



STATE OF CONSERVATION REPORT

For the World Heritage property

Natural and Culturo-Historical Region of Kotor (Montenegro)

1. Executive Summary of the report

Following the World Heritage Committee Decision 43 COM 7B.87 adopted during its last session held in Baku, Azerbaijan, 2019 (June 30th - July 10^h), Montenegro continued to implement several requests set by this Decision and by the Decisions adopted on Committee's previous sessions, regarding the state of conservation of the World Heritage Site - *Natural and Culturo-Historic Region of Kotor*.

The main focus of the policy towards the Region was put on strategic documents for its better treatment, specifically on Draft Spatial Plan of Kotor Municipality and the revision of the Management Plan for the Natural and Culturo-Historic Region of Kotor.

Draft Spatial Plan for the Municipality of Kotor was submitted to the World Heritage Centre on 5th of April, 2019. Response on this document came on December 19th and from that moment the revision of the Draft Spatial Plan is ongoing, according to the ICOMOS technical review and its recommendations.

The revision of the Management Plan is one of the key focuses of cultural and management policies. The process continued throughout 2019 and will be intensified throughout 2020.

New *Amendments of the Law on Protection of Natural and Culturo-historic Region of Kotor (Annex I)*, based on the Report of the Mission, had been adopted in December 2019. It is important to underline that this step was necessary only to bridge the gap until the adoption of the Revised Management Plan, which will envisage additional and more comprehensive changes of different laws which define polices and treatment for this area.

Based on the changes of local government of Kotor, 5 members and president of the Council for the Management of Natural and Culturo-Historic Region of Kotor were changed according to the Decision of the Government and based on the Law on Natural and Culturo-Historic Region of Kotor (Annex II).

2. Response to the Decision of the World Heritage Committee

- a) *Welcomes the ongoing efforts of the State Party in many areas, including drafting the Spatial Plan for Kotor Municipality, preparing new Amendments of the Law on*

Protection of Natural and Culturo-historic Region of Kotor, initiating the revision of the Management Plan, and upgrading the Heritage Impact Assessment for Natural and Culturo-Historical Region of Kotor for Harmonizing Policy/Planning Framework and Instruments, and requests that the State Party submit revised versions of these documents to the World Heritage Centre, for review by the Advisory Bodies;

Draft Spatial Plan for the Municipality of Kotor was submitted to the World Heritage Centre on 5th of April, 2019. In parallel, the responsible Ministry of Sustainable Development and Tourism launched the public hearing procedure which lasted from 24th of July until 11th of June and during which 5 public presentations and discussions with representatives of local communities were organized in the Region of Kotor. All interventions gained from these hearings and also through the written procedure were submitted to the Ministry of Sustainable Development and Tourism. Ministry has issued the Report on the Public Hearing process and responded to every single remark received during this period of time. Response on the draft Spatial Plan came from WHC on December 19th and from that moment the revision of the Draft Spatial Plan is ongoing, according to the ICOMOS technical review and its recommendations. After the completion of the interventions, the document will be sent again for its final review from the World Heritage Centre and advisory bodies, when, if accepted by UNESCO, will be adopted on national level.

The process of drafting the new *Amendments of the Law on Protection of Natural and Culturo-historic Region of Kotor (Annex I)*, based on the Report of the Mission, has been finished but it is important to underline that this step was necessary only to bridge the gap until the adoption of the Revised Management Plan, which will envisage additional and more comprehensive changes of different laws which define polices and treatment for this area. The main focus of the new Amendments to the Law is further improvement and more precise procedure of necessary administrative steps towards introducing HIA in everyday work of the Administration for the Protection of Cultural Properties and its coordination with other relevant institution. In addition, specific focus is put on the buffer zone of the Natural and Culturo-Historic Region of Kotor for which, according to the Law, specific study will be developed in order to define areas in which HIA is obligatory.

The revision of the Management Plan is one of the key focuses of cultural and management policies. This process continued throughout 2019, especially until September 2019 and significant amount of text was revised. Due to the changes in local government a process was paused for a while, but the activities should be intensified from February 2020, having in mind that there are several documents which should be connected and revised towards each other (Management Plan, Draft Spatial Plan and HIA for overall area).

The upgrading the *Heritage Impact Assessment for Natural and Culturo-Historical Region of Kotor for Harmonizing Policy/Planning Framework and Instruments* also continued throughout 2019 and the document which suppose to be revised according the technical review of ICOMOS, has been delivered to the National Commission of Montenegro in December 2019. The document was

sent accordingly to the relevant institutions for their inputs and interventions. Once the interventions will be submitted to the main responsible body – Faculty of Architecture, and potentially revised again, the document will be sent to WHC for its final approval.

- b) *Also welcomes the decisions to abandon projects for the St John's Fortress cable car and the Glavati-Prčanj tourist facility in order to protect the Outstanding Universal Value (OUV), and encourages the State Party to continue improving the impact assessment process so that it supports good decision-making with regard to change within and around the property;*

As stated under the point "a" in previous chapter the main focus of the new *Amendments to the Law on Protection of the Natural and Culturo-Historic Region of Kotor* was further improvement and more precise procedure of necessary administrative steps towards introducing HIA in everyday work of the Administration for the Protection of Cultural Properties and its coordination with other relevant institution. In addition, specific focus is put on the buffer zone of the Natural and Culturo-Historic Region of Kotor for which, according to the Law, specific study will be developed in order to define areas in which HIA is obligatory.

- c) *Notes the State Party's interest in allowing an accommodation complex to be built at Morinj, but urges the preparation of a Heritage Impact Assessment (HIA) before any irreversible decisions are made, and also requests the State Party to submit as soon as possible the HIAs both for Morinj and for the Verige bridge to the World Heritage Centre, for review by the Advisory Bodies;*

The Heritage Impact Assessment for the accommodation complex in Morinj was submitted to the World Heritage Centre 26th of July, 2019. The response of the WHC to the document still was not shared with the state party.

Ministry of Transport and Maritime Affairs has recently launched the initiative for preparation of HIA for Verige Bridge. After the completion of the process, the National Commission of Montenegro for UNESCO will transfer the material to the World Heritage Centre.

- d) *Further requests that the Management Plan, which is also being revised, should incorporate the recommendations of the 2018 Reactive Monitoring mission, so that it becomes a fully operational instrument for the efficient management of the entire World Heritage property and its buffer zone, with binding policies and provisions endorsed at national and local government level within the changing legal framework, which, in addition to tackling development issues in harmony with the Kotor Spatial Plan, should also address the conservation of the tangible and intangible attributes that convey the OUV and other values, as well as disaster risk reduction and tourism management;*

As indicated under the point "a" in the first chapter, the revision of the Management Plan is one of the key focuses of cultural and management policies. This process continued throughout

2019, especially until September 2019 and significant amount of text was revised. Due to the changes in local government a process was paused for a while, but the activities should be intensified from February 2020, having in mind that there are several documents which should be connected and revised towards each other (Management Plan, Draft Spatial Plan and HIA for overall area).

- e) *Also urges the State Party to fully implement all the recommendations of the 2018 mission, including the immediate and permanent suspension of the administrative rule entitled "Silence of Administration" in the case of issuance of any kind of construction permits or project developments within the World Heritage property and its buffer zone;*

Most of the recommendations from the 2018 mission were introduced in the Draft Spatial Plan for the Municipality of Kotor. Specific attention to the recommendations has been given through the process of revision of the Management plan. In addition, some activities are being implemented independently by private sector, such as maritime transport lines between different settlements in the Bay of Kotor, and between Herceg Novi and the airport in Tivat. Following 2018 mission Report the Ministry of Sustainable Development of Tourism has recently launched the procedure of detailed urban plan for area of Lepetani in Tivat Municipality. The coverage of the new DUP of Lepetani is 20.24 ha and it covers the area from the northern border of this settlement to Opatovo Cape in the south, throughout Verige Strait. The draft document will be delivered in a period of six months and before its adoption will be sent to the WHC for review.

The administrative rule "Silence of the Administration" is part of the general law system in the state and it is very challenging to remove it completely. However, the Ministry of Sustainable Development and Tourism has found the way to resolve this question through the ongoing process of amending the *Law on Spatial Planning and construction of Structures*. The document is drafted and sent to the relevant stakeholders for approval. The article 82 prescribes: "With the exception of paragraph 2 of this Article, the deadline referred to in paragraph 2 of this Article shall not apply for the submission of responses and electronically signed evidence for a UNESCO protected area by a body responsible for the protection of cultural property."

- f) *Finally requests the State Party to submit to the World Heritage Centre, by 1 February 2020, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 44th session in 2020.*

Following this Report, the National Commission of Montenegro for UNESCO will transmit to the World Heritage Centre all relevant documents which refer to any request or claim stated in this document or the Decision 43 COM 7B.87.

3. Other current conservation issues identified by the State(s) Party(ies) which may have an impact on the property's Outstanding Universal Value

Following intensified and fruitful cooperation during the last year Montenegro sent to the World Heritage Centre several documents and initiatives in order to get their respective opinion and/or review. Beside mentioned HIA for complex in Morinj submitted 26th of July 2019, Montenegro also submitted:

- Business Plan of Port of Kotor, submitted 17th of July, 2019
- HIA for Hotel Teuta in Risan, submitted 04th of June, 2019 (technical review of ICOMOS received on December 19th)
- Information on the project of road construction on Luštica peninsula, in the buffer zone of the Natural and Culturo-Historic Region of Kotor, submitted 16th of August.

In addition, National Commission of Montenegro on 07th of November 2019 has shared with UNESCO information on the initiative of the Municipality of Kotor for the project of construction of underpass near the Old town. The National Commission of Montenegro for UNESCO officially requested the information from the Municipality about this project and once received the documentation will be translated and sent to the World Heritage Centre for its review.

4. In conformity with Paragraph 172 of the Operational Guidelines, describe any potential major restorations, alterations and/or new construction(s) intended within the property, the buffer zone(s) and/or corridors or other areas, where such developments may affect the Outstanding Universal Value of the property, including authenticity and integrity.

On October 25th 2019, Montenegro has submitted to the World Heritage Centre information regarding the initiative for the construction of cable car between municipalities Kotor and Cetinje. The project is intended to be almost fully in the buffer zone of the property, with a small part in its core zone.

5. Public access to the state of conservation report

Authorities of Montenegro agree to put the Report on the website.

6. Signature of the Authority

Secretary General of the National Commission of Montenegro for UNESCO





STATE OF CONSERVATION REPORT

For the World Heritage property

Natural and Culturo-Historical Region of Kotor (Montenegro)

Annex I

Amendments of the Law on Protection of Natural and Culturo-Historic Region of Kotor



STATE OF CONSERVATION REPORT

For the World Heritage property

Natural and Culturo-Historical Region of Kotor (Montenegro)

Annex II

*Decision on dismissal of the President and five members of the Council for
Management of the Natural and Culturo-Historic Region of Kotor*

and

*Decision on appointment of the President and five members of the Council for
Management of the Natural and Culturo-Historic Region of Kotor*



PROPOSAL

Pursuant to Article 9 Para. 2 of the Law on Protection of the Natural and Cultural-Historical Region of Kotor (Official Gazette of Montenegro, No. 56/13, 13/18 and 67/19), the Government of Montenegro, at its session held on _____ 2020, made the following

DECISION ON APPOINTMENT OF THE PRESIDENT AND FIVE MEMBERS OF THE COUNCIL FOR MANAGEMENT OF THE NATURAL AND CULTURAL-HISTORICAL REGION OF KOTOR

1. The President and five members of the Council for Management of the Natural and Cultural-Historical Region of Kotor are hereby appointed, as follows:
 - **Željko Aprcović**, LLB, President of the Municipality of Kotor, President
 - **Božidar Božović**, Spec. Sci. in Architecture, at the proposal of the Administration for Cultural Property Protection, member,
 - **Vilma Kovačević**, BS in Archeology and Conservation, at the proposal of the Municipal Assembly of Kotor, member,
 - **Nikola Novaković**, BS in Architecture, at the proposal of the Municipal Assembly of Kotor, member,
 - **Andro Radulović**, LLB, at the proposal of the Municipal Assembly of Kotor, member and
 - **Sonja Seferović**, Spec. Sci. in Maritime Polytechnic, at the proposal of the Municipal Assembly of Kotor, member.

2. This decision shall be published in the Official Gazette of Montenegro.

Number:
Podgorica, _____ 2020

GOVERNMENT OF MONTENEGRO

PRIME MINISTER
Duško Marković

des

TUMAČ
Mirjana Bojić

za engleski jezik, postavljena u Crnoj Gori, rešenjem ministra pravde broj: 03-745-1667/17-1 od 24. maja 2017. godine, na vrijeme od pet godina, potvrđuje da je ovaj prevod vjeran originalu.

Troškovi prevoda iznose _____ €

U _____ dana _____

Pečat:

Podpis:

INTERPRETER/TRANSLATOR

Mirjana Bojić

for English, appointed in Montenegro by the Decision of the Minister of Justice number: 03-745-1667/17-1 dated May 24, 2017, for the period of five years, certifies that this is the true translation of the original document.

Translation fee € _____

In Podgorica on 21.01.2020

Mirjana Bojić
Signature

Seal:





PROPOSAL

Pursuant to Article 9 Para. 2 of the Law on Protection of the Natural and Cultural-Historical Region of Kotor (Official Gazette of Montenegro, No. 56/13, 13/18 and 67/19), the Government of Montenegro, at its session held on _____ 2020, made the following

DECISION ON DISMISSAL OF THE PRESIDENT AND FIVE MEMBERS OF THE COUNCIL FOR MANAGEMENT OF THE NATURAL AND CULTURAL-HISTORICAL REGION OF KOTOR

1. The President and five members of the Council for Management of the Natural and Cultural-Historical Region of Kotor are hereby dismissed prior to expiry of their term of office, as follows:
 - **Vladimir Jokić**, LLB, former President of the Municipality of Kotor, President
 - **Zorica Čubrović**, MSc in Architecture, at the proposal of the Administration for Cultural Property Protection, member
 - **Miloš Petričević**, BA in Archeology, at the proposal of the Municipal Assembly of Kotor, member
 - **Jasminka Grgurević**, BS in Conservation and Restoration, at the proposal of the Municipal Assembly of Kotor, member
 - **Danijela Đukić**, BA in Ethnology, at the proposal of the Municipal Assembly of Kotor, member and
 - **Ilija Lalošević**, PhD in Architecture, at the proposal of the Municipal Assembly of Kotor, member.
2. This decision shall be published in the Official Gazette of Montenegro.

Number:
Podgorica, _____ 2020

GOVERNMENT OF MONTENEGRO

PRIME MINISTER
Duško Marković

Res

TUMAČ

Mirjana Bojić

za engleski jezik postavljena u Crnoj Gori rješenjem ministra pravde broj 03-745-1667/17-1 od 24. maja 2017. godine, na vrijeme od pet godina, potvrđuje da je ovaj prevod vjeran originalu.

Troškovi prevoda iznose _____ €

U _____ dana _____

Pečat

Podpis

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Translator fee € _____

in Podgorica on 21.01.2020

Mirjana Bojić

Seal

Signature





6615.

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

DECREE

PROMULGATING THE LAW ON AMENDMENTS TO THE LAW ON PROTECTION OF THE NATURAL AND CULTURO-HISTORICAL REGION OF KOTOR

(Official Gazette of Montenegro 067/19 of 11 December 2019)

I hereby promulgate the Law on Amendments to the Law on Protection of the Natural and Culturo-Historical Region of Kotor, passed by the 26th Parliament of Montenegro at the second sitting of the second ordinary (autumn) session in 2019 on 22 November 2019.

No. 01-2052/2

Podgorica, 2 December 2019

The President of Montenegro,

Milo Đukanović, m.p.

Pursuant to Article 82 item 2 of the Constitution of Montenegro and Amendment IV paragraph 1 to the Constitution of Montenegro, the 26th Parliament of Montenegro at the second sitting of the second ordinary (autumn) session in 2019 on 22 November 2019 passed the

LAW

ON AMENDMENTS TO THE LAW ON PROTECTION OF THE NATURAL AND CULTURO-HISTORICAL REGION OF KOTOR

Article 1

In the Law on Protection of the Natural and Culturo-Historical Region of Kotor (Official Gazette of Montenegro 56/13 and 13/18) Article 18a shall be replaced by the following:

"Within Kotor Region and its protected surroundings, the authority in charge of issuing urban and technical requirements or Chief City Architect, prior to issuing the urban and technical requirements or prior to developing the terms of reference for a planning document or urban design, shall submit a request to the administration authority in charge of the protection of cultural properties (hereinafter: Administration) concerning a need for implementing the procedure of developing an Individual Heritage Impact Assessment (hereinafter: Individual HIA), based on ICOMOS Guidance on Heritage Impact Assessment for Cultural World Heritage Properties (hereinafter: ICOMOS Guidance).

Areas and sites within the reach of the protected surroundings of Kotor Region that should be subject to the Individual HIA development procedure shall be stipulated in a special act of the Administration.

The request referred to in paragraph 1 herein shall be submitted together with draft urban and technical requirements or draft term of reference.

The Administration shall notify the requesting party, within 15 days from the submission date of the request referred to in paragraph 1 herein, of whether there is a need for an Individual HIA.

The Individual HIA shall be developed by an expert team established by the Administration at the request of the investor or the authority in charge of developing the urban design.

A conceptual design or draft urban design shall be an integral part of the request referred to in paragraph 5 herein.

For developing the Individual HIA, the Administration shall establish an expert team within 15 days from the receipt date of the request referred to in paragraph 5 herein.

The expert team shall develop a proposal for the Individual HIA, based on ICOMOS Guidance, and submit it to the Administration, within 90 days from the appointment date of the expert team.

If the expert team fails to meet the obligations defined in the decision on its appointment, the Administration may appoint another expert team.

As a rule, the Administration shall submit the Individual HIA proposal developed by the expert team, within Kotor Region, to the Montenegrin National Commission for UNESCO, in order to get UNESCO opinion.

MR

The Montenegro National Commission for UNESCO shall provide the Administration with the UNESCO report - opinion.

The Administration shall approve the Individual HIA, within Kotor Region, if it resulted from acting according to ICOMOS Guidance and positive UNESCO opinion.

The Administration shall approve the Individual HIA for protected surroundings, developed by an expert team in accordance with ICOMOS Guidance.

The Individual HIA shall be fully implemented.

The Administration may instruct the investor to take corrective measures for identified shortcomings in all the phases of design development, as well as measures for the elimination or mitigation thereof.

The investor shall implement the measures referred to in paragraph 15 herein."

Article 2

After Article 25b the following article shall be inserted:

"Time-limit for Passing the Acts

Article 25c

The act referred to in Article 18a paragraph 2 of this Law shall be passed within a year from the date of the entry into force of this Law. Until the act referred to in paragraph 1 herein has been passed, the Administration shall decide on whether there is a need for an Individual HIA through a written decision.

Article 3

After Article 25c the following article shall be inserted:

"Initiated Procedures

Article 25d

Any process of Individual HIA development initiated before this Law entered into force shall continue according to this Law."

Article 4

This Law shall enter into force on the eighth day following its publication in the Official Gazette of Montenegro.

No. 26-2/19-3/15

EPA 803 XXVI

Podgorica, 22 November 2019

The 26th Parliament of Montenegro

The Speaker,

Ivan Brajović, m.p.



TUMAČ
Nina Radulović

za engleski jezik, postavljena u Crnoj Gori rješenjem ministra pravde broj: 03-745-1956/17 od 28. juna 2017. godine, na vrijeme od pet godina, potvrđuje da je ovaj prevod vjeran originalu.

Troškovi prevoda iznose _____ €.
u Podgorici, dana 30.4.2020.

Nina Radulović
Potpis

INTERPRETER/TRANSLATOR
Nina Radulović

for English certified in Montenegro by the decision of the Minister of Justice number: 03-745-1956/17 of the 28th June 2017, for the period of five years, certifies that this is the true translation of the original document.

Translation fee € _____
In Podgorica, on 30 Jan, 2020

Nina Radulović
Signature

