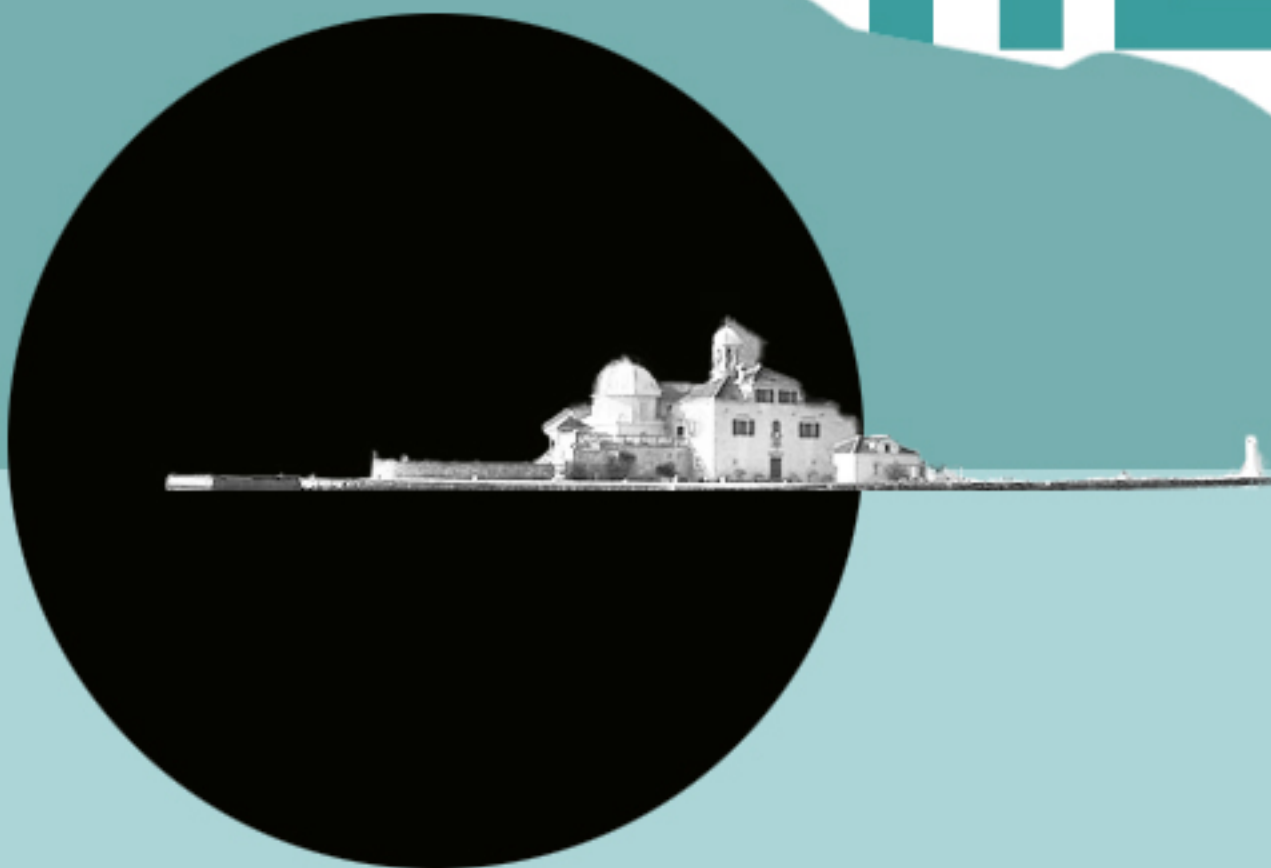


Impact of protection, planning, and management systems
of the Natural and Cultural-Historical Area of Kotor

ENDANGERED HERITAGE



Financed by the EU

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CIN Centar za istraživačko novinarstvo Crne Gore

EXPEDITIO

Osnaživanje civilnog društva u borbi protiv devastacije prostora i zaštićenih područja

Ovaj projekat finansira Evropska unija

Centar za građansko obrazovanje
Centre for Civic Education

FRIEDRICH EBERT STIFTUNG

CZIP

POLITIKON

M'BASE

Projekat Osnaživanje civilnog društva u borbi protiv devastacije prostora i zaštićenih područja, realizuje Centar za istraživačko novinarstvo Crne Gore (CIN-CG) u partnerstvu sa NVO Expeditio, a podržan je kroz program „OCD u Crnoj Gori – od osnovnih usluga do oblikovanja politika- M'BASE“ koji sprovodi Centar za građansko obrazovanje (CGO), Friedrich Ebert Stiftung (FES), NVO Politikon mreža i NVO Centar za istraživanje i zaštitu ptica (CZIP). Program finansira Evropska unija.

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Contents

1.	Introduction – the aim of the Study.....	6
2.	World Heritage – concept and significance.....	7
3.	Natural and Culturo-Historical Region of Kotor on the UNESCO World Heritage List.....	10
4.	Levels and mechanisms of protection of the Culturo-Historical Region of Kotor.....	15
5.	Protection of the Natural and Culturo-Historical Region of Kotor.....	17
5.1.	Legal and institutional framework.....	17
	Institutional framework.....	18
	Key documents.....	20
5.2.	International level of World Heritage protection.....	22
5.3.	Key issues.....	23
6.	Spatial and urban planning of the Natural and Culturo-Historical Region of Kotor.....	25
6.1.	Legal and institutional framework and plans.....	29
	Laws and plans.....	29
	Institutions.....	33
6.2.	Situation today.....	33
6.3.	Key issues.....	36
7.	Management of the Natural and Culturo-Historical Region of Kotor.....	39
7.1.	Legal and institutional framework.....	39
	Management plan.....	39
	Council for the Management of the Natural and Culturo-Historical Region of Kotor.....	41
7.2.	Key issues.....	43
8.	Buffer zone.....	44
9.	Characteristic examples.....	46
	Kostanjica.....	46
	Camp, Dobrota.....	48
	Glavati.....	49
	Turkish Kape.....	51
	Bridge over Verige.....	52
10.	Instead of the conclusion.....	54
11.	Literature and sources.....	56
12.	Annexes.....	59
12.1.	UNESCO/ICOMOS mission reports and decisions of the UNESCO World Heritage Committee.....	59
12.2.	Timeline.....	61

1. Introduction – the aim of the Study

The study was created as part of the project “Strengthening civil society in the fight against devastation of space and protected areas” implemented by the Centre for Investigative Journalism of Montenegro (CIN-CG) in partnership with NGO Expeditio, and supported by the programme “CSOs in Montenegro – from basic services to policy shaping - M’BASE” implemented by the Centre for Civic Education (CCE), in partnership with the German Friedrich Ebert Foundation (FES), NGO Centre for Protection and Research of Birds of Montenegro (CZIP) and NGO Politikon Network, in cooperation with The Ministry of Public Administration, Digital Society and Media and the Office for European Integration of the Government of Montenegro. The project is funded by the European Union.

Aim of the Study

Boka Kotorska is a bay akin to a Nordic fjord on the coast of the southern Adriatic, and that already makes it exceptional. On the shores of the bay where the sea cuts deep into the land in such a strange way, for centuries people have built in harmony with natural surroundings, creating harmony that was admired by many not only unknown travellers but also known artists – poets, writers, painters who, fascinated by the dramatic beauty of Boka, created valuable works of art. All the beauty of Boka, both natural and that created by the people of Boka during the centuries of their existence in this sheltered area, received official confirmation of their outstanding universal value when the inner part of the bay, the Kotor-Risan Bay, was inscribed on the UNESCO World Heritage List, and thus became a part of the heritage of all mankind under the official name Natural and Culturo-Historical Region of Kotor.

The Natural and Culturo-Historical Region of Kotor, as a part of the heritage of all mankind, is a matter of pride in that fact and the beauty that is its cause. At the same time, that dramatic beauty and long rich history over time have become the subject of exploitation to the extent that they are slowly being destroyed. Unfortunately, the inscription on the World Heritage List did not bring the appropriate care and adequate attitude towards the valuable heritage of all mankind. Initially welcome and bearable, and later too large interest in construction raises growing concerns about its fate i.e. potential loss of attributes of outstanding universal value. Wrong moves in space were incidents at first, in recent times there are too many to call them incidents. The exploitation of all the values of the Region for which it was included in the World Heritage List, brought into question the very survival on that List. Today, the Region is on the red line of survival on the List and has not yet been transferred to the List of World Heritage in Danger or worse – removed, more thanks to the verbal skill of Montenegrin authorities in writing reports on the situation in the Region than their actions in order to prevent that from happening.

The threat of removal from the World Heritage List has given rise to numerous discussions, media articles and debates about whether the situation is really so alarming or the strict assessments are exaggerated. What can be noticed in all these discussions is a frequent lack of knowledge about the Region itself, which everyone unanimously calls unique, lack of knowledge about its values, lack of knowledge about the protection system, planning problems and management problems.

The aim of this study is to once more present in a single document the outstanding universal value of the Kotor Region, mechanisms of protection and management and causes, as well as threats and risks of its (alarming) condition that may put it on the List of World Heritage in Danger and/or lead to its eventual removal from the World Heritage List.

The study is intended primarily for the domestic public, institutions, experts, but also other interested public in order to provide them with all relevant information about the shortcomings of the existing system and encourage them to make changes in order to improve it.

Heritage care rests on three pillars: protection, planning and management (not necessarily in that order because all three can be first), and when it comes to the Region, the current situation tells us that all three pillars have failed.

2. World Heritage – concept and significance

“Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Our cultural and natural heritage are both irreplaceable sources of life and inspiration. They are our touchstones, our points of reference, our identity. What makes the concept of World Heritage exceptional is its universal application. World Heritage sites belong to all the peoples of the world, irrespective of the territory on which they are located.”¹

In 1972, the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Convention Concerning the Protection of the World Cultural and Natural Heritage. The aim of this Convention is to encourage “the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage” which is considered to have “outstanding universal value” for humanity. States Parties are countries that have accepted the World Heritage Convention, thus committing themselves to the protection of properties identified as World Heritage in their territory, in order to protect the common heritage of mankind. By 2020, the Convention had been signed by 193 countries, including Montenegro.

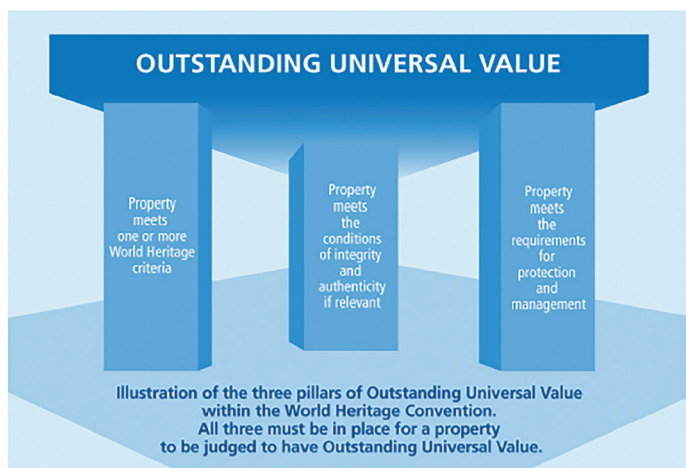
Natural, cultural and mixed properties of outstanding universal value are inscribed on the World Heritage List, which was established on the basis of the Convention. At the beginning of 2022, there were a total of 1,154 World Heritage sites on the List. This status makes them a common heritage for the preservation of which each of us is responsible.

“Sites selected for World Heritage listing are inscribed on the basis of their merits as the best possible examples of the cultural and natural heritage. The World Heritage List reflects the wealth and diversity of the Earth’s cultural and natural heritage.”

Inscription on the World Heritage List is achieved by a nomination submitted by a State Party to the Convention. In order to be inscribed on the List, a property must be of outstanding universal value (OUV), and meet:

¹ World Heritage Information Kit (2008), UNESCO World Heritage Centre

- one or more World Heritage criteria
- conditions of integrity and authenticity
- protection and management requirements



Dijagram: Tri stuba izuzetne univerzalne vrijednosti. Izvor: UNESCO, ICCROM, ICOMOS i IUCN. 2013. *Managing Cultural World Heritage*. Paris. UNESCO World Heritage Centre. (World Heritage Resource Manual.), str. 54. i 55

Therefore, every World Heritage site must have an appropriate protection and management system in order to be inscribed on the World Heritage List. The protection and management of World Heritage properties should ensure the maintenance or promotion, over time, of their outstanding universal value, including the conditions of integrity and/or authenticity that existed at the time of inscription.

For cultural properties that include larger spatial units, such as culturo-historical regions or cultural landscapes, in addition to protection and management, spatial and urban planning are very important for their preservation.

The World Heritage Committee is responsible for the implementation of the World Heritage Convention. It consists of representatives of 21 States Parties to the Convention, elected by the General Assembly composed of representatives of all States Parties to the World Heritage Convention. The World Heritage Committee convenes once a year to make decisions regarding properties on the World Heritage List. The World Heritage Committee, among other things, gives the final word on whether a property will be inscribed on the World Heritage List. Exceptional universal value of a property is defined at the time of inscription on the List, and since 2007 it has been determined by the Statement of Outstanding Universal Value (OUV). The OUV therefore defines the position at the time of inscription and is not negotiable. This means that the OUV must be preserved through the protection of precisely those attributes that make it outstanding and universal. The World Heritage Committee also decides on the inscription or deletion of properties from the List of World Heritage in Danger.

“When a property inscribed on the World Heritage List is threatened by serious and specific dangers, the Committee considers placing it on the List of World Heritage in Danger. When the Outstanding Universal Value of the property which justified its inscription on the World Heritage List is lost, the Committee considers deleting the property from the World Heritage List.”²

The Committee may inscribe a property on the List of World Heritage in Danger if the property is confronted with a specific and confirmed imminent threat or is facing threats that may have detrimental effects on its inherent characteristics. Such threats are, for example: a change in the legal status of a property which reduces the degree of its protection; lack of conservation policy; threatening effects of regional planning projects; threatening effects of urban planning.

Properties from Montenegro on the World Heritage List

Today, there are four properties from Montenegro on the UNESCO World Heritage List, three cultural and one natural, two of which are a part of transnational, serial properties. The following properties are on the List:

- Natural and Culturo-Historical Region of Kotor, as a cultural property, since 1979
- Durmitor National Park, as a natural property, since 1980
- Three necropolises of medieval tombstones, or stećci (Greek cemetery and Bare Žugića, Novakovići, Žabljak and Greek cemetery, Šćepan Polje, Plužine), a part of the transnational serial cultural property of Bosnia and Herzegovina, Montenegro, Croatia and Serbia: Stećci Medieval Tombstone Graveyards, since 2016
- Kotor Fortress, a part of the transnational serial cultural property of Montenegro, Croatia and Italy: Venetian Works of Defence between the 16th and 17th Centuries: “Stato da Terra” – Western “Stato da Mar”, since 2017

2 Operational Guidelines for the Implementation of the World Heritage Convention, Article 9

3. Natural and Culturo-Historical Region of Kotor on the UNESCO World Heritage List

The Natural and Culturo-Historical Region of Kotor (hereinafter referred to as the Kotor Region) is a part of the UNESCO World Heritage List, which includes cultural and natural properties that have outstanding universal value for all mankind.

Natural and Culturo-Historical Region of Kotor – basic information

- Year of inscription: 1979
- Criteria: (i)(ii)(iii)(iv)
- List of World Heritage in Danger: 1979–2003
- Property: 14,600 ha
- Buffer zone: 36,491 ha
- Year of buffer zone delineation: 2011

The Kotor Region was inscribed on the World Heritage List among the first 60 sites, back in 1979. At the time of inscription of the Region on the World Heritage List, there had been six criteria defined, of which the property had to meet at least one in order to be accepted as a part of the World Heritage³. The Region of Kotor met four criteria on the basis of which it became a property of importance for humanity.

The Kotor Region is recognized as a World Heritage site due to its outstanding universal value, which is reflected in “the quality of the architecture in its fortified and open cities, settlements, palaces and monastic ensembles, and their harmonious integration to the cultivated terraced landscape on the slopes of high rocky hills”⁴.



Illustration 1: Position of Boka Kotorska

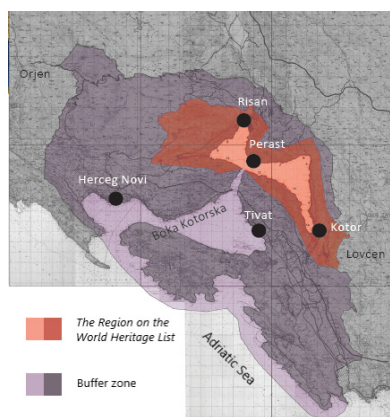


Illustration 2: Property boundaries with boundaries of the buffer zone

3 Operational Guidelines for the Implementation of the World Heritage Convention <https://whc.unesco.org/en/guidelines/>

4 Retrospective Statement of Outstanding Universal Value, 2014

The Natural and Culturo-Historical Region of Kotor comprises the inner, south-eastern part of the Boka Kotorska Bay, which consists of two interconnected bays, Kotor and Risan, surrounded by high and steep mountain slopes, inner waters and towns and settlements: Kotor, Dobrota, Orahovac, Perast, Risan, Strp, Lipci, Donji and Gornji Morinj, Kostanjica, Donji and Gornji Stoliv, Prčanj, Muo, Škaljari and Špiljari. The abandoned village of Glogovac is also a part of the property.

Also, the Natural and Culturo-Historical Region of Kotor comprises a part of the hinterland of the bay, i.e. the zones that connect it with protected natural areas that are in its immediate vicinity. The Region includes the village of Žanjev Do towards the border with Lovćen National Park, and the village of Ubli and villages of Krivošije (Poljice, part of Zvečava and Grabov Do) towards the border with the Orjen Nature Park.⁵

The protected area is connected to the rest of the bay by the Verige Strait. It covers an area of 14,600 ha.

The buffer zone of the Natural and Culturo-Historical Region of Kotor comprises the entire Boka Kotorska Bay and its hinterland.

The buffer zone of the Kotor World Heritage site was determined by the fact that Boka Kotorska is an indivisible region, a single entity with numerous cohesion factors: the Boka Kotorska Bay with four connected smaller bays, as a geographical determinant, its hinterland with similar natural features, common history, tradition and heritage.⁶ The boundaries of the buffer zone were defined in 2011 by the Management Plan of the Region.

Statement of Outstanding Universal Value (of the Natural and Culturo-Historical Region of Kotor)⁷

Brief synthesis

The Natural and Culturo-Historical Region of Kotor is located in the Boka Kotorska Bay, on the Adriatic coast of Montenegro. The property encompasses the best preserved part of the Bay covering its inner south-eastern portion. The inscribed property comprises 14,600 ha with a landscape composed of two interrelated bays surrounded by mountains rising rapidly to nearly 1,500 metres. The property is linked to the rest of the Boka Kotorska Bay through a narrow channel forming the principal visual central axis of the area.

The Outstanding Universal Value of the Culturo-Historical Region of Kotor is embodied in the quality of the architecture in its fortified and open cities, settlements, palaces and monastic ensembles, and their harmonious integration to the cultivated terraced landscape on the slopes of high rocky hills. The Natural and Culturo-Historical Region of Kotor bears unique testimony to the exceptionally important role that it played over

5 Natural and Culturo-Historical Region of Kotor on the UNESCO World Heritage List, EXPEDITIO, 2020

6 Management Plan of the Natural and Culturo-Historical Region of Kotor, 2011

7 Text of the Retrospective Statement of Outstanding Universal Value, 2014

centuries in the spreading of Mediterranean cultures into the Balkans.

Criterion (i): It is the gathering on the gulf coast of the monuments of the cities, their harmony with the landscape, and their insertion in town planning of great value that contributes to the Outstanding Universal Value of the property.

Criterion (ii): As the main bridge-heads of Venice on the South Coast of the Adriatic, the aristocratic cities of captains and ship-owners of Kotor and its neighbours were the heart of the region's creative movement for many centuries. Its art, goldsmith and architecture schools had a profound and durable influence on the arts of the Adriatic coast.

Criterion (iii): The successful harmonization of these cities with the Gulf, their quantity, quality and diversity of the monuments and cultural properties, and especially the exceptional authenticity of their conservation, mean that the property can effectively be considered as unique.

Criterion (iv): Kotor and Perast are highly characteristic and authentically preserved small cities enhanced by architecture of great quality. Their town-planning is well adapted to and integrated in the landscape.

Integrity

The property maintains the overall integrity of the historical layout of the land and seascape with its cities and settlements of distinctive town planning that developed along the coast of the bay, separated by green and cultivated areas framed by steep rocky hills, and a narrow area of urbanized coast connected by the sea. The network of paths and roads connecting coastal settlements with each other and with the inland, and the coastline with pontas and mandrachi, is preserved, which testifies to the important role of the sea.

However, the conditions of integrity are endangered by development and urbanisation caused by ongoing transformation processes in the socio-economic structure of the area. Current developments, including new tourism centres, roads, and buildings on the coast itself, threaten to lead to the gradual yet irreversible transformation of the coastline as well as the abandonment of the traditional terraced structures.

Management of the property and its defined buffer zone will be crucial to maintain the property and its integrity as a unique cultural landscape and an entity in geographical, historical, and cultural terms. Enforcement of regulatory measures for the buffer zone and the development of an integrated approach to conservation, planning and management of the area as a unity will also be required.

Authenticity

Although seriously damaged by the 1979 earthquake, the principal monuments and historic urban areas have been carefully restored and reconstructed under the auspices of UNESCO, and have retained their architectural, urban, and historical authenticity. However, the ability of the overall landscape to reflect its value is being compromised by the gradual erosion of traditional practices and ways of life and of the harmony between the buildings, planning and landscape.

(Retrospective Statement of Outstanding Universal Value, 2014)

Cultural landscape – a harmonious symbiosis of natural phenomena and architecture

Although the Kotor Region is protected as a “natural and culturo-historical region”, it was inscribed on the World Heritage List according to the criteria for cultural properties. However, the natural values of the Kotor Region are certainly significant as well, and in fact what was recognized in 1979 as one of the basic carriers of outstanding universal value of this area was a harmonious symbiosis of natural phenomena and architecture, i.e. what we would call today the cultural landscape.

At the time of inscription of the Kotor Region on the World Heritage List in 1979, the World Heritage Convention did not recognize the category of cultural landscape. However, since 1992, the Convention has recognized and protected cultural landscapes as cultural properties that represent “combined works of nature and man”. And precisely the harmonious symbiosis of natural phenomena and architecture that was already recognized in 1979 as an outstanding value of the Kotor Region is what represents the cultural landscape. Therefore, in 2008, the World Heritage Committee called on Montenegro to “consider renaming the wider bay area to a cultural landscape”. However, this has not yet happened, and the biggest challenge in protecting the outstanding universal value of the Kotor Region is precisely the protection of the cultural landscape of this complex area.

The Natural and Culturo-Historical Region of Kotor is an integral property, of inherited natural and cultural values, in which the diverse and rich cultural heritage is integrated with nature and inseparable from it. Due to this characteristic, i.e. the integration of architectural achievements and nature, the entire protected area has all the characteristics of a cultural landscape, in which history, continuity of cultural traditions, social values and aspirations are inextricably linked. The achieved harmony between the architecture and the natural environment in the protected area of Kotor, was created as a result of a long tradition in several human activities. Cultivation of land in all areas suitable for growing various cultures, developed stone construction, developed seafaring, crafts, arts and extensive trade, in themselves entailed a high degree of social organization. Rationality, improvement of knowledge and creativity have found a suitable ground for creation and development in all epochs of the past in such an environment.⁸

Some of the basic characteristics of the cultural landscape of the Natural and Culturo-Historical Region of Kotor are the coherence of the whole, the same architectural vocabulary, a common cultural history. These common properties have shaped the character of the space and its identity.

The following characteristics of the cultural landscape of the Kotor Region and its buffer zone particularly stand out:

- Integrity and cohesion of the general landscape structure – four bays and their cultural properties represent an integral whole;
- Visual axis “north-south”, connecting Perast via Verige with the archipelago of the Tivat Bay and with the Luštica peninsula; this axis has a role as an integrator of the cultural landscape;

⁸ Management Plan of the Natural and Culturo-Historical Region of Kotor, 2011

- Visual landscape benchmarks: for example, the islands opposite Perast, the bell towers of churches along the shores of the bay (such as the Church of St Nicholas in Perast, St Eustace and St Matthew in Dobrota...) which form important visual perspectives;
- Horizontal landscape structure the shape of which consists of alternating coastal settlements and historic towns with green zones around the bay;
- Vertical landscape profile: steep slopes that have a specific vertical structure;
- Specific landscape zones: a zone with springs and mills in Morinj, salt marshes, etc.⁹

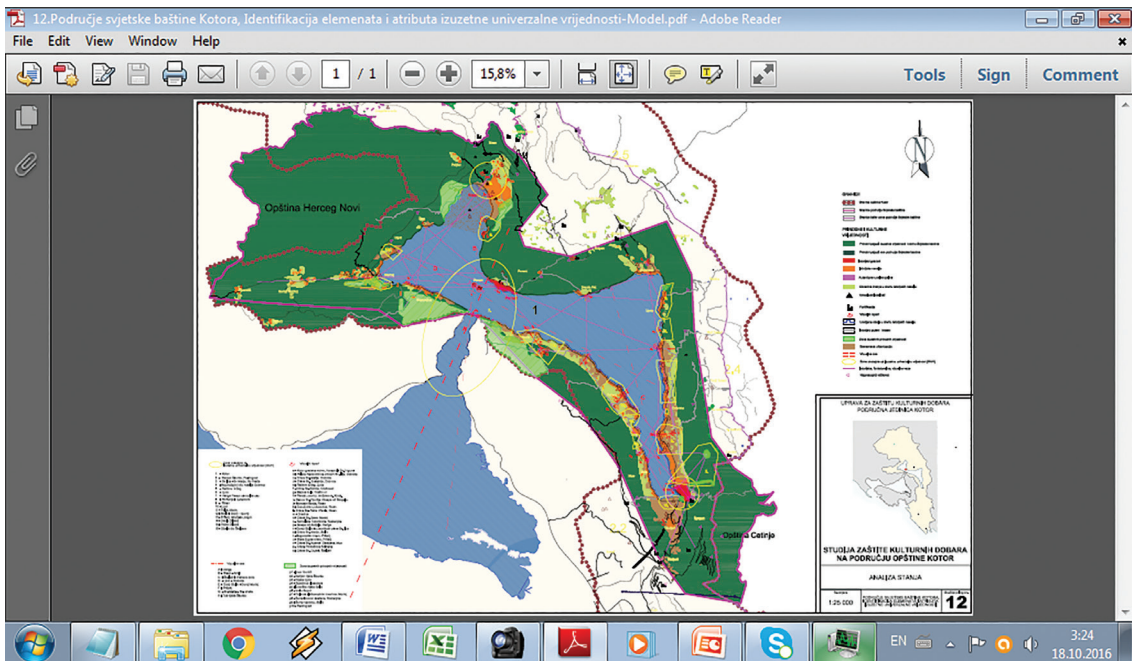


Illustration 3: Identification of values – elements and attributes of outstanding universal value of the Kotor Region, Study for the Protection of Cultural Properties in the Municipality of Kotor, 2018

⁹ Management Plan of the Natural and Culturo-Historical Region of Kotor, 2011

4. Levels and mechanisms of protection of the Natural and Culturo-Historical Region of Kotor

The Natural and Culturo-Historical Region of Kotor (the Kotor Region) enjoys the highest level of protection at the international level because according to the Convention Concerning the Protection of World Cultural and Natural Heritage it was inscribed on the UNESCO World Heritage List in 1979 (all the relevant data regarding the Kotor Region can be found on the UNESCO World Heritage Convention website <http://whc.unesco.org/en/list/125>).

It is important to note that there is another World Heritage site within the Kotor Region. It is the Kotor Fortress, which was inscribed on the World Heritage List in 2017 as a part of the transnational cultural heritage of Montenegro, Croatia and Italy: Venetian Works of Defence between the 16th and 17th Centuries: “Stato da Terra” – Western “Stato da Mar” (<http://whc.unesco.org/en/list/1533>). In addition, in 2022, the cultural heritage of Boka Navy Kotor was inscribed on another important UNESCO list, the Representative List of the Intangible Cultural Heritage (<https://ich.unesco.org/en/RL/cultural-heritage-of-boka-navy-kotor-a-festive-representation-of-a-memory-and-cultural-identity-01727>).

National level of protection – The Kotor Region is protected at the national level, based on the Law on Protection of Cultural Properties, as a cultural property of the highest – international importance. Having in mind that the Kotor Region comprises a large area of the entire Kotor-Risan Bay, within it there are numerous individual cultural properties, both culturo-historical buildings (numerous churches, palaces ...) and culturo-historical units (towns Kotor and Perast, parts of settlements...).

Local and regional level – the Kotor Region in the administrative sense mostly belongs to the Municipality of Kotor. However, smaller parts of the protected Region are also located within the municipalities of Herceg Novi, Cetinje and Tivat. In addition, the buffer zone comprises Kotor and areas of municipalities of Tivat and Herceg Novi as well.

Preservation of the outstanding universal value of World Heritage properties is based on their adequate protection and management. This has been recognized through the World Heritage Convention. However, for cultural properties that comprise larger spatial units, such as culturo-historical regions or cultural landscapes, in addition to protection and management, spatial and urban planning are also very important for their conservation. Therefore, adequate heritage care rests on three basic pillars: protection, planning and management.

The following tables present protection frameworks at the national and international levels, with key laws, institutions and documents listed.

PROTECTION AT THE NATIONAL LEVEL – Key areas	Legal framework (key laws)	Institutional framework (key institutions)	Key documents
PROTECTION	<ul style="list-style-type: none"> ▪ Law on Protection of Cultural Properties ▪ Law on Protection of the Natural and Culturo-Historical Region of Kotor 	<ul style="list-style-type: none"> ▪ Directorate for the Protection of Cultural Properties of Montenegro – Kotor Regional Unit ▪ Centre for Conservation and Archaeology of Montenegro – Kotor Regional Department ▪ Ministry of Education, Science, Culture and Sports 	<p>Studies for the protection of cultural properties</p> <p>Heritage Impact Assessments – HIA</p>
PLANNING	<ul style="list-style-type: none"> ▪ Laws on spatial planning and construction 	<ul style="list-style-type: none"> ▪ Ministry of Ecology, Spatial Planning and Urbanism ▪ Secretariat for Urbanism, Construction and Spatial Planning of the Municipality of Kotor 	Spatial and urban plans
MANAGEMENT	<ul style="list-style-type: none"> ▪ Law on Protection of the Natural and Culturo-Historical Region of Kotor 	<ul style="list-style-type: none"> ▪ Council for the Management of the Natural and Culturo-Historical Region of Kotor ▪ Secretariat for the Protection of Natural and Cultural Heritage ▪ Municipality of Herceg Novi, Municipality of Tivat, Municipality of Cetinje ▪ Civil sector, citizens ... 	Management plan

In the case of the Kotor Region, which is a part of the UNESCO World Heritage List, the international level of protection is very important.

INTERNATIONAL LEVEL OF PROTECTION	Formal framework	Key institutions	Key documents
Property on the UNESCO World Heritage List	Convention Concerning the Protection of the World Cultural and Natural Heritage	<ul style="list-style-type: none"> ▪ World Heritage Committee ▪ State Party to the Convention – the state of Montenegro (Montenegrin National Commission for UNESCO...) 	Decisions of the World Heritage Committee

5. Protection of the Natural and Culturo-Historical Region of Kotor

Protection of the Kotor Region is implemented through mechanisms defined by the legal and institutional framework at the national level, but also through the implementation of the World Heritage Convention at the international level.

5.1. Legal and institutional framework

Protection of the Kotor Region is regulated and ensured by the application of several laws. The application of these laws can indirectly affect the preservation of the attributes of outstanding universal value of the property, and the most important among these laws are those that are directly aimed at protecting cultural properties and especially the Kotor Region.

The Law on Protection of Cultural Properties, passed in 2010 (amendments in 2011, 2017, 2019), replaced the previous Law on Protection of Cultural Monuments from 1977 and 1991.

According to the Law on Protection of Cultural Properties, cultural properties are a valorised part of cultural heritage, registered and protected in accordance with the Law. "A cultural property is any immovable, movable and intangible property that has been determined to be of lasting historical, artistic, scientific, archaeological, architectural, anthropological, technical or other social significance."

This Law regulates the types and categories of cultural properties, ways of establishing protection, regime and measures of protection, rights and obligations of owners and holders of cultural properties and other issues of importance for the protection and preservation of cultural properties.

The law stipulates that planning documents provide protection of a cultural property, that the planning document must be harmonized with the protection study and that the Directorate for the Protection of Cultural Properties gives an assessment/opinion on the planning document in relation to the previously prepared protection study (Article 89). The law also prescribes the content of the protection study, its development and adoption (Article 90).

Law on Protection of the Natural and Culturo-Historical Region of Kotor

The first law that applied only to the Kotor Region and its restoration was the 1991 Law on Restoration of the Monumental Area of Kotor.

The Law on Protection of the Natural and Culturo-Historical Region of Kotor was passed in 2013. This law regulates the protection, management and special conservation measures of the Kotor Region, which is inscribed on the UNESCO World Heritage List as a natural and cultural property. The law stipulates that the protection of the Kotor Region is in the public interest.

The law also defines the goals of protection of the Kotor Region of Kotor, which is specially protected, in order to:

- 1) preserve its outstanding universal value, as a part of the world natural and cultural heritage;
- 2) permanently preserve its authentic natural, historical, urban-architectural, ambient, artistic, aesthetic and landscape values;
- 3) provide conditions for its sustainable development and use;
- 4) present it and valorise it professionally and scientifically.

Integrated protection of the Kotor Region, in accordance with the law, is regulated by:

- 1) Spatial Plan of Montenegro;
- 2) Plan of General Regulation of Montenegro;
- 3) Management Plan;
- 4) Urban Development Plan;
- 5) Study for the Protection of Cultural Properties
- 6) Study for the Protection of Natural Properties.

In 2013, the Law introduced the Council for the Management of the Natural and Culturo-Historical Region of Kotor.

Amendments to the Law in 2018 introduced the obligation – Heritage Impact Assessment (HIA) for all planning documents for the property, as well as the individual Heritage Impact Assessment for facilities where the Directorate for the Protection of Cultural Properties deems it necessary.

Institutional framework

Protection of the Kotor Region is a complex process in which many institutions are involved directly or indirectly, and the state of the property depends on their decisions.

Responsibility for the protection of cultural heritage in Montenegro lies primarily on the Ministry of Culture (which was transformed into the Ministry of Education, Science, Culture and Sports in December 2020), which has its Directorate for Cultural Heritage, and its institutions.

The following institutions have been specially established for the protection of the Kotor Region:

1980 – After the catastrophic earthquake of April 1979 and the inscription on the World Heritage List, **the Municipal Institute for the Protection of Cultural Monuments of Kotor** was founded. This Institute was responsible for cultural monuments in the territory of the Municipality of Kotor, with a special focus on the protection of the Kotor Region as a World Heritage site. The Municipal Institute was a meeting place for numerous domestic and foreign experts as well as UNESCO experts gathered to rehabilitate the Kotor Region from the consequences caused by the earthquake¹⁰.

10 Study for the Protection of Cultural Properties in the Municipality of Kotor, 2015-2018

1992 – The Municipal Institute grew into a regional institution based in Kotor – **the Regional Institute for the Protection of Cultural Monuments**. Its competences included the municipalities of Kotor, Tivat and Herceg Novi, including the Kotor Region. Within the Regional Institute, there was also a specialized operational unit for the implementation of conservation and restoration works on cultural monuments, which was later abolished.

2011 – The Regional Institute for the Protection of Cultural Monuments was, based on the Law on Protection of Cultural Properties from 2010, transformed into two institutions:

- **Directorate for the Protection of Cultural Properties of Montenegro, based in Cetinje, and a regional unit in Kotor**
- **Centre for Conservation and Archaeology of Montenegro, also based in Cetinje, and the Kotor regional department**

Directorate for the Protection of Cultural Heritage of Montenegro – its competences are administrative and related professional activities:

- research, documentation and registration of cultural properties
- determining cultural value, status of cultural property and establishing protection
- establishing and keeping the Register
- issuing conservation conditions
- giving consent to project designs¹¹

Directorate for the Protection of Cultural Properties is the most important institution in the system of protection and management of the protected Region and cultural properties in general.

Centre for Conservation and Archaeology of Montenegro – its competences are conservation activities:

- conservation research
- development of conservation projects
- development of protection studies
- implementation of conservation measures on cultural properties¹²

In addition to the above institutions, the Municipality of Kotor also has its **Secretariat for the Protection of Natural and Cultural Heritage**. The competences and scope of work of the Secretariat are, inter alia, to:

- Coordinate and participate in the harmonization of criteria and application of measures, regulations and guidelines that ensure the survival of Kotor on the UNESCO World Natural and Cultural Heritage List;
- Participate in the development of the Management Plan for the management of the protected region of Kotor;

¹¹ Study ...

¹² Study ...

- Perform administrative and technical tasks for the needs of the Council for the Management of the Protected Region of Kotor, in accordance with the provisions of the Law on Protection of the Natural and Culturo-Historical Region of Kotor;
- Adopt the Programme for the protection and preservation of the Kotor Region.¹³

The Kotor Region Management Council is formed to coordinate the protection, conservation and management activities, based on the 2013 Law on Protection of the Natural and Culturo-Historical Region of Kotor. The competences of the Council are described in detail in the chapter on the management of the Kotor Region.

Key documents

Study for the Protection of Cultural Properties

Studies for the protection of cultural heritage are the basis for the protection of the value of cultural heritage of a certain region, including its protection within the spatial planning documentation. The 1991 Law on the Protection of Cultural Monuments stipulated that “in order to preserve the urban or historical character or the ambient unit of old towns and settlements” municipalities are obliged to obtain the opinion of the Republic Institute for the Protection of Cultural Monuments when adopting urban plans. The Law on the Protection of Cultural Properties from 2010 introduced, as a segment of integral protection, the obligation to prepare a Study for the Protection of Cultural Properties, which precedes the preparation of the planning document. The Law states that “The planning document must be harmonized with the Study for the Protection of Cultural Properties and the Management Plan” (Articles 89 and 90).

Studies for the protection of cultural heritage in the Natural and Culturo-Historical Region of Kotor have been developed since the 1980s. Immediately after the catastrophic earthquake, a Study for the Protection of Cultural Monuments in Dobrota was prepared during 1979/1980 by experts from Poland. In 1981, within the Municipal Institute for the Protection of Cultural Monuments, a methodology was adopted which envisaged the preparation of a Study for the Protection of the Architectural Heritage of the Old Town. Based on the study, the Urban Development Plan of the Old Town of Kotor was made. The author of the study was architect Svetislav Vučenović, who later worked on many other studies. In the period after that, the Municipal, i.e. later the Regional Institute for the Protection of Cultural Monuments Kotor, developed studies of architectural heritage for many settlements within the Kotor Region: Prčanj (1990), Stoliv (1990), Risan (1982), Orahovac and Dražin Vrt (1992), Perast (2002, 2006), Morinj (2008) as well as the study “Treatment of immovable cultural properties in the Spatial Plan and the GUP” (2009). In addition, the Faculty of Architecture in Podgorica developed a Study for the Protection of the Architectural Heritage of Kostanjica (2008).¹⁴

After all these individual studies, **the Study for the Protection of Cultural Properties in the**

¹³ <https://www.kotor.me/me/sekretarijat-za-za%C5%A1titu-prirodne-i-kulturne-ba%C5%A1tine---nadle%C5%BEnosti/>

¹⁴ Study for the Protection of Cultural Properties in the Municipality of Kotor, 2015-2018

Municipality of Kotor was developed, as the most comprehensive and significant study for the protection of the Kotor Region as a World Heritage site. This study, developed for the purpose of drafting the Spatial Urban Plan (SUP) of Kotor, was prepared by the Directorate for the Protection of Cultural Properties – Kotor Regional Unit in 2015, and was adopted and implemented in 2018. This study comprehensively addressed the situation, threats and risks, but also provided guidelines and measures for the protection of the Natural and Culturo-Historical Region of Kotor. The graphic annexes to the Study are particularly important, as part of which the map with spatially marked attributes of outstanding universal value of the Kotor Region was made for the first time, as well as maps on which protection measures were spatially defined on the basis of these values.

Heritage Impact Assessment – HIA

Heritage Impact Assessment (HIA) is a process conducted for properties on the UNESCO World Heritage List to assess the possible negative impact of potential interventions, development projects or plans on the outstanding universal value of the property. Heritage Impact Assessment is carried out in accordance with the Guidance developed by ICOMOS in 2009.

The development of the HIA was introduced into domestic legislation by the Law on the Protection of the Natural and Culturo-Historical Region of Kotor, 2018. “Planning documents must be harmonized with the Heritage Impact Assessment, for the entire Kotor Region, as well as for its individual parts. The Impact Assessment is made by the Government of Montenegro for a period of five years” (Article 18).

Also, a separate act of the Directorate for the Protection of Cultural Properties may determine the areas and localities in the Kotor Region and its buffer zone, for which the procedure of developing an Individual Heritage Impact Assessment should be initiated. “The Draft Individual Assessment prepared by the expert team within the Kotor Region, as a rule, is submitted by the Directorate to the Montenegrin National Commission for UNESCO, in order to obtain an opinion from UNESCO.” (Article 18a of the Law on Protection of the Natural and Culturo-Historical Region of Kotor).

Within the Kotor Region, several individual **Heritage Impact Assessments** were developed, initiated by investors of various planned complexes. A comprehensive Heritage Impact Assessment for the Kotor Region was first prepared for the SUP of Kotor in 2017 – **HIA Boka Kotorska, Impact Assessment of Past and Future Interventions within the Natural and Culturo-Historical Region of Kotor**. It was developed in accordance with the ICOMOS Guidance, and in relation to the requirements defined by the World Heritage Committee. This document is very important because it introduced the professional public in Montenegro with the practice of assessing the impact on (world) heritage. However, its effect was somewhat limited, as many compromises were made which produced erroneous results in assessing the impact of some interventions. The pressure to assess the impact of certain investment projects as much milder than it would turn out to be in reality, diminished the meaning of the development of HIA. A similar thing happens with some individual heritage assessments that serve more to confirm the intention of construction than to assess its potential impact, so the obligation to produce HIA itself can become counterproductive.

5.2. International level of World Heritage protection

World Heritage Committee (WHC) is an international body operating within UNESCO, responsible for the implementation of the World Heritage Convention, as an overarching authority for the protection of cultural and natural properties inscribed on the World Heritage List. Although an international body, its impact on protection is significant. This impact is reflected in the monitoring and evaluation of the situation, expert advice and recommendations.

The World Heritage Committee convenes once a year to make decision regarding items on the World Heritage List. Decisions are taken on the basis of reports submitted by States Parties, other reports and opinions of UNESCO's advisory bodies. Pursuant to Article 172 of the Operational Guidelines for the Implementation of the World Heritage Convention, a State Party is invited to inform the Committee of the undertaking or planning of major interventions that may affect the outstanding universal value of a property. Information on the situation can be provided by other actors as well and they are referred to the World Heritage Centre (whc.unesco.org). The State Party should respect the decisions of the World Heritage Committee.

Since 2003, in its documents/decisions regarding the Kotor Region made in a series of its annual meetings, the World Heritage Committee has been pointing to excessive urbanization and warning of the danger of losing attributes of outstanding universal value of the Kotor Region if the process continues.

The World Heritage Centre, established in 1992, is the contact point and coordinator at UNESCO for all World Heritage issues. Ensuring the day-to-day management of the Convention, the Centre organizes annual meetings of the World Heritage Committee and its bureau, advises States Parties in preparing nominations for sites, organizes international assistance from the World Heritage Fund upon request, and coordinates reporting on properties' status, as well as urgent measures undertaken when a property is threatened. The Centre also organizes technical seminars and workshops, updates the World Heritage List and database, develops teaching materials in order to raise awareness among young people about the need to preserve heritage and informs the public about World Heritage issues. Expert **advisory bodies** of the World Heritage Committee are the International Union for Conservation of Nature (IUCN), the International Council on Monuments and Sites (ICOMOS) and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).

Advisory and reactive monitoring missions of the UNESCO and ICOMOS World Heritage Centre, which have been sent on several occasions to monitor the Kotor Region (2003, 2008, 2013 and 2018), through their reports provided significant analyses of the situation and recommendations for overcoming the problems, which were the starting point for the World Heritage Committee in making decisions regarding the Region.

Montenegrin National Commission for Cooperation with UNESCO should be the liaison of institutions at the national level with UNESCO, including the segment related to the implementation of the World Heritage Convention.

5.3. Key issues

The Natural and Culturo-Historical Region of Kotor is a specific cultural property, a harmonious symbiosis of natural phenomena and architecture and a cultural landscape of outstanding universal value. The Kotor Region includes both natural and architectural heritage, land and sea, it is an area of considerable size which also has very important intangible values, in addition to material ones. And all these values, as a part of the World Heritage, should be preserved integrally. However, even four decades since the inscription of the Kotor Region on the World Heritage List, the complexity of its values is not sufficiently understood, not only among citizens but also among experts and especially among politicians who, on all sides, have the opportunity to decide on the property and the obligation to protect it. One of the reasons for the current worrying state of the Kotor Region and the degradation of its values is the fact that there is no awareness that the entire cultural landscape, which includes the Kotor-Risan part of the bay, is a World Heritage site, and that the thing which should be preserved is precisely that harmonious relationship between the rich and diverse architectural heritage and the unique natural environment.

Although the formal requirements have been met, legislative framework and institutions are there, the situation in the Kotor Region is worrying. Unacceptable transformations of the cultural landscape that have taken place under great pressure of excessive urbanization, as well as devastation and inadequate commercialization of cultural heritage, pose serious threats to attributes of outstanding universal value, listed in the 2014 Retrospective Statement, therefore bringing the survival of the property on the World Heritage List into question.

One of the primary causes for the alarming situation in the Kotor Region is the **degradation and current dysfunctionality of the cultural heritage protection system in the Region.**

The legal and institutional changes that took place in 2010 have completely weakened the protection system of the Kotor Region. The institution that was established after the inscription of the Region on the World Heritage List, with its seat in Kotor, the purpose of which was to work on protecting the Region and its buffer zone (Regional Institute for the Protection of Cultural Monuments Kotor), underwent transformation which has led to it losing competence, powers, and autonomy.¹⁵

Report on the Implementation of the Management Plan for 2017, prepared by the Kotor Region Management Council stated: "During the reorganization, the human resources of the Regional Institute have been significantly reduced, especially in the field of protection of architectural heritage, and capabilities for quality approach to execution of works on cultural properties have been significantly diminished by the earlier abolition of the Specialized Operations Unit. In fact, the integrated processes comprised by the methodology of preservation and protection of cultural properties, which were once merged in the Regional Institute, have been fragmented through reorganization to the extent that it cannot be considered an efficient system."¹⁶

15 Current State of Affairs in the Natural and Culturo-Historical Region of Kotor, EXPEDITIO and the Society of Friends of the Boka Heritage, 2020

16 Report on the Implementation of the Management Plan for 2017, The Kotor Region Management Council

One of the more important problems is **the inadequate relationship between the system of cultural heritage protection and spatial planning**, which does not ensure the protection of the cultural landscape of the Region. The report of the UNESCO Advisory Mission for the Natural and Culturo-Historical Region of Kotor from 2013 also states: “The shortcomings of the protection system and the lack of effective instruments for managing urbanization in preserving the outstanding universal value are still a serious problem. The protected area still does not have the legal status of a cultural landscape. There are no detailed regimes and regulations for the preparation of spatial and urban plans; decisions of protection bodies are not binding; management structures are weak and insufficiently coordinated, without a clear vision of development. Therefore, **the protection system is still too weak to be able to positively affect the urbanization process**, spatial plans and transport networks.”¹⁷

One of **the recommendations** in the Report on the Implementation of the Management Plan for 2017 is: “It is necessary to perform **an expert analysis of the existing legal and regulatory framework and the state of protection** created after the transformation and **take the necessary measures** to implement the **strengthening of institutional protection of the Kotor Region with its seat in Kotor.**”¹⁸

17 Report of the Advisory Mission for the Natural and Culturo-Historical Region of Kotor, 2013

18 Report on the Implementation of the Management Plan for 2017, The Kotor Region Management Council

6. Spatial and urban planning of the Natural and Culturo-Historical Region of Kotor

Spatial and urban planning is a very important instrument of protection of the property. But also, if it is bad, it can enable and cause its devastation. After the catastrophic earthquake in 1979, the Municipality of Kotor got its first Municipal Spatial Plan (MSP Kotor) in the eighties (1987), which was revised in 1995. In the same period, after the catastrophic earthquake until 2003, there were detailed urban plans DUP Dobrota, DUP Prčanj, DUP Stoliv, DUP Risan.

These plans were the basis for an increasingly large-scale construction that raised the attention and concerns of the WHC (World Heritage Committee), so in 2003 the WHC expressed its concern for the Region for the first time in its documents, due to its over-urbanization but also poor architecture. That year, the WHC Advisory Mission visited the Region and its Report stated, inter alia:

“19. The growing pressure of urbanization of the entire Boka coast may well turn out to be a bigger problem than the restoration of buildings damaged by the earthquake. Urbanization is underway partially in an unmethodical way, generating most adverse effects. In many places of the Bays of Risan and Kotor, the degree of urbanization has reached the limit beyond which the values for which the site was listed in the World Heritage List may be seriously endangered.

20. Intensive urbanization often results in architecture of poor quality. It includes brutal concrete buildings from the seventies and eighties, such as the high Jugopetrol building erected before 1979 next to the historical centre of Kotor. The large building of the Fiord Hotel, constructed after 1979, also forms a sad contrast with the historical town core. At present, new concrete buildings or boarding houses and family villas proliferate. Some of them can be described directly as historicizing architectural kitsch. Fortunately, new buildings in general did not yet achieve – both in quantity and in mediocrity – such a level of landscape deterioration as can be seen at other places of the Mediterranean area. The process, however, begins to be imminent in Boka Kotorska, too. Numerous buildings constructed without approval or not in conformity with building permits are quite disconcerting.” (Joint Mission Report to Kotor (March - April 2003) WHC-03/27.COM/INF.7B, p. 5)

After 2003, the Joint UNESCO World Heritage Centre/ICOMOS Reactive Monitoring Mission to the World Heritage Property visited the Region in 2008, 2013 and 2018. Their reports are comprehensive, benevolently critical, but advisory. Observations of the UNESCO Advisory Mission from 2013 are a good example, confirming that the process of strong urbanization is unfortunately still ongoing, and that the link between spatial planning and protection policies is weak, and that spatial and urban plans tolerate and encourage this urbanization to some extent and do not adopt sufficient requirements for the protection of the outstanding universal value of the Region and the features of the cultural landscape. The advisory mission noted the following:

“The lack of integrated protection of the World Heritage site is particularly worrying. This

means that for now the global characteristics of the cultural landscape in the property and the buffer zone cannot be protected. Only individual properties, units and historical centres of the region are protected, but **the territory that is located in between remains unprotected and exposed to urbanization**. This is evidenced by the current practice (e.g. planned construction in valuable zones such as Morinj, green belts between settlements in the zone Muo – Prčanj – Stoliv, or on the medieval terrain Glavati as well as existing buildings in the coastal zone of Tivat and Herceg Novi bays, etc.)” The Advisory Mission in its recommendations, inter alia, pointed out the following: “... recommends that **the construction projects in valuable zones of the property in Morinj, Kostanjica and Glavati be suspended**. ... All construction works planned for the near future in the bay must be revised based on the status of the property as a cultural landscape and its protection regime.” (Advisory Mission for the Natural and Culturo-Historical Region of Kotor, March 25-31, 2013)

The report of the last Mission from 2018 was especially comprehensive and very precise, giving not only general evaluations, but exhaustively listing individual issues and places which presented a threat to preservation of attributes of outstanding universal value, giving recommendations for overcoming problems and defining carriers of activities. (Annex: chart which is a part of the report)

At its regular annual meetings, the WHC also warned of the alarming situation caused by excessive construction in the Region and demanded that it be brought under control. At the same time, the State Party – Montenegro, in its reports to the WHC, in principle regularly accepts their suggestions and sends messages of intent to improve the situation through the development of the SUP Kotor, through the development of the HIA, through the development of the Study for the Protection of Cultural Properties. The kind acceptance of all missions on their arrivals as well as their reports on the one hand, and promises and “doctored” reports which idealize the situation on the other, illustrate the dishonest attitude not only towards the UNESCO WHC but, in essence, towards preservation of the values of the Region. The dishonest approach is actually the main cause of the situation that has brought the Region to the brink of survival or even deletion from the World Heritage List.

For some time, the excessive construction was presented to the public as illegal. However, the construction was mostly happening on the basis of planning documents.

At the time of development of the Study for the Protection of Cultural Properties for the needs of the Kotor SUP (2013-2015), an analysis of the planning documentation of the Region was made and it was determined then that the protected Kotor Region was covered by three national plans: SPR, SPSPCA and two state location studies and 14 local plans. (11 DUP + 2 UP) while 4 DUPs and 2 SLSs were in development.

15.2.1 PREGLED VAŽEĆIH PLANSKIH DOKUMENATA

Važeći planski dokumenti	Planski dokumenti čija je izrada u toku
I ZAŠTIĆENO PODRUČJE	
DUP Kostanjica (2009)	GUP Muo (2007-..)
DUP Morinj (2009)	DUP Prčanj (2008 -..) 95 ha
UPN Strp-Lipci (1991)	LSL Glavati-Prčanj (2008-..)
DUP Risan (2011)	DUP Morinj – Izmene i dopune 2014
UP Perast (2012)	
DUP Orahovac i Dražin Vrt (2012)	
DUP Dobrota, Izmjene i dopune (2013)	
UP Stari grad (1984)	
DUP Škaljari (2008)	
DUP Muo (1992)	
DUP Prčanj (1994)	
DUP Stoliv (2010)	
LSL Vrnac (2009)	
II PROSTOR IZVAN ZAŠTIĆENOG PODRUČJA	
DUP Kavač (2009)	DUP Nerin, Donji Grbalj, 2014
DUP Platamuni-Trsteno (2014)	
LSL Grbalj1 (2010)	
LSL Grbalj (2010)	
DUP Bigova (2011)	
LSL Vranovići-Pobrde (2009)	
DUP Industrijske zone (1980)	
DUP Lastve grbaljske (2005)	
DUP Radanovići (2012)	
PPPNMD (2007)	
Obala u Zalivu, Zaštićeno područje	
DSL Sektor 15: sv Matija-ušće Škurde	DSL Sektor 16: Stari grad-Škaljari-Peluzica izmjene
DSL Sektor 16: Stari grad-Škaljari-Peluzica	DSL Sektor 10: Spila-Risan-rt Banja
Obala otvorenog mora, Buffer zona	
DSL Sektor 38: Bigova, LSL Trašte	

The analysis of detailed urban plans has shown that they have the following things in common:

- Development of planning documents takes years and the situation on the ground is changing at the same time;
- Planning documents are not developed in cooperation with the Directorate for the Protection of Cultural Properties and may be adopted without its consent;
- Directorate is not an equal partner to the planners, it gives an opinion on certain stages of the plan development;
- The scope of plans is unnecessarily large and it often increases during the development of plans, which opens up a lot of space for construction;
- The space is used mostly for housing, although statistics show that there are more apartments than households in the territory of Kotor;
- In planning documents, the term cultural property is applied, as a rule, to individual buildings, and not to the entire area, landscape, which is a part of the World Natural and Cultural Heritage;
- When individual buildings in the plan are registered as cultural property, the planned protection applies only to the building but not to its surroundings;
- Urban-technical conditions, i.e. construction parameters for existing facilities, even those that have attributes or are already cultural properties, are the same as for undeveloped plots;
- As a rule, the volume of new buildings is larger in relation to the environment, so

valuable buildings, palaces and residential buildings that are an integral part of the universal value of the Region are visually lost;

- Architecture of the buildings is uneven in detail, colour and material and does not reflect the spirit of the region;
- The facilities are not designed in relation to the topographic characteristics of the location/terrain.¹⁹

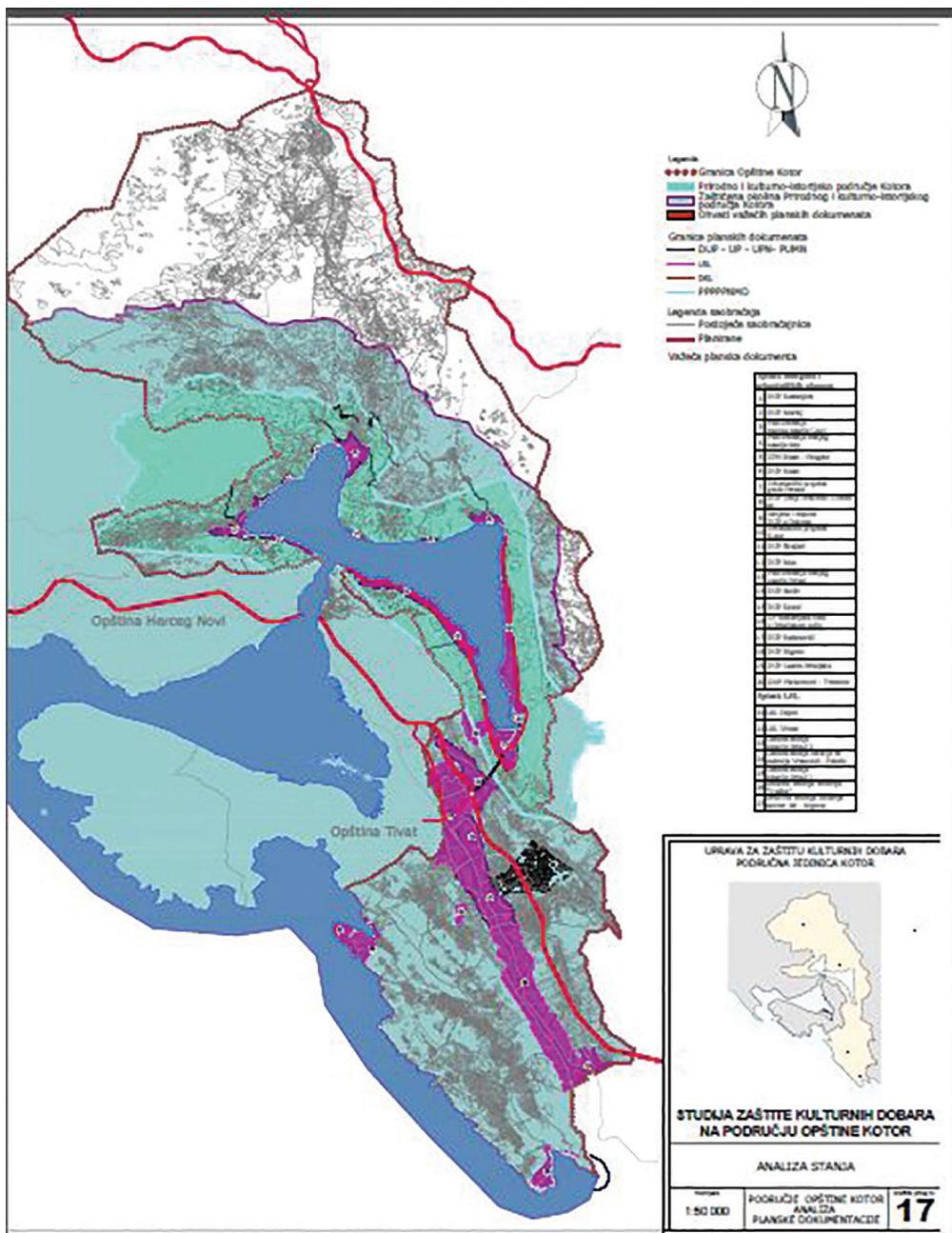


Illustration 4: From the Study for the Protection of Cultural Properties for the SUP Kotor – coverage with detailed urban plans

19 Study for the Protection of Cultural Properties in the Municipality of Kotor, 2018.

6.1. Legal and institutional framework and plans

Spatial planning in the protected World Heritage site was carried out with the implementation of several laws:

- Law on Spatial Planning and Construction (2000, 2005, 2008)
- Law on Protection of Cultural Properties
- Law on Protection of the Natural and Culturo-Historical Region of Kotor
- Law on the Coastal Zone
- Programme of Temporary Facilities in the Coastal Zone

Laws and plans

Law on Spatial Planning (2000, 2005, 2008)

Until 2017, spatial planning took place on two levels: state and local. The last Law before the current one from 2017, was the Law on Spatial Planning and Construction. It was adopted in 2008 and envisaged four types of state planning documents and five types of local planning documents:

State plans:

- Spatial Plan of Montenegro
- Spatial Plan of Special Purpose
- Detailed Spatial Plan
- State Location Study

Adoption of **the Spatial Plan of Montenegro** was mandatory, it was a key strategic document of the state.

Spatial Plan of Special Purpose was adopted for the territory or parts of the territory of one or more local self-governments with common natural, regional or other features that are of special importance for Montenegro and which require a special regime of arrangement and use. The protected Region was within the scope of the Spatial Plan of Special Purpose for the Coastal Zone.

Detailed Spatial Plan was not developed for the protected Region.

State Location Study was made for individual sectors in the coastal zone, and three state location studies were adopted in the Region.

Local plans

- MSP/SUP (Municipal Spatial Plan/Spatial Urban Plan)
- DUP (Detailed Urban Plan)
- UDP (Urban Development Plan)
- Local Location Study

MSP/SUP were long-term development plans which “determined the goals and measures of spatial and urban development of local self-government”, they were prepared and adopted for the entire territory of the local self-government.

Detailed Urban Plan had to be adopted for all settlements or parts of settlements for which it was envisaged by the Spatial Urban Plan of the local self-government and it determined the conditions for the construction of facilities in settlements, construction was carried out on the basis of detailed urban plans or urban development plans or local location studies. All types of local planning documents were developed for the protected Region.

Law on Spatial Planning and Construction, 2017

Law on Spatial Planning and Construction, passed in 2017, radically changed the planning system in Montenegro. This law envisages the development of only two types of planning documents:

Spatial Plan of Montenegro
Plan of General Regulation

Both envisaged plans are **state planning documents** issued by the Government. Plans i.e. planning at the local level is no longer provided by the law.

Plan of General Regulation is by its nature a regional planning document developed for three regions and national parks. For the protected Region on the UNESCO World Heritage List and its buffer zone, the Law provides a special plan of general regulation which would put out of force all previously valid plans.

Today (2022), five years after the adoption of the Law in 2017, neither the Spatial Plan of Montenegro nor the plans of general regulation have been adopted. At the same time, the planning documents adopted on the basis of the previous Law on Spatial Planning from 2008 are in force, which was enabled by some transitional provisions of the current law.

Law on the Coastal Zone, 1992

On the basis of the Law on the Coastal Zone, a special Commission, formed by the decision of the Government of the Republic of Montenegro, determined the border line of the coastal zone on land. The width of the coastal zone is uneven, somewhere it is the minimum required by law, and in some places it is several hundred meters. It turned out that the uneven width of the coastal zone was aimed at its exploitation through investments, so some of the most significant realized or planned state investments such as Porto Montenegro, Tivat Airport, Great Beach in Ulcinj were in that zone... Such locations in the protected Region include Hotel Teuta in Risan, the area between two rivers on Tabačina, Hotel Fjord and Jugooceanija.

The coastal zone is managed by the Government of Montenegro through the Coastal Zone public company.

The coastal zone is regulated by the state planning document – the Spatial Plan of Special Purpose (regional plan) and the state location studies for individual sectors.

Spatial Plan of Special Purpose for the Coastal Zone was first adopted in 2007. This state planning document is regional in nature, as it deals with the area of the coastal

zone that is spread over six municipalities on the coast. The coastal zone comprises the entire length of the coast, about 310 km. The land area is approximately 58 km² of uneven width. The space is divided into 68 sectors that are planned through the state location study.

Within the SPSPCA, the coast of the protected Region is divided into 12 sectors (sector 8 – sector 19), and state location studies were developed in 2010 for Sector 15 (St Matthew – Škurda estuary), in 2011 for Sector 16 (Old Town – Peluzica – Škaljari) and in 2016 for Sector 10 (Spila-Risan – Cape Banja).

All work on the development, adoption and implementation of state location studies is performed by the competent Ministry (then the Ministry of Sustainable Development and Tourism), and the influence of local self-government on planning solutions is symbolic.

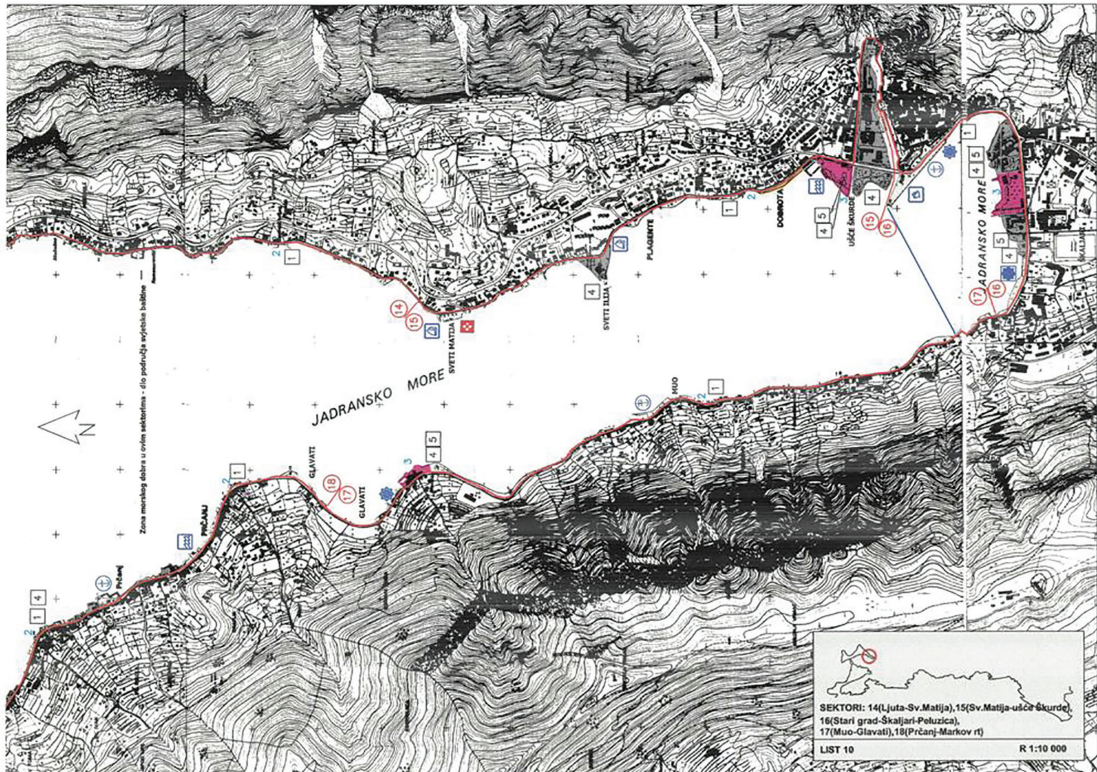


Illustration 5: Excerpt from the Spatial Plan of Special Purpose for the Coastal Zone, 2007

Spatial Plan for the Coastal Area of Montenegro until 2030, 2018

This planning document adopted in 2018 covers the total territory of six coastal municipalities and it replaced the previous SPSPCA from 2007, which covered only the area of the coastal zone. However, state location studies adopted on the basis of the previous plan are still in use.

Programme of Temporary Facilities in the Coastal Zone

The Programme of Temporary Facilities in the Coastal Zone is adopted by the Ministry competent for planning and spatial planning (today it is the Ministry of Ecology and Spatial Planning). Initially, the plan was adopted annually, now it is adopted for a period of 5 years. The competence to approve temporary facilities is also in the domain of the Ministry, with the previously obtained opinion of the local self-government unit and the Directorate responsible for the protection of cultural properties and environmental protection. The problem of temporary facilities in the coastal zone has always been present, as they were often approved in locations important for other purposes or in locations that are in buffer zones of cultural properties (e.g. "open bars" at piers or in front of visual landmarks of the Region like those in front of the Church of St Eustace, Church of St Matthew...). The bars remain on the locations even for several seasons, so they take on the character of permanent facilities. The problem with temporary facilities in the coastal zone culminates when facilities which constructively and materially are essentially permanent facilities are approved as temporary (facilities on the Turkish Cape, Camp Beach ...). The Law on Protection of the Natural and Culturo-Historical Region of Kotor, as well as the Study for the Protection of Cultural Properties, determine the importance and obligation to preserve the inherited line and facilities (pontas, mandrachi, adapted and natural coast) of the coast in the protected Region. The installation of temporary facilities that by manner of construction and by the length of stay on the locations deny this obligation and evade it in a legalized way.

Law on Protection of Cultural Properties, 2010, 2011, 2017, 2019

The law stipulates that the planning documents provide the protection of a cultural property, that the planning document must be harmonized with the protection study and that the Directorate gives an opinion on the planning document in relation to the protection study (Article 89). The law also prescribes the content of the protection study, its preparation and adoption (Article 90). However, this law does not correspond to the Law on Spatial Planning because that law does not mention the protection study and does not mark the opinion of the Directorate as binding for the planner; the protection service is only one of the technical bodies from which an opinion is requested, which must be submitted within a certain, short deadline. If the opinion of the protection service does not arrive within the set deadline, the planning document continues to be developed without it, which was often the case for the protected Region.

Law on Protection of the Culturo-Historical Region of Kotor – 2013, 2018, 2019

This law, among other things, lays down the instruments of integral protection of the Kotor Region (Article 16). The protection is provided by:

- 1) Spatial Plan of Montenegro – SPM
- 2) Plan of General Regulation of Montenegro
- 3) Management Plan
- 4) Urban Development Plan
- 5) Study for the Protection of Cultural Properties
- 6) Study for the Protection of Natural Properties

Institutions

Planning, protection and management are carried out under the auspices of several institutions, the key ones being:

- Ministry of Spatial Planning
- Ministry of Culture – Directorate for the Protection of Cultural Properties
- Municipality of Kotor

All of them are entitled to directly influence the situation in the protected area with their opinion or consent to the planning documents.

The Ministry of Spatial Planning also played a key role in the process of developing and adopting local planning documents, as the entire process involved obtaining approval for all phases of the plan development. In this way, the responsibility of this Ministry for the situation in the protected Region is large.

The Ministry of Culture, through the Directorate for the Protection of Cultural Properties, should by definition be key to the protection of cultural properties. In practice, in the past period, their role has been formalized and strongly subordinated to spatial planning, with a very present viewpoint that protection is an “obstacle for development” of the Region. (In the development of the Kotor SUP, between the development models of “protection scenario” and “convergence scenario” the latter was chosen.)

The Municipality of Kotor, where the protected Region is situated, also has a great responsibility for its protection. In its organization, it has the Secretariat for the Protection of Natural and Cultural Heritage and the Secretariat for Urbanism, Construction and Spatial Planning, and their work is most clearly reflected on the Region.

6.2. Situation today

Despite the legislative framework that can formally ensure quality protection through spatial planning, today we have a situation that is quite the opposite, as evidenced by the facts about the legally prescribed instruments of integrated protection of the Region:

- SPM – Spatial Plan of Montenegro was valid until 2020, a new one has not been adopted yet and there is not enough reliable information on the current stage of its development.
- PGR, Plan of General Regulation is a planning document introduced into the planning system by the Law of 2017. A deadline of two years was given for its adoption (2019), this deadline was extended to five years (2022) by amendments to the Law. There is also no official information on the course of its development.
- Management Plan adopted in 2011 was made for a period of 15 years, and the audit was to be conducted every three years. The process of revising the

Management Plan started in March 2019, but this process is yet to be completed.

- Study for the Protection of Cultural Properties was developed for the needs of the SUP Kotor in 2015. It is evident that all its provisions, given in the protection measures, were not respected, so certain parts of the study should be updated.
- Study for the Protection of Natural Properties has never been made.

Today, planning documents which apply to the protected Region are:

- Spatial Plan for the Coastal Area, adopted in 2018
- State location studies for sectors 10, 15 and 16 that were developed on the basis of the SPSPCA adopted in 2007
- SUP of Kotor adopted in 2020

None of these plans are recognized by the current Law on Spatial Planning and Construction from 2017.

SUP is a key planning document of a local self-government unit. “The Spatial Urban Plan of local self-government determines the goals and measures of spatial and urban development of the local self-government, in accordance with the planned economic, social, environmental and culturo-historical development” (Law on Spatial Planning and Construction of 2008).

The SUP of Kotor, which today, along with three state location studies for three sectors in the coastal zone, is the only planning document that is applied and which allows construction in the World Heritage site. Its drafting lasted 12 years and was adopted when the law no longer provided for this type of planning document.

Chronology of the preparation of the SUP Kotor:

2008 – The Municipal Assembly of Kotor passed the Decision on the Development of the Spatial Plan of the Municipality of Kotor (beginning of development), the basis was the Law from 2005; processor AG Infoplan

2009 – The plan was renamed from the Spatial Plan of the Municipality of Kotor to the Spatial Urban Plan of Kotor (the basis was the Law from 2008, which was amended in that part)

2013 – The draft of the plan was completed and the development of the Study for the Protection of Cultural Properties begun

2015 – The processor of the plan was changed, Mladen Krekić and his team continued the development

2017, 2018 – HIA, Heritage Impact Assessment for the Bay of Kotor was prepared

2020 – The SUP was adopted, the basis was the Law from 2017, it was adopted by the

Government of Montenegro, although it is a local planning document
In the development of the SUP Kotor, the planner considered two models of long-term development of the Municipality:

Protection scenario

“It is fully committed to the protection of cultural and natural heritage, preservation of the environment and space, maintaining the space in the state as close as possible to the original.”

“This scenario can be applied in highly technically and technologically advanced societies, energy independent and with a high level of legislative and ethical principles of space use.”

Convergence scenario that determines limits of behaviour in space, urban zones and protection zones.

“This scenario entails a balance between different interests, i.e. integrated problem solving.”

The planner chose the second scenario – **the convergence scenario**, and in the explanation of the choice he states, among other things:

“Available inputs for setting goals for the development of the Municipality of Kotor are: strategic documents of the municipality and the state, the opinion of citizens obtained in municipal development surveys, analysis of the current situation in all activities in the analysis phase of the SUP development and discussions in working groups, as well as academic papers and opinions of prominent artists from Kotor. In addition to all the above and taking into account the current state of the Municipality of Kotor (strengths, weaknesses, opportunities and threats) obtained through SWOT analysis, on the one hand, and the acceptance of European standards and values, on the other, the dominant strategic goal of the Municipality’s development has crystallized through the “Convergence” scenario, respecting the provisions of the SPSPCA and the scenario stated in it. Basically, this scenario means that a competitive structure of space use must be established as soon as possible, especially in terms of creating additional value through recognized potentials and thus establishing space development and protection.” (Spatial Urban Plan of Kotor, Chapter 6. Development scenarios)

When we know that this is a planning document that determines the long-term development of the World Heritage site, it is difficult to understand that any model other than the protection model was adopted as the basis for long-term development of the Region.

With the adoption of the SUP Kotor, all detailed urban plans valid until then were repealed, but not the state location studies. Today, construction in the protected Region is carried out on the basis of the SUP, i.e. its more detailed elaboration of the GR (General Regulation).

Since the SUP does not have urban plots defined, the location for construction – **a unit of construction land** is determined by **the allotment survey**, which determines the boundaries of the location for construction based on the proof of ownership. In addition, in this way, the location is determined by surveying companies and not urban planners. At locations defined in this way, standardized urban-technical conditions are prescribed, and they often do not correspond to the measures given in the Study for the Protection of Cultural Properties. Not a small number of construction sites in the field indicate that excessive construction continues and that expectations that the SUP would reduce construction areas and bring order to space have not been met.

The 2008 Law, which envisaged its development, defined its purpose and content (Article 25):

“The spatial urban plan of the local self-government determines the goals and measures of spatial and urban development of the local self-government, in accordance with the planned economic, social, environmental and culturo-historical development. ... The spatial urban plan of the local self-government contains: excerpt from the Spatial Plan of Montenegro; assessment of the current state of spatial planning; position and directions of development of the local self-government in relation to the neighbouring local self-governments in Montenegro as a whole; **the basic concept** of land use, landscaping, construction and use of space; **the basics of spatial organization** in terms of position and connecting of infrastructure facilities with populated areas; elaboration of settlement networks; purpose of space with appropriate graphic representations; concession areas; zone areas, locations for local facilities of public interest...”

At the same time, the same law defines the detailed urban plan (Article 26).

The detailed urban plan determines **the conditions for the construction** of facilities in the settlements in the area of the spatial urban plan of the local self-government, in a way that ensures implementation of those plans.

Comparing the purpose and content of the spatial urban plan and detailed urban plans, it is obvious that planning is “moving away” from the field, and conditions for construction are becoming increasingly general which is not the way to improve the situation in the Region.

6.3. Key issues

Spatial planning, i.e. urban plans, are probably the key cause of the current situation, which is a kind of paradox since planning should ensure order and all types of regulation of space. In recent years, especially in the protected Kotor Region, there is a great investment pressure causing space to disappear, change drastically, lose its natural identity... a paradox occurs that the natural beauty of space that aroused interest of investors disappears precisely through their excessive interventions. **Excessive construction** has ensued on the basis of planning documents that were supposed to provide the protection of outstanding universal values of the Region and their rational use for development purposes; instead,

plans of questionable quality served to provide that things which should not have happened to space were achieved in a lawful manner. **The system supported such formal urban planning**, which has led to an alarming situation that requires fast, thoughtful and analytical action, requires a spatial planning system that will offer mechanisms to stop the trend of omnipresent construction and mechanisms to repair the damage already done and sort out the chaos in space and provide its urban adaptation and organization, a system that will put the protection of outstanding universal value in the focus of spatial planning.

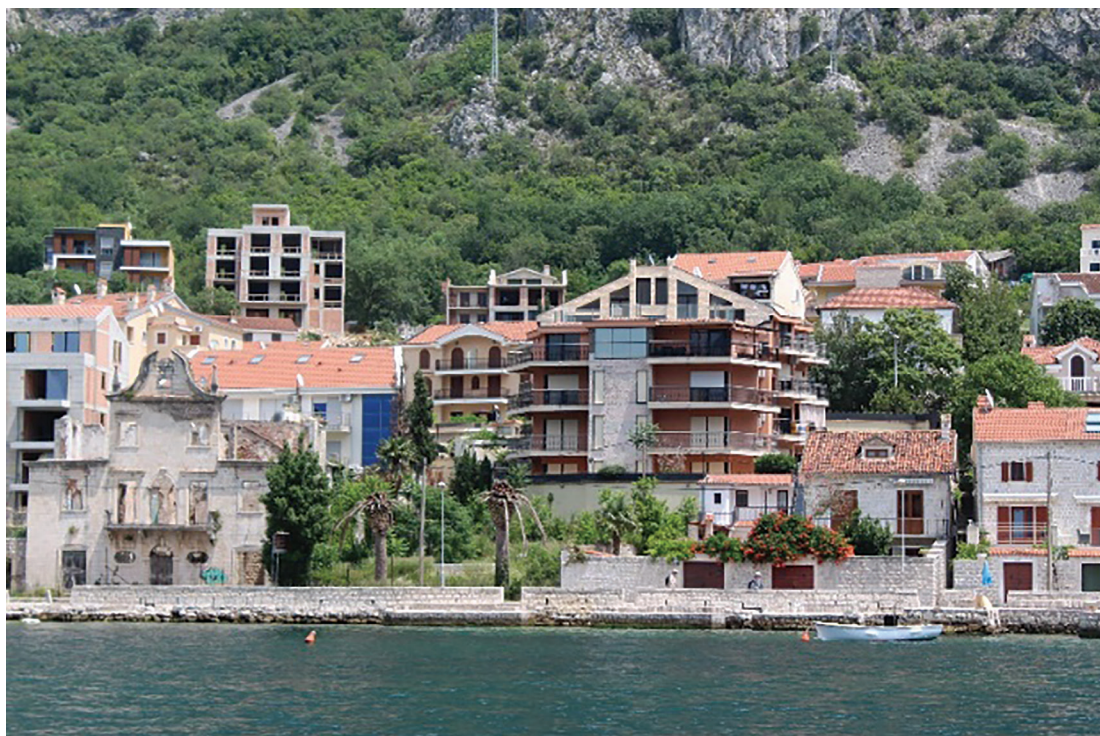
To date, **the integrated planning of the protected area and its buffer zone**, i.e. the whole of the Boka Kotorska Bay, which is necessary in order to reach the best solutions to numerous common problems of the three municipalities, especially traffic and communal infrastructure, has not been achieved. Common problems logically impose the need to develop a single spatial plan for the entire bay, which is the recommendation of WHC/ ICOMOS. This idea has never been considered at the level of the three municipalities, and their mutual cooperation in solving common problems is at an unsatisfactory level and does not contribute to overcoming them.

The bad system is reflected in **the inconsistency of the two legislative frameworks** – the one on the protection of cultural properties and the one on spatial planning, and the lack of partnership between planners and institutions for the protection of cultural properties during plan development. Protection is subordinated to planning, which treats it formally. The Protection Service is not a partner in the planning process, it is just one in a series of institutions that is obliged to provide data for the development of the planning document and give an opinion on the stages of its development (draft and proposal of the plan).

The new **SUP Kotor** has repealed detailed urban plans, but the areas planned for construction are still large, so the trend of over-construction continues. This plan was adopted three years after the current law stopped recognizing it, so it is not a type of plan that can be the basis for construction in terms of its character, content and purpose.

Instead of striving for a planning system that goes down to the level of microlocation in order to see the specifics of each site and define urban and technical conditions appropriate to the values of a particular location, planning is becoming increasingly generalized and moving away from the field and conditions for construction are being defined for a wider area because it is the only way possible in the SUP, having in mind the scale in which it is made.

In addition to the fact that all planning documents allow for excessive construction, **the treatment of individual protected cultural properties** and heritage that is a part of the overall value of the property is not appropriate and is not based on professional standards. The surroundings are being transformed into building land on which construction is planned, swallowing buildings in a visual sense (e.g. Dabinović Palace – Rooster's Tower, Church of St Eustace, total space between two roads in Dobrota, space between two churches in Prčanj ...).



Photograph 1: Dabinović Palace and its surroundings



Photograph 2: Church of St Eustace surrounded by temporary facilities

7. Management of the Natural and Culturo-Historical Region of Kotor

Management is also very important for the protection of cultural heritage, especially of complex units and cultural landscapes. The cultural heritage management system helps to preserve and manage certain properties so that heritage values are protected, in particular outstanding universal value in the case of World Heritage sites, and, where possible, promotes wider social, economic and environmental benefits beyond borders of the property.

There are different heritage management systems that vary from country to country and from property to property. Certainly, the management systems of individual culturo-historical buildings (such as religious sites, fortifications, palaces), which have one owner, are much simpler. For complex cultural properties with multiple owners, users and uses, such as historic centres and cultural landscapes, management is much more complex and the decision-making process is more complex and involves different actors related to the property.

For very complex and spatially large cultural properties, different bodies can be involved in their management, and the decision-making process can be very complex. Therefore, it is necessary to define a **new decision-making platform** through the management system, to have clearly defined relationships and connections between all actors and processes that affect the protection of the property, including decision-making mechanisms.²⁰

The Kotor Region with its buffer zone is one of such very complex and large cultural properties.

7.1. Legal and institutional framework

The management of the protected Kotor Region is regulated by the **Law on Protection of the Natural and Culturo-Historical Region of Kotor** from 2013. The law stipulates that the Kotor Region is managed in accordance with the Management Plan, and that in order to coordinate the protection, conservation and management activities, the Government shall establish the Council for the Management of the Kotor Region.

The main mechanism to ensure effective protection and enhance the importance of the World Heritage site is the Management Plan. It is a strategic plan that provides a framework for integrated and proactive management of the protected Region.

Management Plan

Management Plan is a key document for managing a particular area. It takes into account and integrates all existing relevant documents, including strategies and planning documents, local urban plans, research and conservation plans, local and national strategies

²⁰ World Heritage Resource Manual – Managing Cultural World Heritage, UNESCO, ICCROM, ICOSMOS and IUCN. 2013

in the fields of education, culture, science, local development and tourism. Once developed, the Management Plan becomes an overarching document on the basis of which short-term, operational plans for various areas and aspects of the site are further developed. Since 2010, the obligation to adopt the Management Plan has been stipulated by the Law on the Protection of Cultural Properties (Article 91), which states, inter alia:

- (1) The immovable cultural property Management Plan (hereinafter: the Management Plan) is a strategic document for long-term management, protection, preservation, use and presentation of immovable cultural properties.
- (2) The Management Plan determines and establishes the strategy, goals, activities and implementation structures for the management of the cultural property in an efficient and sustainable manner, with the aim of preserving the value of the cultural property.
- (3) The Management Plan must be adopted for the immovable cultural property inscribed on the World Heritage List and the immovable cultural property nominated for inscription on this list.

The Law on Protection of the Natural and Culturo-Historical Region of Kotor from 2013 also stipulates the mandatory development of the Management Plan, in Article 9. The Law states:

“The Region of Kotor is managed in accordance with the Management Plan of Kotor (hereinafter: the Management Plan).

The Management Plan is adopted by the Government of Montenegro (hereinafter: the Government), in accordance with the law.”

Development process of the Management Plan for the Natural and Culturo-Historical Region of Kotor

The need to develop the Management Plan for the Natural and Culturo-Historical Region of Kotor is contained in the assessment of the state of the protected area, in the Report of the UNESCO/ICOMOS Mission, which visited Kotor in March 2003. The development of the Management Plan was initiated in 2006, on the basis of the act of the Government of the Republic of Montenegro, and the Decision of the Municipal Assembly of Kotor. The contractor was the Regional Institute for the Protection of Cultural Monuments Kotor.

After the first phase of development of the Management Plan, which took place in the period 2006-2007, and the recommendation of the World Heritage Committee for its finalization, the Management Plan was finalized in 2011.

The Management Plan was given the status of a binding document by the national regulations of Montenegro, given that the Law on Protection of Cultural Properties of 2010 recognized and defined it as a strategic document for long-term management, protection,

preservation, use and presentation of culturo-historical units, sites and areas, adopted by the Government of Montenegro, at the proposal of the Ministry of Culture.

The Government of Montenegro, at the proposal of the Ministry of Culture, adopted the Management Plan of the Natural and Culturo-Historical Region of Kotor, at its session on December 29, 2011.

The Management Plan of the Natural and Culturo-Historical Region of Kotor is a strategic document that should be the basis for effective management of the property. The Management Plan was adopted in 2011, was made for a period of 15 years, and it was supposed to be revised every three years. The process of revision of the Management Plan started in March 2019, but this process has not been completed.

Council for the Management of the Natural and Culturo-Historical Region of Kotor

Pursuant to the Law on Protection of the Natural and Culturo-Historical Region of Kotor from 2013, the Kotor Region is managed in accordance with the Management Plan, and in order to **coordinate protection, conservation and management activities**, the Government establishes the Council for the Management of the Kotor Region (hereinafter: the Council). The Council is established and operates on the basis of the Law on Protection of the Natural and Culturo-Historical Region of Kotor, Article 9:

“The Council has a president and ten members.

The Council is appointed and dismissed by the Government on the proposal of the state administration body responsible for cultural affairs.

One representative of each state administration body responsible for cultural affairs, state administration body responsible for spatial planning and environmental protection, administrative body responsible for protection of cultural properties, Montenegrin National Commission for UNESCO and non-governmental organizations dealing with protection and preservation and five representatives of the Municipal Assembly of Kotor.

The term of office of the Council is four years.

The President of the Municipality of Kotor is the President of the Council.”

The Council works in sessions. Sessions of the Council are held as needed, and at least once a month.

Administrative and technical activities for the needs of the Council are performed by the local administration body of the Municipality of Kotor responsible for the protection of natural and cultural heritage.

The competences of the Council are defined in Article 10 of the Law. The Council:

- 1) promotes the importance of the universal natural and cultural values of the Kotor Region as a World Heritage site;
- 2) coordinates the development, revision and implementation of the Management Plan;

- 3) initiates and monitors the implementation of projects and activities provided by the Management Plan;
- 4) gives consent after obtaining the opinion of the competent local administration body for initiatives, programmes and urban and other projects related to the Kotor Region and its buffer zone issued by local administration bodies, state bodies, public companies and others, in order to harmonize them with the Management Plan and other documents relevant to the Kotor Region;
- 5) encourages and guides the implementation of activities and projects that contribute to the improvement of protection, preservation and development of the Kotor Region;
- 6) monitors the state of the Kotor Region and requires the entity referred to in Article 7 of this Law to take appropriate measures within their competence;
- 7) prepares the annual report on the implementation of the Management Plan and the state of the Kotor Region;
- 8) prepares and submits an activity report to the state administration body responsible for cultural affairs, semi-annually;
- 9) obtains the opinion of the President of the Municipality of Herceg Novi, the Municipality of Tivat or the Mayor of the Old Royal Capital Cetinje on the state, protection, preservation and management of the Kotor Region and/or its buffer zone, which comprises their territories.

Work of the Council for the Management of the Kotor Region

The first convocation of the Management Council was appointed by the Government of Montenegro on December 28, 2015. The first session of the Council was on February 22 2016, and the Council held a total of five sessions.

The second convocation of the Council was appointed on September 14, 2017. The first session of the second convocation of the Council was on January 16, 2018, and by March 2019, a total of ten sessions were held.

At the end of 2019 and the beginning of 2020, after the conclusions of the Municipal Assembly of Kotor, the Decision of the Government of Montenegro on dismissal of the President and five members of the Council before the expiration of the mandate and resignation from the Council by an NGO representative, the first session of the third convocation of the Council was held on February 10 2020.

Minutes from the sessions of the Council can be found on the website of the Municipality of Kotor <https://www.kotor.me/me/savjet-za-upravljanje-podru%c4%8djem-kotora/>

The Council is obliged to submit an annual report on the implementation of the Management Plan and the state of the Kotor Region to the Government by March 1 of the current year. The Report on the Implementation of the Management Plan for 2017, prepared by the Council for the Management of the Kotor Region, is very important.²¹

21 <https://www.kotor.me/me/savjet-za-upravljanje-podru%c4%8djem-kotora/>

7.2. Key issues

Although the Law on the Protection of the Natural and Cultural-Historical Region of Kotor defines the competences of the Council, which are very important, in practice it has been shown that the **Council exists in form only**, to serve as a platform for exchanging information of various actors, but that it essentially **has no influence whatsoever on the processes taking place in the Kotor Region**. It has turned out that **the existing management system is not functional and adequate for a complex unit such as the Kotor Region and that it is necessary to define new management mechanisms and bodies**.

At the first session of the second convocation of the Council held in January 2018, the Council agreed that “it is necessary to **change the legal and institutional framework that defines the mechanisms and bodies for managing the Region**, in accordance with the Management Plan for the Region”.

The Report on the Implementation of the Management Plan for 2017 prepared by the Council clearly states that **the role of the Council does not include the management function recognized in the Management Plan** and that it is “**necessary to review the legal and institutional framework that will improve mechanisms and bodies for managing the Region**”.

The fact that it did not hold sessions from March 2019 to the beginning of February 2020 even though it is supposed to meet once a month, also speaks a lot about the efficiency of the Council.

At the end of 2019 and the beginning of 2020, five members of the second convocation of the Council were dismissed, experts from various fields of cultural heritage protection, including experts with the greatest experience and references in the field of cultural heritage protection of the Natural and Culturo-Historical Region of Kotor. The fact that the best experts in the field of cultural heritage protection in the Kotor Region were excluded from the Management Council clearly shows the lack of understanding of the complexity and importance of protection and management of the Kotor Region, the lack of appreciation and respect for the profession and intentions for further development of this World Heritage site.

8. Buffer zone

Although the Kotor Region was inscribed on the World Heritage List in 1979, the boundaries of its buffer zone were determined only in **2011**, through the process of development of the Management Plan.

The buffer zone of the World Heritage site Kotor is determined by the fact that Boka Kotorska is an indivisible region, a single entity with numerous cohesion factors: Boka Kotorska Bay with four connected smaller bays, as a geographical determinant, its hinterland of similar natural features, common history, tradition and heritage.²²

The buffer zone of the Kotor Region **comprises the entire Boka Kotorska Bay and its hinterland**, within the borders of **the municipalities of Kotor, Tivat and Herceg Novi**. The buffer zone of the Kotor Region has an area of 36,491 ha and it stretches from Jaz beach to the slopes of Orjen and Lovćen.

The Law on Protection of Cultural Properties stipulates that the buffer zone of a cultural property is subject to an equally significant degree of protection as a cultural property it protects:

- (2) The protection of cultural properties is in the public interest.
- (3) Same as the cultural property, buffer zone of an immovable cultural property, object that forms a historical, artistic, visual or functional whole with an immovable cultural property, facility in which a movable cultural property is permanently stored or exhibited, documentation on cultural property, property under prior protection, a mandatory copy of the publication and public archives are under protection.

The World Heritage Committee, through **the Operational Guidelines for the Implementation of the World Heritage Convention**, has also defined special rules for the buffer zone. It represents an area surrounding a nominated property that has complementary legal and/or customary restrictions imposed on its use and development in order to provide an additional layer of protection for the property.

Since the boundaries were defined, and despite the legal obligation as well as the practical need to protect the area the state of which is reflected in the state of the Region, no measures and rules for the buffer zone have been prescribed to date. Representatives of the two municipalities of the buffer zone do not have their representatives in the Council for the Management of the Kotor Region, and therefore do not have the possibility to decide. Representatives of the buffer zone often do not have full and timely information, so they cannot share the responsibility.

The buffer zone of the Region is not just an administrative fact, that area shares the culturo-historical past and it is a part of a geographical whole. The protected Region and its buffer zone are integral areas and that is why it is very important to take action in the buffer zone as well. Having in mind that the buffer zone should provide an additional layer of protection

22 Management Plan of the Natural and Culturo-Historical Region of Kotor, 2011

for the Region, it is necessary to define measures and rules for it as well as for the Region itself.

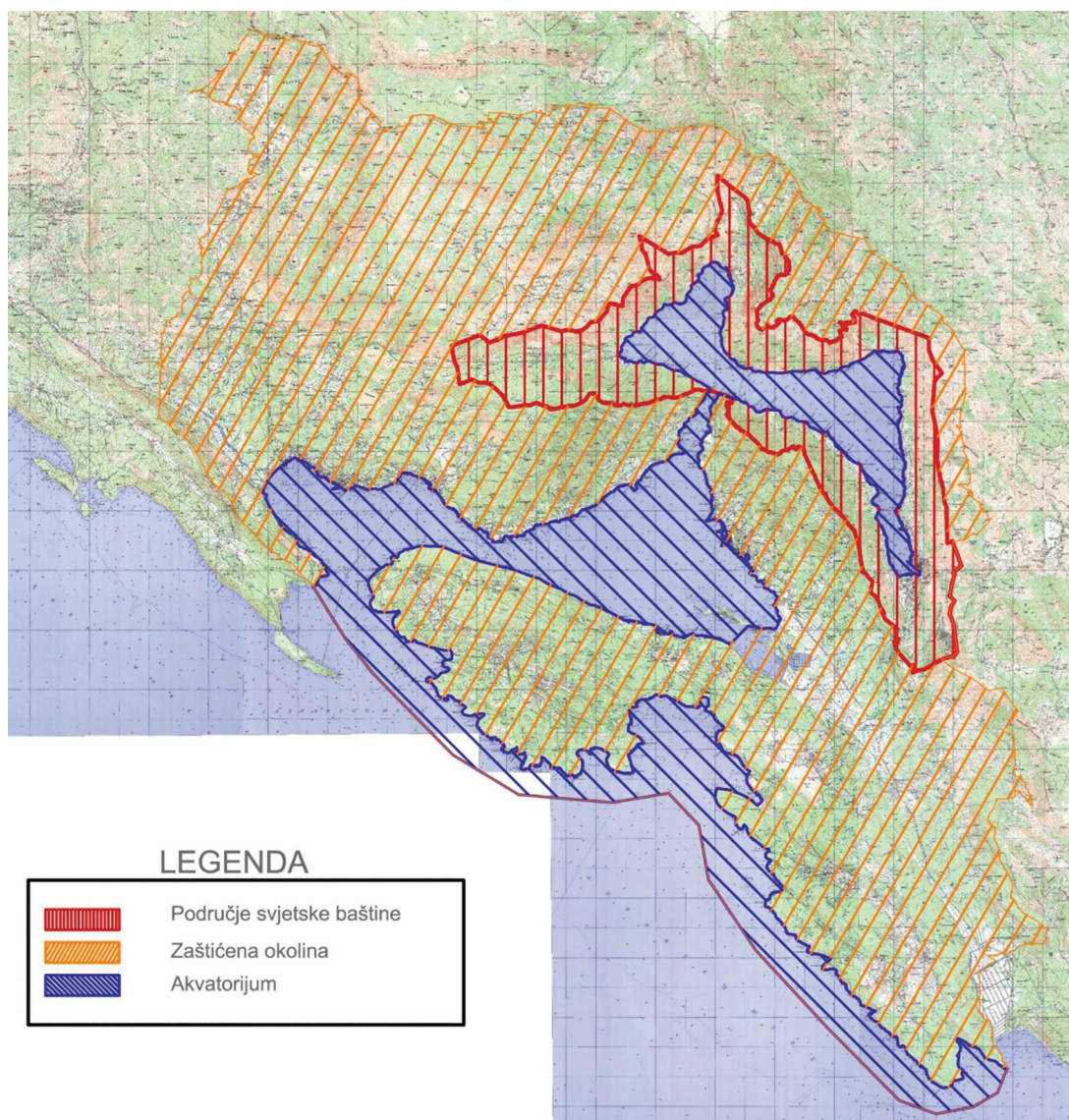


Illustration 6: Boundaries of the World Heritage site and its buffer zone

9. Characteristic examples

Poor planning and management of the Kotor Region have resulted in poor protection that threatens the attributes of outstanding universal value for which it was inscribed on the World Heritage List. Characteristic examples are highlighted that illustrate how these attributes can be endangered by non-compliance with the principle of protection, i.e. how important it is to preserve the buffer zones of individual cultural properties, recognize and preserve intangible features of a cultural property, preserve undeveloped “green” breaks between settlements, i.e. avoid merging settlements into a continuous riviera. Examples include both already implemented plans and projects (Kostanjica, Camp, Turkish Cape) and those that are planned and pose a potential threat (Glavati, bridge over Verige).

Kostanjica

Landscaping plan for a smaller settlement, 1991 – area of 20 ha

Amendments to DUP Kostanjica, August 2009 – area of 20 ha

The planning document enabled the construction of the current settlement on a previously completely undeveloped terrain, a green forested slope, as stated in the text of the DUP itself “the area of Kostanjica has exceptionally dense vegetation characterized by laurel and chestnut forests, which should be placed under the regime of protection and careful exploitation”. Apart from the biological and botanical value of the green cover of Kostanjica that needed to be preserved, its role in the undeveloped green background of Perast islands, especially Our Lady of the Rocks, was significant. These symbols of the protected Region stood out against the green background of Kostanjica, which was thus a part of their visual appearance. With the construction of the settlement, Our Lady of the Rocks was visually devalued, got lost in the structure of the settlement, and the characteristic view from Perast to this cultural property of exceptional importance was destroyed forever.

The consequence of the construction of Kostanjica settlement is an example of how important the buffer zone of the cultural property is and how cultural property can be devalued even when the intervention does not physically take place directly on it (in this case cultural property and its environment are separated by the sea). Preservation of the green slope of Kostanjica was also important for the preservation of the overall values of the protected Region, one of the most important of which is precisely the alternation of line settlements and green areas between them.

There was an intention to expand the settlement towards Morinj and merge the two settlements as well as to expand it towards Verige to the Turkish Cape. However, that was abandoned.

Kostanjica was repeatedly highlighted as a large problem in the WHC Decisions at a series of sessions as well as in the Reports of the advisory missions that visited the Region. **The negative impact of the construction of this settlement is one of the most prominent problems that call into question the survival of the Region on the UNESCO World Heritage List.**



Photograph 3: View of Our Lady of the Rocks before the construction of the settlement in Kostanjica



Photograph 4: View of Our Lady of the Rocks after the construction of the settlement in Kostanjica

Camp, Dobrota

The area of the former auto camp, after which this locality was named, is located between the main road on the upper side and the coastal road on the lower side. The terrain is slightly sloping, in several places it is underpinned with stone walls, so it gradually descends to the shore. There was only one ground floor building on the plot, which housed the central facilities of the auto camp. The facility was built in the second half of the 20th century, it had harmonious proportions and simple architectural expression, its unobtrusive form was fulfilling its function without negatively affecting the visual perception of space in which it was located. Groups of old and tall oak trees grew on the entire surface of the plot. The previous purpose of this area as a campsite was a good model of economic (tourist) exploitation of the area which didn't violate natural, environmental and landscape values.

The part of the coast in front of the camp had all the characteristics of a cultural property because it represented the authentic appearance of the route and all building elements of the road, as well as the traditional technique of building roads in the 19th century, thus it should have been preserved in its authentic appearance and condition.

In the area of the former camp, all the trees were cut down and the building that served it was demolished. A tourist resort was built in its place. In front of the resort, an artificial beach has been made in the sea, gravel that is not from the site has been added, two breakwaters have been built that form the beach; all facilities in the sea were built as "temporary" on the basis of the Programme for the Installation of Temporary Facilities in the Coastal Zone. The Law on Protection of the Natural and Culturo-Historical Region of Kotor and the Study for the Protection of Cultural Properties stipulate the preservation of the natural and built coastline and historical buildings on it (mules, mandrachi, underpinnings...). But that stipulation was not respected at this point and the coastline was roughly and permanently changed.



Photograph 5: Location "Camp" before construction



Photograph 6: Location “Camp” after the construction of the complex and the beach filling (taken from the Allure Palazzi Kotor Bay website)

Glavati

Glavati is an undeveloped area at the end of the settlement Prčanj, formed by the slope of Vrmac, which descends to the coast, forming the Bay of St Anne. The only buildings are the small church of St Anne and the ruins of the Sbutega family palace, which was surrounded by terraced valleys. Kolaska road along the coastline rises from the sea and is underpinned by stone with parapets built in the same way.

In the document of the Directorate for the Protection of Cultural Properties, Opinion on the Local Location Study Glavati, Prčanj – PROPOSAL of the plan. February 12, 2014, it is stated:

- The central part is the inlet Glavati, today a completely undeveloped area preserved in its natural and culturo-historical appearance; undeveloped area of Glavati covered with indigenous forest vegetation and free green areas, which has preserved the features of the original cultural landscape of the bay coasts, due to which, among other things, this area was included in the list of world natural and cultural heritage. Forest areas and greenery occupy most of the territory. Communication within the area takes place exclusively on footpaths and trails. A barely passable walking path through the forest leads from the coast to the Church of St Anne on the hill, next to which lie the remains of the palace, one of the oldest buildings in this area, which is on the list of registered cultural monuments. Along the border of the undeveloped landscape is the Tre Sorelle Palace, which is also a protected cultural property. Coastal series of residential buildings both north and south of the central undeveloped area of St Anne consists of well-preserved and architecturally valuable buildings. The coastal road with stone parapets and mandrachi on the lower side and stone walls on the upper side are authentic elements that testify to the craftsmanship and understanding of aesthetic values

that were present centuries earlier. Behind the coastline, there are still largely preserved valleys, underpinned with dry walls illustrating the authentic landscape and the manner of settlement organization with residential buildings along the coast, mandrachi for boats in front, and arable valleys behind them, and with dramatic steep slopes of Vrmac at the foot of which the settlement had developed. The area of Glavati has largely preserved its original appearance, with the exception of few buildings in built-up areas that disrupt the Glavati landscape in terms of dimensions, shapes and colours, so it is certain that the settlement covered by the planning document in question has preserved its integrity and authenticity.

- All domestic and international documents protecting the Kotor Region underline the significance of the synergy achieved between natural and cultural values, morphology and anthropogenic heritage, the importance of green undeveloped areas that separate rows of settlements along the coast and emphasize the importance of preservation of features of historical landscape and green interludes, and dangers of merging settlements by continuous construction which damages the identity created in previous centuries.
- The beauty and culturo-historical significance of Glavati and their landscape and the importance of their preservation are particularly mentioned in several places in the Report of the advisory mission for the Natural and Culturo-Historical Region of Kotor (March 25-31, 2013) which states (among other things):
... Glavati zone, between Muo and Prčanj, a medieval free green zone, between settlements, with a church, old roads, archaeology and traditional greenery, which is a significant example of the horizontal landscape structure. The regional protection body prohibits construction in that zone [DOSSIER_05].
... The mission recommends suspending construction projects in valuable areas of the protected Region, namely Morinj, Kostanjica and Glavati...

In its recommendations, the advisory mission stated the following: **“The mission recommends that construction projects in the valuable zones of the protected area Morinj, Kostanjica and Glavati be suspended. ... All construction works planned for the near future in the bay must be revised based on the status of the protected region as a cultural landscape and its protection regime.”** 2013

Despite all the very explicit warnings of the World Heritage Committee that Glavati should be preserved as an important contribution to preservation of the outstanding universal value of the Region, the Municipality of Kotor in 2017 passed a Decision on announcing an open competition for an architectural-urban solution for a 5-star tourist facility, on the urban plot UP6, block 2, in the scope of the Local Location Study “Glavati-Prčanj”. Three works have been submitted to the competition, all three are planning to build large-capacity tourist facilities on the largest part of the area of St Anne inlet. The project was not implemented, and LLS Glavati-Prčanj was put out of force by the decision on the adoption of the PUP Kotor, which was adopted at the Government session on August 13, 2020. PUP Kotor does not envisage construction in the area of the Bay of St Anne on Glavati, the purpose of space is “landscaping area”.



Photograph 7: Glavati, view from the sea

Turkish Cape

The Turkish Cape site is a natural lookout point at the entrance to the Bay of Kotor and Risan, which has extreme importance, not only spatial and material but also intangible, which is equally important.

The building on the Turkish Cape is an inappropriate counterpart to the fortified church of Our Lady of the Angels, built in the 16th century or earlier, unique in its combination of sacral and fortification functions, which until recently was one of the visual landmarks and a lone guard at the entrance to the Region. The most important visual axis that connects Perast, i.e. the protected Region with the Bay of Tivat and the Luštica peninsula goes through the Verige Strait. It is important to preserve this axis because it connects four bays into the unified space of Boka, and the Turkish Cape is an important point on that axis. An important feature of this site is that it remained undeveloped over the past centuries, despite the intention of Turkish authorities to build a fortress on the site. The construction of the current building rejects historical and landscape features of the Turkish Cape, rejects its lack of construction as an important historical and landscape feature of the location stemming from the strategic importance of this place compared to the fortress on Verige, where guard had stood since ancient times and where administrative and other formalities were performed when ships would enter the Bay of Kotor and Risan. The Verige Strait owes its name to a legend that in the past a chain (verige) was placed in the strait to prevent unwanted ships from reaching the inner bay.

Contrary to all warnings and expert views, a catering facility was built on the Turkish Cape.

The facility was built as a **temporary one based on the Programme of Temporary Facilities in the Coastal Zone**. The facility is temporary only in the form of approval, its construction and material make it a permanent facility and as such it remains on the site and works to this day. Once again, it has been included in the Programme for the Installation of Temporary Facilities for the period until 2023. This is an example of how bad is the non-integrated spatial planning of the coastal zone and other land in the hinterland, as well as how the temporary spatial planning system is made pointless by temporary facilities that are not temporary at all. The intangible component of the site has been irretrievably lost and the authenticity and integrity of the strait and of the entrance to the Region have been significantly damaged.



Photograph 8: Temporary facility on the Turkish Cape

Bridge over Verige

The idea of building a bridge over the Verige Strait arose years ago. Since then, the talk about it has occasionally subsided, but the final fate of this investment has never been decided. The bridge is most often referred to as an individual facility, without considering the wider issue that extends to the road that it would be a part of, as well as the problem of total traffic in the Bay.

However, the bridge is not an end in itself – it is one of the facilities on the road that would pass above Tivat and further along the coast to the border with Albania. The road above Tivat, on the slope of the hill Vrmac, would produce a strong visual impact on cultural landscape that is quite visible, no matter how you come to the Boka Kotorska Bay – by boat, plane, or car. Tivat is a part of the buffer zone of the protected Region, and the hill Vrmac

is a part of that Region on the Kotor side, and a nature park on the side of Tivat and Kotor (the proclamation procedure is underway). The Montenegrin coast is rocky and steep from Budva to the south as well, so we should consider what kind of impact the road on that part of the terrain would have on the landscape. We do not know if the issue of the bridge and the road for which it would be built was ever approached by considering various aspects of this problem: which problem it would solve versus problems it would produce, impact on the landscape, impact on heritage, impact on everyday life of citizens because it would divide space into that on one and on the other side of the road (and the connection could not be established at small distances for the road of that rank) ... The potential cost of construction on terrain of such morphology and geology (steep and mostly rocky terrain) is not insignificant as well.

The bridge disrupts the most important visual axis that connects Perast – Verige – Tivat Bay or Luštica, the visual axis that connects and unites the protected Region and its buffer zone. So the main problem is the disruption of that visual axis and the change of view from the Tivat Bay and Verige at the entry point into the property, the change of view to Perast...



Photograph 9: Simulation of the bridge, taken from the “Visual Impact Study”

The construction of the bridge over Verige has been the subject of much attention for many years and a cause of concern to the WHC.

The construction of the facility was questioned in numerous documents from annual sessions of the WHC as well as in the reports of UNESCO/ICOMOS advisory missions. The mission report of 2008 is cited here as an example:

„In the case of the bridge on Verige, the mission recommended to commission a visual impact study for the current Verige bridge proposal taking into consideration the outstanding universal value of the property and its landscape setting, for the whole territory of Boka Kotorska, including the potential buffer zone as well. **The mission estimated in**

advance that the bridge would have a negative impact on the landscape and that it would: disrupt the most important visual axis linking Perast via Verige to the Tivat archipelago and the sea; it would harm the architectural ensemble of the Church of the Holy Sunday, on the Cape of the Holy Sunday, which is an important landmark in the mentioned visual axis; the bridge would be an aggressive intervention that would damage the visual integrity of the cultural landscape (axis), as well as the entry point into the site.” (Reactive Mission 2008, Report)

The mission’s recommendation resulted in Visual Impact Study of the Proposed Verige Bridge on the Outstanding Universal Value of the Region prepared by the Institute for Urbanism and Regional Planning RWTH University of Aachen. The study looked at the possible consequences of the construction of the bridge in a very comprehensive way and gave precise recommendations for the project, which are briefly quoted here:

“Visualizations have shown that crossing the Verige Strait via the planned Verige Bridge without any doubts is an extremely strong and irreversible intervention in Boka Kotorska, which would change drastically both the visual experience of the existing cultural landscape and its ecological and historical connections. This aspect should always be taken care of during planning. For this reason, the above set of measures should be understood from the aspect of experts as a *conditio sine qua non* in order to achieve compatibility of the planned bridge construction and construction of the entire coastal expressway with the current World Heritage status as well as with sustainable development of the entire Boka Kotorska.” (Visual Impact Study of the Proposed Verige Bridge of the Bay of Kotor, November 2009 Institute for Urbanism and Regional Planning RWTH University of Aachen)

10. Instead of the conclusion

After 40 years since its inscription on the UNESCO World Heritage List, the current state of the Natural and Culturo-Historical Region of Kotor is extremely worrying. Reports of UNESCO/ICOMOS advisory and reactive monitoring missions and decisions of the World Heritage Committee since 2003 continuously and clearly have spoken about the problematic situation in the Natural and Culturo-Historical Region of Kotor, primarily related to excessive urbanization but also inefficient protection and management system. Also, for many years now, the professional public and the civil sector from the Region of Kotor have been pointing out the really alarming situation related to the protection, planning and management of this World Heritage site.²³

Despite Montenegro’s formal efforts to comply with the decisions of the World Heritage Committee, the negative changes that are clearly visible in the area show that the necessary mechanisms to protect the outstanding universal value of this World Heritage Site have not been established, and that negative trends are continuing. Regardless of the declarative views, the Kotor Region protection, planning and management systems are currently fractured and inefficient. Unfortunately, all this is caused by very poor systems of spatial planning and protection of cultural heritage in the whole of Montenegro, but this is

23 Natural and Culturo-Historical Region of Kotor on the UNESCO World Heritage List, EXPEDITIO, 2020

particularly negatively reflected and very clearly seen in the World Heritage site of Kotor.²⁴

“However, increased awareness to treat the inscribed property and the buffer zone as an integral part of the unique cultural landscape of the Boka Kotorska Bay is needed. Challenges remain for the further definition of common development strategies for the property and its buffer zone, for integrated planning and for the establishment of an overall management system. These measures will be essential to ensure that uncontrolled and excessive urbanization, as well as infrastructure development, are adequately addressed to ensure that no adverse impacts to the Outstanding Universal Value of the property occur. Adequate and sufficient resources of the entities responsible for the property will also need to be secured to be able to carry out preservation, protection and enhancement of the property.”²⁵

24 Natural and Culturo-Historical Region of Kotor on the UNESCO World Heritage List, EXPEDITIO, 2020

25 Excerpt from the Retrospective Statement of Outstanding Universal Value, 2014

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Rest

Civil sector reactions

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(https://expeditio.org/images/2014_new_documents/Razno/Otvoreno_pismo_Ministru_kulture.pdf)
- Letter to the UNESCO World Heritage Committee regarding the state of the Natural and Culturo-Historical Region of Kotor, Society of Friends of the Boka Heritage, 2018
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Remarks of the civil sector on spatial planning documentation

- Remarks and Comments on the Draft Spatial Urban Plan of the Municipality of Kotor from February 2020, EXPEDITIO and the Society of Friends of the Boka Heritage, Kotor, March 24 2020

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12. Annexes

12.1. Reports of UNESCO/ICOMOS missions and decisions of the UNESCO World Heritage Committee

Year	Mission
2008	Joint UNESCO World Heritage Centre/ICOMOS Reactive Monitoring Mission, 29 October - 2 November 2018
2013	<p>ICOMOS Advisory Mission, 25-31 March 2013</p> <p>The process of strong urbanization is still ongoing on the territory of the property and in the buffer zone. To a certain extent, it threatens the outstanding universal value and features of the cultural landscape.</p> <p>The shortcomings of the protection system and the lack of effective urban management tools in preserving the outstanding universal value remain a serious problem. The property still doesn't have the legal status of a cultural landscape. There are no detailed regimes and regulations for the preparation of spatial and urban plans; decisions of protection bodies are not binding; management structures are weak and insufficiently coordinated, without a clear vision of development. That is why the protection system is still too weak to be able to positively influence the process of urbanization, spatial plans and traffic network.</p> <ul style="list-style-type: none"> - Recommendations for improving conservation policy - Recommendations for improving the policy of spatial planning and urbanism - Recommendations for improving the traffic network - Recommendations for technical assistance
2018	Joint UNESCO World Heritage Centre/ICOMOS Reactive Monitoring Mission, 18-21 February 2008

Decision of the UNESCO World Heritage Committee

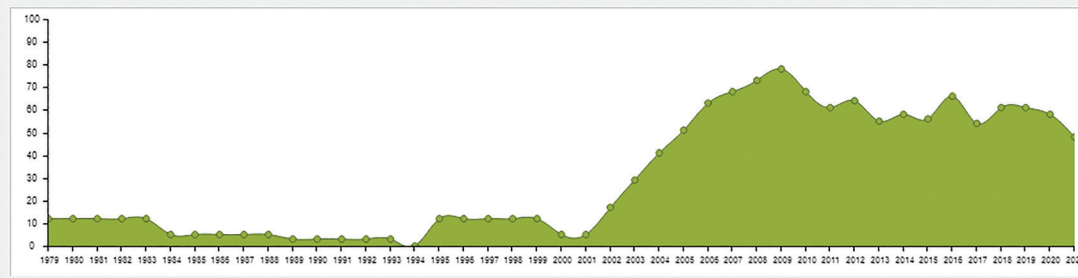
All decisions can be found at: <http://whc.unesco.org/en/list/125/documents/>

Year	Decisions
1982	06COM XII.41 – Technical co-operation requests
2002	26COM 21A.17 – Natural and Culturo-Historical Region of Kotor (Yugoslavia)
2003	27COM 8B.3 – Properties removed from the List of World Heritage in Danger
2003	27COM 7A.27 – Natural and Culturo-Historical Region of Kotor (Serbia and Montenegro)
2004	28COM 15B.78 –
2005	29COM 7B.84 – Natural and Culturo-Historical Region of Kotor (Serbia and Montenegro)
2006	30COM 7B.90 – State of Conservation (Natural and Culturo-Historical Region of Kotor)
2007	31COM 7B.100 – Natural and Culturo-Historical Region of Kotor (Montenegro)
2008	32COM 7B.101 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125)
2009	33COM 7B.114 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125)
2012	36COM 8B.58 - Cultural Properties – Examination of minor boundary modifications – Natural and Culturo-Historical Region of Kotor (Montenegro)
2012	36COM 7B.79 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125)
2014	38COM 8E – Adoption of Retrospective Statements of Outstanding Universal Value

2014	38COM 7B.29 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125)
2015	39COM 8B.47 – Natural and Culturo-Historical Region of Kotor, Montenegro
2016	40COM 7B.54 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125ter)
2018	42COM 7B.26 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125ter)
2019	43COM 7B.87 – Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125ter)
2021	44COM 7B.51 - Natural and Culturo-Historical Region of Kotor (Montenegro) (C 125ter)

Reporting Trend*

* Based on the frequency at which the World Heritage Committee has deliberated over this property over the past 15 years. 0 = minimum reports, 100 = maximum reports. For more information consult the [The State of Conservation of the World Heritage Forest Network](#)



12.2. Timeline

