European markets. Institutional reform created Forest Administration as a public forest service, which is undergoing a training process for fulfilling public interest in forests and forestry.

Although the 2000 Law established a clear distinction between administrative and operational functions in forestry, this act has had the Forest Administration face many limitations, given that regulating relations in forestry was not based on market principles. On the other hand, multipurpose forests, relation between state and private ownership was not balanced, and bureaucratic barriers posed limitations before the Forest Administration in developing the sector. For this reason, there was an objective need for some of its provisions to be improved and harmonized with new goals of forest and forestry development, including:

- clearer definition of forest functions and principles of sustainable forest management,

<sup>1</sup> The results of the National Forest Inventory Montenegro - Summary

- a new improved management planning system in forestry, which ensures a more transparent procedure in developing planning documents,
- a clearer definition of provisions related to forest exploitation and more transparent methods of selling timber, which should leave sufficient flexibility to public services for more comprehensive and multipurpose benefits of forest functions,
- establishment of more flexible provisions related to tree marking and the use of available allowable cut at annual level,
- removing barriers related to dispatching wood assortments from private and state forests,
- building competitiveness in the sector,
- public support to associations of private forest owners and their engagement in decision-making process,
- establishing protected areas in forests within ecological network NATURA 2000 where forest management will be in line with goals of protection and conservation of such areas, i.e. their habitat types,
- incentive policy which is achieved by implementing measures in line with the European Union policy for rural development,
- monitoring of all processes in forests and coordination through National Council and local Forest Councils.

The establishment of these mechanisms will provide for better forest management, higher investments and creating employment opportunities in forestry, improving financial operations of both private and public institutions, better ecological protection and improved management of protected areas and higher benefits for civil society.

Towards the new Forest Law of 2010, within a process of harmonization of legislation with the EU, a number of other regulations have been adopted and they impact regulation of relations in forestry sector such as: Law on Strategic Environmental Impact Assessment (2005); Law on Spatial Planning (2005); Law on Forest Reproductive Material (2006); Law on Agricultural Land (2006); Law on Environmental Protection (2008); Law on Game and Hunting (2008); Spatial Plan of Montenegro until 2020; Law on Waters (2007); Law on Agriculture and Rural Development (2009); Law on National Parks (2009); Law on State Property (2009); Law on Property and Legal Relations (2009); Law on Financing of Local Government (2008); National Strategy of Sustainable Development (2007); National Forest and Forest Land Administration Policy (2008); Concession Law (2009).

Within the process of reform of forestry sector, special attention is paid to matters related to improved permanent forest management as defined by Helsinki Resolution H1 and to contributing to sustainable development (Ministerial Conference on the Protection of Forests in Europe, Vienna Resolution 1). In the context of these initiatives, Montenegro committed to implementing the following activities through the process of National Forest Programme and in line with the National Forest and Forest Land Administration Policy:

- develop National Forest Policy,
- develop forestry and hunting legislation,

- develop programmes for development of forestry sector (strategy and budget),
- frequent participatory monitoring (monitoring) of the programme implementation,
- reform state institutions and services in forestry sector,
- build human capacities at all levels,
- support establishment of sustainable private sector in forestry.

The main principles of existing National Forest Programmes in Europe (participation; inter-sectoral approach; frequent process with long-term obligations; capacity building; consistence with national legislation and policy; integration with national strategies of sustainable development; compliance with international commitments, having in mind common actions of international initiatives and conventions related to forests; institutional and political reform; ecosystem approach; partnership in implementation and raising awareness) are directly integrated in new Forest Law, which certainly is a step ahead in integrating the best European practices in forestry.

With all the above reasons in mind, we think that adopting of the new Forest Law of 2010 and its efficient enforcement will speed up the whole reform of the sector which made significant steps in the previous period as well, which ultimately resulted in a positive trend in almost all activities, starting from: reducing illegal logging, better planning, revitalizing seed and nursery production, developed network of protected areas in forests, equal treatment of forest owners, established mechanisms of coherent control in the process of decision-making, more efficient and more competitive economic entities in both forestry and wood-processing, which resulted in substantially higher financial effects compared to the previous period and provided new employment and training opportunities.

## 2 FOREST POLICY, LEGISLATION AND INSTITUTIONALISATION OF GOVERNANCE

As a part of recent reforms, and in the view of the EU integrations, the forestry sector of Montenegro has started addressing matters that are crucial for good governance in modern forestry, such as transparency, accountability, rule of law etc. The Ministry of Agriculture, Forestry and Water Management, now the Ministry of Agriculture and Rural Development, recognized how important it was to develop strategic documents, and thus started implementing a systematic top-down approach to forestry development.

1. Forest Policy in Montenegro is a document which was passed/adopted in 2008. As a contribution to meeting the goals and priorities of the National Strategy of Sustainable Development, the document of the National Forest Policy prioritizes five general goals: Ensure and improve long-term resistance and productivity of forests and other ecosystems, and maintain plant and animals species;
2. Management of forests and forest resources ensures sustainable implementation of social, economic and ecological forest functions;
3. Forests contribute to sustainable social and economic development of rural areas;
4. Ensure long-term development and competitiveness of wood industry;

5. Long-term development of forest profession and effectiveness of forestry.

It contains 35 statements, with a list of tasks under each statement. This umbrella document covers issues ranging from the quality status and needs, through social and economic development of the society in the field of forestry and related sectors, together with a vision of a modern and competitive forestry sector. The Forest Policy document is especially valuable given that it was not prepared in the office, it does not assume simple adoption of expert thoughts and experiences from abroad, but is based on the work of seven Working Groups with 49 members representing different organizations, 14 local and international consultants, a number of workshops, preliminary public hearings. It was reviewed twice by the Government Commissions before the Government adopted its Draft, and this was followed by a broad public hearing. Forest Policy fits the framework defined by the following documents: Strategy of Sustainable Development, Strategy of Poverty Reduction, Strategy of Balanced Regional Development, Economic Policy, and National Programme of European Integrations. These documents result from one another, they are complementary and conditional. The National Forest and Forest Land Administration Policy will be implemented through the National Forest Strategy, which along with this Policy relies on recommendations of the Ministerial Conference on the Protection of European Forests in relation to National Forest Programmes. The Strategy defines short-term, mid-term and long-term objectives and programmes for areas of work and regions, addresses critical prioritized issues, defines multi-year budgetary programme and lays the foundation for detailed annual work plans and budgets. Forest Strategy is a document which is missing at the moment, but it will be drafted under ongoing IPA project.

- Special attention is given to the new Forest Law, the relation between state and private ownership which was not balanced, and bureaucratic barriers which were a limiting factor for the Forest Administration in developing the sector. For this reason, there was an objective need for some of its provisions to be improved and harmonized with new goals of forest and forestry development, including: clearer definition of forest functions and principles of sustainable forest management,
- a new improved management planning system in forestry, which ensures a more transparent procedure in developing planning documents,
- a clearer definition of provisions related to forest exploitation and more transparent methods of selling timber, which should leave sufficient flexibility to public services for more comprehensive and multipurpose benefits of forest functions,
- establishment of more flexible provisions related to tree markation and the use of available allowable cut at annual level,
- removing barriers related to dispatching wood assortments from private and state forests, according to the Regulation (EC) No. 995/2010 of the European Parliament and the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market,

- building competitiveness in the sector,
- public support to associations of private forest owners and their engagement in decision-making process,
- establishing protected areas in forests within ecological network NATURA 2000 where forest management will be in line with goals of protection and conservation of such areas, i.e. their habitat types,
- incentive policy which is achieved by implementing measures in line with the European Union policy for rural development,
- comprehensive monitoring of all processes in forests.

The establishment of these mechanisms provided for better forest management, higher investments and creating employment opportunities in forestry, improving financial operations of both private and public institutions, better ecological protection and improved management of protected areas and higher benefits for civil society. The main principles of existing National Forest Programmes in Europe (participation; inter-sectoral approach; frequent process with long-term obligations; capacity building; consistence with national legislation and policy; integration with national strategies of sustainable development; compliance with international commitments, having in mind common actions of international initiatives and conventions related to forests; institutional and political reform; ecosystem approach; partnership in implementation and raising awareness) are directly integrated or their concept is clearly presented in the Forest Law, which certainly is a step ahead in integrating the best European practices in forestry. It is the Law which was passed with participation of broad forest audience, within the process which involved local and international experts.

The process of drafting and passing of several by-laws, in the light of the new Law is under way. At this particular moment, when the theoretical vision becomes practical guideline, it is necessary for concrete steps and activities to be defined as simply as possible. That is why the implementation of the Improved Methodology of Forest Management Planning, as a base for most of the forestry related activities that require a lot of efforts, especially considering new approaches in planning documentation development and also in practical / technical sense. Adopting new planning methodology should contribute to more transparent and more responsible forest management, which will be based on principles of sustainable forest management in compliance with ecological, economic and social forest functions.

“Old school” foresters need to refresh their knowledge of participatory techniques and skills needed to work with new devices (GPS, GIS, new methodology planning, Natura sites management, extension service, etc...), and this process is ongoing. Forest Management Planning in Montenegro is performed at several levels. Forest Development Plan implies planning at a level of a municipality, and its development and adoption involves public participation, which was not the case before. Forest Development Plan is enacted by the Government for the period of 10 years, based on previously obtained opinion of the state administrative authority competent for environmental protection and tourism and local self-government unit whose area is covered by the respective

plan. A particularly important provision, which complies with the principle of participation of professional and wider audience in the process of adopting of planning documents, was addressed through participation of stakeholders in drafting and adopting of plans, based on the relevant EU Directive and Regulation, which proved to be very good in adopting of the National Forest Policy in 2008. In relation to this, private forest owners, stakeholders and wider public have the right to participate in the process of preparation and adopting of all planning documents in forestry, which they consider to be of interest to them. The procedure for participation of stakeholders in preparing and adopting development plans and Forest Management Plans are further elaborated (starting from the drafting, implementation of public hearings and a method of their adoption) and deadlines for giving opinion about forest development plans and forest management plans as well. It is defined that prior to defining opinions on submitted objections, proposals and suggestions to the proposed plan, a competent administrative authority is obliged to obtain opinion from the National or Local Forest Council about a Forest Development Plan and a Forest Management Plan. The Law on Local Government does not define municipal responsibility for forests and forestry, but generally prescribes that municipalities are responsible for environment protection, municipal services and spatial planning. The Law on Public Administration also prescribes that certain functions of the state administration, for the purpose of their more efficient and more economic implementation, are legally decentralized to local government, i.e. entrusted to the local government, institutions and legal entities. According to the Law on Local Government, municipalities receive 70% of fees paid for exploitation of forests on their territory. These funds are considered to be a share in natural resources benefits and the support to building and maintenance of local infrastructure in forest areas. The communication between state institutions and the wider public should go both ways, should be open and with clearly defined communication channels for some of the target groups. Better mutual understanding and cooperation between all partners in forestry (Government, NGO, private sector, interested international organisations) are achieved through training programmes for all stakeholders and by regular open forums aimed at exchanging information between partners in the forestry sector. Next level in FMP is Forest Management Plan, which is adopted for the period of 10 years, and prior to its adoption, it is required to obtain opinion of the Agency for Environmental Protection, at the same time containing the guidelines required by the Natura 2000 network. This level also requires cooperation with the Ministry of Tourism and Environment, which is responsible for nature protection, including, establishment of Natura 2000 network, environment protection and tourism development in Montenegro. Operational programs, as a bottom planning level, are adopted yearly and they include intensive communication with private forest owners and their associations.

### 3 TRANSFER OF KNOWLEDGE BETWEEN EU COUNTRIES AND MONTENEGRO, THROUGH DIFFERENT FUNDS

With the EU membership in view, Montenegro could benefit from regional cooperation with other Balkan countries, especially with member states and other candidate countries. The lessons learned and exchange of experiences in forestry development in these countries could be useful for development of the forestry sector in Montenegro. Improved regional and international cooperation in forestry, especially in education, research and training is considered to be an important instrument for achieving strategic goals in forestry sector. The matter of forest education and training is addressed in a way that competent administrative authority and users of state forests are obliged to create conditions for professional development of employees (courses, exchange, etc.) in silviculture, protection, exploitation of forests in compliance with appropriate plans, which are adopted by a competent administrative authority and users, in cooperation with various stakeholders. Limited and focused partnership, rather than a comprehensive general programmes, are ensuring a successful academic partnership. In Montenegro there are several active international projects/organization in the field of forestry, which are contributing to the development of Forestry. FODEMO Project (Forestry Development in Montenegro) is a donor project, which is establishing communication between international experts and local institutions (Ministry of Agriculture and Rural Development, Forest Administration, environmental institutions, etc.), and supporting the development of various legislation (Forest Law, Forest Policy, by-laws, etc.) and methodological papers/documents (Methodology of the National Forest Inventory, FMP Methodology). A lot of international experts and consultants have been engaged in the project implementation and they were (and still are) contributing to the development of the sector in Montenegro. Forestry forum is an event which has taken place twice (2010 and 2012) in Montenegro, and it represents a place for exchange of ideas and knowledge, and for presentation of achievements and activities over the previous year. IPA funds are also present in Montenegro, and they are used, in particular, for the development of the new Forest Information System in Montenegro, but also for the incorporation of NATURA 2000 into standard FMP documents and into practice.

### 4 NATIONAL FOREST INVENTORY AS A PROJECT PROVIDING SUSTAINABILITY AND FUTURE PROSPECTS

The first National Forest Inventory of the forests of Montenegro was undertaken in order to create realistic grounds for quality strategic planning in forestry. In methodological terms, this Inventory is compliant with the standards used by countries with long forestry tradition. The results of the first National Forest Inventory show substantial differences with these elements compared to previous (available) figures on forests resources of Montenegro. Forests cover 59.9% and forest land covers 9.8% (69.7% altogether) of the territory of Montenegro. Standing volume amounts to around 118 mil  $m^3$  with current volume increment of 2.8

million  $m^3$ . The reliability and comprehensiveness of these and other results of the National Forest Inventory create realistic grounds for macro-economic planning, provide for correspondence with associations performing monitoring of forest ecosystems at regional and global levels, and place Montenegro amongst countries that have established their Forest Policy on reliable and methodologically appropriate grounds. This data will provide an establishment of the new dimension of the quality of the Forest Policy, considering the Forest Administration that Montenegro is among top forest covered European countries. The data will provide a base for clear definition of the contribution of Montenegrin forests to climate changes mitigation, and will provide high standards of international reporting. Also, the determination of the forest potential of Montenegro for the definition of the biomass energy, with a cooperation of the Ministry of Economy is ongoing.

## 5 CRITERIA FOR SUSTAINABLE FOREST MANAGEMENT

Sustainable forest management is one of major contributions which forestry as a sector can give towards the accomplishment of the defined goals of sustainable development of any country.

The UNCED, held in Rio de Janeiro in 1992, set the basic principles for sustainable forest management in terms of contribution to sustainable development. "Forest Principles" and Chapter 11 of Agenda 21, adopted at the Conference, included the commitment "to implement sustainable management and utilisation of forests in compliance with national development policies and priorities, as well as in compliance with environmentally defined national guidelines which take into consideration, as needed and if applicable, relevant internationally agreed methodologies and criteria" (Principle 8 d).

We can conclude that this Conference, i.e. the documents adopted at the Conference, vitally influenced the launch of numerous international and national initiatives for the development of criteria and indicators of sustainable forest management. International Tropical Timber Organisation (ITTO) was among the first to develop the criteria and indicators for sustainable management of natural tropical forests. Subsequently, the Centre for International Forestry Research (CIFOR), United Nations Environment Programme (UNEP), and World Conservation Union (IUCN) were significantly involved in providing technical support to the development and implementation of criteria and indicators for sustainable forest management. We particularly emphasise the importance of Ministerial Conferences on the Protection of Forests in Europe (MCPFEs), i.e. the resolutions adopted at such Conferences, which commit Montenegro both morally and politically, for the development of criteria and indicators of sustainable forest management in Europe in compliance with the mentioned UNCED principles. In this context, the most important document is the Lisbon Resolution L2 (1998), entitled "Pan-European Criteria, Indicators, and Operational Level Guidelines for Sustainable Forest Management, which presents commitments and frameworks for the development of national criteria and indicators.

It was the first case in our legislation, in compliance with the Pan-European guidelines, that the Law on

Forests (Official Gazette of Montenegro 74/10) referred to the implementation of criteria and indicators of sustainable forest management. The Article 6 of the Law defines that "Forests and forest land, as ecosystem, shall be administered and managed in a sustainable and multifunctional manner in accordance with the criteria and indicators defined by the Ministry". This results in the commitment to develop and adopt the criteria and indicators as general standards of sustainable forest management in Montenegro.

Criteria and indicators of sustainable forest management in accordance with the Law on Forests (Article 6 paragraph 5) for the needs of management, monitoring and evaluation of sustainability are adopted by the Ministry of Agriculture and Rural Development (Ministry of agriculture and rural development). These criteria and indicators determine, *inter alia*, the extent of silvicultural works (compared to the volume of cutting) which forest owners and beneficiaries are obliged to do (Article 50 paragraph 3).

The Criteria provide general guidelines, norms and manners of action, work and conduct (in forestry profession, of forest owners and beneficiaries and third persons as beneficiaries of forest functions) in the forest and toward the forest, and relate to all aspects of sustainability of forest administration and management. Therefore, these criteria represent general standards of sustainable forest administration and management and can be further linked to specific (more detailed) technical standards for specific fields.

Indicators represent quantitative and qualitative parameters which show the progress i.e. changes in accomplishment of specific criteria.

Criteria, and especially indicators, serve as overall parameters for monitoring and evaluation of forest conditions as well as the quality and sustainability of forest management.

Verification sources are documents (analyses, insights, reports, minutes, etc.) which contain evaluations of certain indicators in terms of related criteria. In addition to these documents, the main verification source will be the Report on Sustainability of Forest Administration and Management which will be developed in compliance with the related annual monitoring programme adopted by MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT (Article 47 paragraph 1 of the Law on Forests).

Essentially, the criteria and indicators of sustainable forest administration and management in Montenegro represent the framework for the future Forest and Forestry Development Strategy. This Strategy should be developed before them, so that these criteria and indicators could serve as parameters for monitoring and evaluation of implementation of this Strategy. However, since the case here is opposite, the development of this Strategy - based on the previously defined and adopted criteria and indicators which include all the necessary aspects of sustainability of forest administration and management - will be much Forest Administration facilitated.

## 9 INSTEAD OF A CONCLUSION

Based on all relevant Forest Administration acts, it can be stated that the New Forest Law is prepared in line with international and national principles of sustainable development and standards of modern reforms of legal

framework of forest sector, such as sustainability, multifunctionality, comprehensive and ecosystem approach, participation of stakeholders and public, service orientation of the national Forest Administration, opportunity of entrusting and privatizing state administration operations, privatization of state forest exploitation / concessions, introducing incentive policies and support to private sector, introducing innovative income of the budget for protection and improvement of forests, etc. Due to this, the New Law is comprehensive, ambitious and offers opportunities for remaining in force for a long time.

In order to have better, i.e. more efficient forest management and at the same time dedicate ourselves to nature conservation, it will be necessary to set up the transparent system which will, first of all, comply with the administrative needs and staff potentials. Challenges such as massive state administration, overlapping of competencies, impact of politics and still non-market economy in this area, as well as negative public perception regarding the forest valorisation are problems that have to be overcome by specific system measures, as soon as possible.

At the end, it should be emphasized that continuation of the forestry reforms will significantly change the ultimate results/outcomes if they are not followed by wider reform of institutions and forest resources management. Formal institutional changes in the form of new laws or organizations are not sufficient because if there are no changes in manner people behave, it is difficult to talk about getting to crucial system changes. The attempt of transferring 'the best practices' in institutional reform is significant in the research phase, but do not always meet all of our expectations. It is the Forest Administration that they will give certain assistance understanding how and when institutions should implement reforms. But we should obligatory know that institutional arrangements that have proven successful in one country have both positive and negative effects for other countries. Good reforms take time, and it should be provided in order to implement this process without disturbances. Consequently, when speaking about changes to the system, we can say that there are no revolutions in forestry and it is unlikely that effective organizational changes will take place without previously identified and carefully considered bottle necks and appropriate schedule of system measures which must be implemented in correlation. The fact is that, despite the scope of reforms, there is no uniform "model" or methodology for reforms guaranteeing success. The solution will largely depend on the number of specific Forest Administration actors within the state that involve historical context of forest utilization but also public perception defined through traditions/customs and culture.

We should not forget that Montenegro declared itself officially as an Ecological State back in 1991 (*Article 1 of the Constitution prescribes that, inter alia, Montenegro is ecological state, which relies on its official Declaration of Ecological State back in 1991 (Declaration of Ecological State of Montenegro)*), and it is obvious that the forest ecosystems are playing important role in the society, which is becoming more and more opened toward nature.

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