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CULTURAL AND NATURAL HERITAGE

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MONDIAL, CULTUREL ET NATUREL

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Item 7 of the Provisional Agenda: State of conservation of properties inscribed on the World Heritage List and/or on the List of World Heritage in Danger.

Point 7 de l'Ordre du jour provisoire: Etat de conservation de biens inscrits sur la Liste du patrimoine mondial et/ou sur la Liste du patrimoine mondial en péril

MISSION REPORT / RAPPORT DE MISSION

The Natural and Culturo-Historical Region of Kotor
(Montenegro – Crna Gora) (C 125)
/ Contrée naturelle et culturo-historique de Kotor (Monténégro - Crna Gora) (C 125)

18 to 21 February 2008 / 18 au 21 février 2008

This mission report should be read in conjunction with Document:
Ce rapport de mission doit être lu conjointement avec le document suivant:

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**REPORT OF THE JOINT UNESCO ICOMOS REACTIVE MONITORING
MISSION TO
The Natural and Culturo-Historical Region of Kotor
Montenegro, 18 to 21 February 2008**

ACKNOWLEDGEMENTS

The members of the mission express their gratitude to the Ambassador of Montenegro to UNESCO, the Minister of Environment and Tourism of the Republic of Montenegro, the Minister of Economic Development of the Republic of Montenegro, representatives of the Ministry for Culture and of the Ministry for Telecommunications, the Mayor of the City of Kotor (Republic of Montenegro), for their support, which considerably facilitated the work of the mission. Special thanks go to the Director of the Regional Institute for the Protection of Cultural Heritage, Kotor, and her staff. Their assistance and availability throughout the mission is gratefully acknowledged.

EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

The joint UNESCO ICOMOS reactive monitoring mission was carried out from 18 to 21 February 2008 – the first mission since Montenegro became a State Party to the World Heritage Convention in 2007. The objective of the mission was to review the proposed bridge construction of the Verige crossing and the overall situation of the site following the submission of the draft management plan for the World Heritage property of the Natural and Culturo-historical Region of Kotor, inscribed on the World Heritage List in 1979.

The World Heritage Committee, at its 31st session requested the mission to review the bridge proposal following the submission of documentation by the States Party in accordance with paragraph 172 of the *Operational Guidelines*. The mission followed a series of previous missions and participations in Round Tables held in Kotor between 2003 and 2006 in order to prepare management plan and include stakeholders in the planning process. The mission was able to review the situation both at national level with different ministries and on-site with more than forty specialists representing different institutions including ministries of the Republic of Montenegro (Culture; economy and development; Environment and Tourism), the Municipality of Kotor, NGO's, universities, and the Institute for the Protection of Cultural Monuments in Kotor.

Following extensive consultations with state, regional and municipal authorities and in the light of field visits to the World Heritage site of Kotor and its surroundings, the mission carefully considered the bridge proposal. The mission considered paragraphs 177 to 191 of the *Operational Guidelines* and concluded that the construction does not constitute an imminent danger. It recommends however a number of steps to be taken to ensure compliance with the 1972 Convention and to improving the overall situation and implementation of the management plan towards effective management and protection of the site and the sustainability of its overall socio-economic and cultural development.

The summary conclusions and key recommendations of the mission are as follows:

1. While considering the **Verige bridge proposal**, the mission noted that the current location is 2,5km away from the World Heritage site and welcomed that another proposal at the

entrance of Kotor Bay within the boundaries of the property was rejected. The mission however recommends that the following steps be urgently undertaken:

(a) the definition and delineation of a *buffer zone* around the core area of the property as requested since 2003 to enhance protection in accordance with paragraphs 103 to 107 of the *Operational Guidelines*; The mission urges the authorities to clearly define such a buffer zone for the protection of the World Heritage property and take into account the integral aspects of the whole Boca Kotorska. This region has an overall cohesion integrating cultural and natural aspects into a cultural landscape;

(b) commission a *visual impact study* for the current bridge proposal taking into consideration the outstanding universal value of the property and its landscape setting, within the whole territory of the Boca Kotorska, including the World Heritage property and its surroundings (World Heritage site and its future buffer zone), as well as important views (specifically between Perast and the Adriatic Sea), and connection lines; The authorities could consider carrying out either a separate visual impact study or to integrate it in the overall environmental impact assessment (EIA) required for the project. The mission further discussed that other geographical and technical options may exist which could also be taken into consideration. The mission concluded that no bridge construction should be allowed prior to the delineation of a buffer zone already requested in 2003 and the visual impact study.

2. The mission welcomed the **draft management plan** submitted in 2007. It recommended to adjust it taking into account detailed comments of the mission report and to ensure its implementation at all levels (including follow-up the March 2003 UNESCO ICOMOS mission and the November 2003 round table); It specifically recommends that the management plan be approved after completing it with the legal protection which it lacks so far, the clear delineation of a buffer zone, with adequate tools to implement it. The mission also suggests a better coordination among the institutions and authorities involved and a review of its status versus different other plans. The 2006 Round Table had noted that three specific mechanisms have been created to aid the successful coordination and supervision of the Management Plan: a steering group, a coordinator for the World Heritage site and thematic task forces. The mission noted that none of these seem to be working actively.
3. The mission further noted that the **management system** is not adequate due to the lack of a specific site manager (although the Institute had been nominated) and effective control mechanisms. An advisory committee could be created with international expert consultation. No financial commitment by the government is currently foreseen in the management mechanism. The mission therefore recommends that this be taken into account.
4. The mission urges the authorities to ensure optimal coordination among different **plans and legal instruments** including: Spatial Plan of Montenegro (1996/2008), Law on Coastal Zones (2008), Municipal plans, urban development and zoning plans; The mission notes that the legal framework for the site is not adequate – the national heritage law of 1991 may require updating;
5. The mission expressed its concern about the ongoing and accelerated **urban development** of the Kotor region. The dynamics of these transformation processes are beyond prediction and existing institutions cannot cope with it. The lack of consensus between private and public interests is linked with the lack of coordination between different planning instruments; The urbanisation process does not only concern ill advised large scale hotel developments within urban spaces which destroy the traditional scale of settlements and structures, but also impacts on the last green and undeveloped areas around the bay. This development not only affects the outstanding universal value of the property but also its integrity and authenticity. The mission recommends developing an Integral Urban and

Spatial Plan for the whole area which covers the three communities of Kotor, Tivat, and Herceg Novi to ensure integrated planning and development processes in the region;

6. The mission notes that the **state of conservation** of the historic city of Kotor is adequate with excellent restoration works as already noted by the 2003 monitoring mission. The Regional Institute for the Protection of Cultural Monuments in Kotor closely works with municipalities and communities on the protection, restoration and valorisation of cultural heritage monuments and ensembles and has established procedures and mechanisms such as preliminary studies to be carried out. The mission however points out that the overall cultural landscape is not taken into account in a holistic manner and that professional expertise in this regard could be strengthened at the institute by working more closely with experts in these fields (landscape architecture, landscape ecology and geography) as well as universities;
7. The mission notes that all **development and infrastructure projects** need to be taken into account within this overall framework. This includes on going traffic developments. The road construction between Herceg Novi and Trebine, already noted by the 2003 mission is not up to international standards and has major impacts on the cultural landscape. It urgently needs environmental rehabilitation with expertise which is available through the World Conservation Union (IUCN); The mission welcomes that new priorities are given to the development of waste management and canalisation with international funding (e.g. Kreditanstalt fuer Wiederaufbau – KfW; Austrian Government). This will enhance the environmental protection of the site and the water quality.
8. Concerning a **monitoring system** which has to take into account new and emerging threats including climate change, the mission recommends close coordination between the existing natural heritage (e.g. Maritime Institute) and cultural heritage institutions.
9. The mission further recommends preparing a statement of outstanding universal value as required as follow-up to the Periodic Report. The authorities may also wish to consider a **re-nomination of the property** in the long-term, to redefine the outstanding universal value as cultural landscape.
10. Finally, the mission proposes to request professional advice whenever required from UNESCO, ICOMOS and ICCROM and to enhance **capacity building** among the institutions and agencies involved and especially the Regional Institute for the Protection of Cultural Heritage Kotor. Continuous learning in new fields and especially in cultural and natural heritage interaction is required.

1 BACKGROUND TO THE MISSION

1.1 Inscription history

The Natural and Culturo-Historical Region of Kotor (Montenegro) was inscribed on the World Heritage List in 1979 as a cultural site under criteria (i), (ii), (iii) and (iv) during the 3rd Session of the Committee and also included the site on the List of World Heritage in Danger (see section 1.3) It should be noted that only the cultural aspects of this site have been recognized and that with the decision of the World Heritage Committee not to inscribe the site under natural values, the rest of the region was excluded. This may have been a mistake at the inscription as the Committee retained the title "Natural and Culturo-Historical Region of Kotor". The use of non-site-specific criteria further justify a single large boundary.

The mission recommends preparing a statement of outstanding universal value as required as follow-up to the Periodic Report. The authorities may also wish to consider a re-nomination of the property in the long-term, to redefine the outstanding universal value as cultural landscape.

1.2 Integrity and authenticity issues raised in the evaluation at time of inscription

Concerning integrity, authenticity and state of preservation, ICOMOS noted at the time of the inscription that the limits of the nominated property, judiciously selected, coincide approximately with the crests of the sink-hole. At both ends, the property leans on the national parks of Orten and Lovcen, making it a vast protected natural area. The decision to leave the Gulf of Tivat out of this area (former portion of the mouths of Kotor) is justified by the lesser authenticity of these cities, more disturbed by recent industrialization (shipyards, harbor equipments). The cultural heritage of the nominated property was heavily damaged by the April 15 and May 24 earthquakes. Most of Kotor's palaces and houses, and many churches, all Dobrota's palaces, Perast's main buildings have all suffered from the earthquakes, and some have been partly destroyed. The city of Kotor was evacuated by all its inhabitants on 15 April 1979. Following this disaster, the restoration and consolidation of Kotor's natural and culturo-historical region monuments was carried out as part of the general reconstruction of the Montenegro and with UNESCO's assistance including an action plan to coordinate the international support.

1.3 Examination of the State of Conservation by the World Heritage Committee and its Bureau

At its 3rd session (Cairo, October 1979) the World Heritage Committee decided to inscribe the Natural and Culturo-Historical Region of Kotor on the World Heritage List and, at the request of the State Party, simultaneously on the List of World Heritage in Danger. The inscription took place six months after a terrible earthquake had reduced many of the surrounding villages to rubble and destroyed approximately 70% of Kotor's buildings. A large number of monuments including four Romanesque churches and the town walls, were severely hit by the quake. The city of Kotor and other old towns of the coast were almost entirely evacuated in view of the extensive structural damage suffered by the buildings of these towns. Following the March 2003 reactive monitoring mission the World Heritage Committee decided at its 27th session (Paris, June-July 2003) to remove the property from the List of World Heritage in Danger. Since this decision the property was included in each of the working documents for the examination by the World Heritage Committee at its 28th, 29th, 30th and 31st sessions.

1.4 Justification of the mission

The World Heritage Committee, at its 31st Session in Christchurch, New Zealand, requested the State Party of Montenegro to invite a joint World Heritage Centre / ICOMOS mission with natural heritage expertise to the property of the Natural and Culturo-Historical Region of Kotor to examine the suitability of the proposed bridge at Verige and its impacts on the cultural and landscape values of the property. The terms of reference, itinerary, programme and composition of mission team are provided in Annex 1 to 4.

2 NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY

2.1 Cultural heritage legislation and legal protection of the property

The 1991 Montenegro Act for the Protection of Cultural Monuments was followed up by the 1992 amendments to the Decree on Registering of Cultural Monuments, to the Decree on Regulating Conditions of Archaeological Surveys and to the Ordinance on conditions for performing, professional works and mode of professional examinations in the field of protection of cultural monuments. Instruments of protection include the 1979 Decision of the Municipality of Kotor, which declared the World Heritage site (which comprises a number of surrounding settlements) as being of special natural, cultural and historical significance, and the 1981 Decision on General Conditions for Construction in the Protected Area. In 1991, a special Law on the Renewal of the Protected Kotor Area was prepared, but its provisions have never been properly applied and in 1997 a Ruling on the Organization of Development of Towns and Settlements in the Region of Kotor was adopted.

A few legal instruments have been applied to the site over the past few years, notably the Government of the Republic of Montenegro Act (2005), the Spatial Planning and Organisation Law (2005), the Kotor Municipal Assembly Decision (2006) and the Law on Coastal Zone (2008). Under the 1991 law, the site is administered as an “urban cultural monument”, “first class”, World Heritage. The law also defines the site's boundaries, which correspond to those drawn up when the cultural property was inscribed on the World Heritage List.

The mission notes that the legal framework governing the site is not adequate in light of today's requirements, it fails to comply with European legislation and is vague regarding planning and construction in a historic setting. The fact that there is no legal definition or protection of the cultural landscape as a specific example of cultural heritage, presents a significant risk to the site. There is no protection of the site as an integral property or *cultural landscape*. Rather, specific properties forming part of the site are given protection: historic towns, groups of buildings, cultural monuments, archaeological sites and natural properties. The absence of a buffer zone around the site, the details of which are set out in paragraphs 103 to 107 of the *Operational Guidelines*, presents a significant risk. Such a zone was recommended in the requirements of the World Heritage Convention and its *Operational Guidelines*, the 2003 workshop and even in the provisions of the 1991 law, which charged the Republic Institute for Cultural Heritage with defining the borders of such a zone although to date no action has been taken. There is also an absence of regulatory requirements regarding the legal protection of the area covered by the property: concrete rules, norms and restrictions.

The mission draws the authorities' attention to the need to update the site's existing legal framework as well as to regulate the legal protection it is afforded. In this regard, the character of the area as a specific cultural landscape and its horizontal structure (villages interspersed with green spaces in the bay area) must be defined as well as the vertical profile of the slopes and the significant visual perspectives. The most important of these is the visual axis linking Perast, through Verige, to the archipelago in the Tivat bay and the sea, which plays an integrating role for the four bays (Kotor, Risan, Tivat and Herceg Novi). Here, the “Saint Dimanche” church, perched on a hill in the Verige area, represents an important visual landmark. It is recommended, on this basis, that the buffer zone be delineated taking account of the obligations outlined in the *Operational Guidelines* and the fact that the Boca Kotorska as a whole has a cohesion as a cultural landscape, rich in cultural and natural properties (historic towns, churches and monasteries, archaeology, local cultural landscapes such as the ancient salt marshes, the Lovcen and Orjen nature reserves etc). Specific systems will have to be put in place to grant legal protection of the cultural landscape as a whole: rules, norms and restrictions to protect the properties.

Taking account of the background, the mission considers that the protection of the territory as a whole could be supported by the preparation of a statement of outstanding universal value as required as a follow-up to the Periodic Report. The authorities may also wish to consider a re-

nomination of the property in the long-term, to redefine the values of the property focussing on the outstanding universal value of the interaction between people and their environment, a unique cultural landscape in the Mediterranean region.

2.2 Institutional framework

The mission noted that many different institutions are responsible for Kotor World Heritage site, including the *Ministry for Tourism and Environment*, *Ministry for Culture*, and its two specialised institutes, *the Republic Institute for Cultural Heritage* and *the Regional Institute for Cultural Heritage of Kotor* and *Ministry for Economic Development* and at the local and regional level.

The mission further notes that the management system is not adequate due to the lack of a specific site manager and control mechanisms. There is no evident cooperation between the two official inventories, one at the Republic Institute for Cultural Heritage and the Regional Institute for Cultural Heritage of Kotor. In general, collaboration between the different actors should be enhanced, which is currently not the case and jeopardises the coordinated and coherent development and management of the area. No financial commitment by the government is currently foreseen for the management mechanism. The mission therefore recommends that this be taken into account. The Regional Institute has neither sufficient executive power nor the expertise to be able to oppose illegal actions, and more generally, to apply protection policies. Its workforce (18), the structure of the organisation and the continued capacity building of its staff do not meet the management and monitoring needs of a World Heritage property. There is no effective control of the protection of the properties, while certain legal instruments mentioned above are simply not applied. Contradictions also exist with the local authorities regarding the protection of the properties, as well as a lack of cooperation with the owners during conservation work and the absence of a good working relationship with town planners.

The mission stresses the need to improve the specific management system by updating the legal framework, establishing adequate monitoring systems and creating a consultative committee composed of international experts. It is particularly important to ensure that there is a good level of coordination between the various actors involved and to unite them in the common goal of the protection and sustainable development of the properties. With this in mind, appeals should be made to community associations and for local participation in projects, in addition to the role of the local media in raising awareness about issues of heritage protection.

2.3 Plans and instruments

Currently, the area covered by the site is governed by the following plans: the “*Southern Adriatic*” *Plan* (1969), which covers the whole area as the basis for lower-level spatial planning; the *Spatial Plan of Montenegro*, which was submitted to the parliament in 2008 with a view to its adoption as law; the *Project for the Special Use of Maritime Property* (2007), which comprises a 6m to 1km wide strip of land running the length of the coast; *Spatial Plan of the Municipality of Kotor* (1987); *General Urban Plan* covering part of the Kotor Bay area (Kotor, Skaljari, Muo, Dobrota); detailed elaboration plans for almost all of the urban areas around the bay. In fact, various different levels of plans cover almost the whole of the site. The Regional Institute is putting forward preliminary studies, defining the conservation criteria regarding old buildings, to form part of these plans.

The mission notes that the system of plans is not adequate for ensuring the effective protection of the landscape of the property. The plans are already dated, there is a lack of coordination between them and they still do not meet the conservation requirements set out by the regional institute. For example, the *Project for the Special Use of Maritime Property* demands the construction of two large hotels near Kotor, against the advice of the Regional Institute to create green areas and

reconstruct the area's former gardens, in accordance with their initial purpose. The plans are often the object of fragmentary modifications, at the request of local authorities, which undermines the logic of the plans as a whole. This poses significant risks; as for the time being no spatial plan exists for the site in its entirety. Such a plan is proposed for the town of Kotor, however, the site itself covers land under the control of three separate communities (Kotor, Herceg Novi and Tivat). There is, therefore, no possibility of effective management of the cultural landscape of Boca Kotorška as a whole, which includes the site and a potential future buffer zone.

The mission notes that the authorities must ensure optimal coordination among all the instruments of the plan, in accordance with the values of the cultural landscape as a whole and the requirements for its legal protection. It is extremely important that a spatial plan is drawn up for the whole of the Boca Kotorška covering the three communities of Kotor, Herceg Novi and Tivat, and in coordination with the Spatial Plan of Montenegro. This will ensure the management of the landscape of the site as a whole and its buffer zone and will serve as the basis for a balance between public and private interests at times of future development.

2.4 Management plan and structure

The mission welcomed the draft management plan submitted in 2007 as a first effort to put in place a clear World Heritage statement and an integrated management approach. The completion of the management plan, after a considerable delay, is a very positive step. Owing to the absence of a management plan for the site for the past 28 years (since its inscription), the site's cultural values have been under threat. The region is witnessing economic growth with related social changes and environmental pressures, and the absence of a management plan would risk disturbing the fragile equilibrium between the built environment and the natural setting. The structure and aims of the management plan are well defined and comply with the principles and criteria of the Convention and the *Operational Guidelines*. The priorities of the Plan (its purpose and key management points) have been judiciously identified on this basis. The redefinition within the management plan of the site's cultural values was of particular importance. In 1979, when the cultural and natural values of the site were defined separately, it was not yet possible to adequately judge the site's overall value as a *cultural landscape*. Today, the management plan takes into account the evolution of thinking concerning cultural heritage. Its conception of the site is as a single integrated property, a combination of cultural and environment values. A similar approach is extremely important for its effective management in the future. The management plan defines, in an objective and realistic manner, the threats and identifies the key problems surrounding the management of the site. It is important to note that the management plan includes an action plan, which has been drawn up in line with the objectives and guidelines defined in the management plan. The positive aspects of the management plan are due in large part to the effective partnership of the central and local Montenegrin authorities with the organs and experts from UNESCO, ICOMOS and ICCROM, together with the active participation of Kotor's Regional Institute for the Protection of Cultural Heritage. The mission considers that the acceptance of a need for coordination and shared responsibility among the different authorities involved was a fundamentally important step reached during the management planning process.

Nevertheless, the mission would like to bring attention to the following weaknesses in the proposed management plan, bearing in mind the requirements set out in paragraphs 108, 109, 110 and 116 of the *Operational Guidelines*: the management plan is not currently robust enough to have a real influence on the urban expansion and to balance the complex relationships between conservation and sustainable development. Montenegrin national legislation does not recognise this type of planning and hence the management plan is not a compulsory *binding document* for other planning documents. The management plan lacks the kind of guarantees of a sufficiently compulsory nature that would allow it to influence a town-planning process, which is becoming increasingly difficult

to control. In this sense, the recommendations of the 2003 workshop have not been respected, that is the guarantee of an adequate legal framework (eg. a Decree) by which the government would give priority to the plan. Indeed, the management plan redefines the cultural values of the site in terms of a unique cultural landscape, without carrying out a thorough analysis of the quality of the landscape as per point 2.1 (horizontal structure, vertical profile and significant visual perspectives etc). In this respect, the management plan fails to define the entire legal protection of the site as an integral cultural landscape (as per the provision set out in point 2.1); does not suggest boundaries for buffer zones, as required by the Convention and its *Operational Guidelines* and the 2003 workshops; and does not rule on protection systems for the area covered by the property in terms of specific norms, rules and restrictions. There is no doubt that the absence of effective protection of the landscape constitutes a barrier to the creation of clear planning instruments in the establishment of the management plan and to decision-making on future high-risk interventions within the site and the potential buffer zone (the Verige bridge, for example). For this reason the management plan does not provide any guarantees for remedying the inadequate level of protection of the landscape, as observed by the 2003 workshop and illustrated by the real damage cited on the ground, such as the road between Trebina and Herceg Novi.

The mission notes that the management plan does not clearly indicate any specific long-term potential for the World Heritage property, or any long-term World Heritage management priorities, it only relates to current threats.

The management plan does not take note of the necessity, indicated in point 2.3, for an optimal level of coordination of all the plans and legal instruments and the creation of a specific development plan for the property as a whole and its buffer zone. Neither is this anticipated in the action plan, which only envisages a new development plan for the town of Kotor (which will replace the municipal plan of 1987), despite the fact that the site also covers land under the control of two other towns: Tivat and Herceg Novi.

The management plan does not offer a clear alternative for the management of the site (as per point 2.2), effective control and monitoring measures, participation from executive powers, or expertise on the part of the Regional Institute regarding the carrying out of conservation policy. The management plan does not give specific examples of its anticipated sources of finance. There is no mention of possible self-financing measures, as recommended by the 2003 workshop (eg. with sustainable tourism ventures).

The management plan does not define concrete *remedial action measures*, recommendations or guidelines, or indeed an overall conservation statement necessary for the protection of the site, which might facilitate the decision-making process and bring future draft documents in line with the plan's aims. The management plan's recommendations and guidelines are too generalised and do not form a workable basis for management decision-making in the case of specific interventions and risk factors. As a result, despite the recommendations of the 29th session of the World Heritage Committee inviting the management plan to take into account future infrastructures on the site, the plan provides no clear guidelines for a number of future developments, concerning technical and tourist infrastructures, and transport. The management plan must go further than simply recommending that specialists from the Regional Institute participate in the choice of locations for future developments. It must also propose evaluation criteria for the opportunities in these locations. The management plan accepts no liability for actual decisions on planning documents foreseen in the action plan and yet does not specify its requirements on this point. This gives rise to the risk of a breakdown in the link between the insufficiently specific aims of the management plan and the actual parameters of the planning documents.

The management plan does not provide guarantees for protecting the integrity and the values of this unique cultural landscape within its full geographical setting; neither are any guarantees given

regarding the desired synergy of the landscape with future planning documents and the practical achievement of these objectives in today's difficult conditions.

The mission recommends that the authorities complete and alter the management plan, taking account of the following detailed comments (including the follow-up to the March 2003 UNESCO ICOMOS mission and the November 2003 Round Table):

- Make the management plan sufficiently compulsory, guarantee its precedence and force by endorsement at a high-level (at government level) and by association with the changing legal framework;
- Clearly define the site's legal protection as a unique cultural landscape by means of: the delimitation of the buffer zone (to be submitted as a boundary modification) and the site's status (specific systems, rules and norms relating to the area covered by the site). To this end, the management plan must identify the value of the site as a cultural landscape in much greater detail and in a more concrete manner;
- Guarantee the establishment of a general development plan for the entire area of the site and buffer zone. This plan would cover the areas controlled by the three communities of Kotor, Tivat and Herceg Novi;
- Define the major guidelines, measures and recommendations for protection. These would form the basis of the decision-making process in the management of the site and the planning documents, set out in the management plan, would be to some extent binding in nature;
- The management plan must take a position on the key developments to take place within the boundaries of the site and the buffer zone, notably regarding infrastructure problems;
- Put forward a mechanism for improving coordination between plans and legal instruments as well as among the institutions and authorities involved and a review of its status versus other different plans. The 2006 Round Table had noted that three specific mechanisms have been created to aid the successful coordination and supervision of the Management Plan: a steering group, a coordinator for the World Heritage site and thematic task forces. The mission noted that none of these seem to be working actively.
- In conclusion, the plan must clearly indicate the specific long-term potentials of the World Heritage site and the long-term World Heritage management priorities, without restricting itself to current threats. The management plan must define the following in more concrete terms: guidelines for integrated conservation, the general territorial strategy regarding the cultural landscape; criteria defining the permitted town-planning within the landscape; the parameters for visual protection; the nature of the tourist product etc;
- The management plan must analyse and define the characteristics of the overall cultural landscape – its structure, profiles, visual perspectives etc – that must be protected with adequate legal protection and appropriate planning instruments;
- It is compulsory that maps accompany the management plan to improve orientation;
- The mission recommends that the management plan not be approved until it meets the recommendations listed above.

2.5 Response to the recognition of values under international treaties and programmes

The protection, conservation and development of this complex cultural landscape is a true challenge and cooperation with other international treaties is encouraged, including the European Landscape Convention (2000) and the Convention on Intangible Cultural Heritage (2003) for inventorying the intangible heritage values of the property, civil and religious traditions, but also to take into consideration other instruments such as the European Convention on the Protection of the Archaeological Heritage (1992) and the Convention for the Protection of the Architectural Heritage of Europe (1985), as well as UNESCO Recommendations and international Charters by ICOMOS.

3. IDENTIFICATION AND ASSESSMENT OF ISSUES / THREATS

3.1 Positive or negative developments in the conservation of the property since the last report to the World Heritage Committee and Information on any threat or damage to or loss of outstanding universal value, integrity and/or authenticity for which the property was inscribed

The mission noted a number of the positive developments since the last reporting, including the completion of the draft management plan and the willingness to improve the management plan prior to the finalization with comments by the Advisory Bodies ICOMOS and ICCROM and the specific recommendations by the mission.

The mission welcomes the good examples of controlled tourist development, notably in the area of the preserved thermal baths and the old mills in Morinj where, at the insistence of the Regional Institute, the project to cover the area with a mound and construct six hotels was rejected. The Regional Institute is successfully developing preliminary town-planning studies with specific conservation criteria in several towns in the site. The mission also values the few good infrastructure projects such as the one to build a tunnel under the Vrmac mountain and the new priority given to the development of waste management and canalisation with international funding (e.g. Kreditanstalt fuer Wiederaufbau – KfW; Austrian Government). This will enhance the environmental protection of the site and the water quality.

The mission noted however a number of detrimental developments and potential threats, including on-going and accelerated uncontrolled urban development, which threatens the integrity and authenticity of the site. The inherent characteristics of the cultural landscape set out in point 2.1 are at particular risk: the horizontal structure of the coastal zone has been disfigured by a dense wall of buildings to the detriment of the undeveloped green areas between the urban areas; the vertical profile of the slopes has been altered by hotel facilities and infrastructures (eg. the road from Herceg Novi to Trebine); visual barriers have been erected hiding traditional perspectives (eg. the Hotel Fiord, soon to make way for an even larger hotel). The urban structure of these historic towns is also under threat from new hotels and buildings that are not in keeping with the scale of the setting. Finally, the incongruous style of a few of the newly constructed or planned buildings poses a threat to the character of the traditional architecture.

The infrastructure poses particularly serious problems. The ever-increasing and unceasing tourist traffic coupled with the lack of a long-term vision for the development of the transport system has given rise to inadequate transport solutions (such as the road between Herceg Novi and Trebine built to the detriment of the landscape, the proposed construction of multi-storey garages some of which would be built in archaeological zones, the planned project to run a road under Kotor that would traverse along the top of wooded mountain areas etc). Another serious problem is how to link the Adriatic-Ionian motorway to the Boca Kotorska region. The project has run up against the complexities of the bay's geography and the increased volume of traffic in the tourist season. The

proposed bridge in Verige is an extreme solution to this problem and does not take account of the role of the Verige strait as the entry point into the World Heritage property.

There is no long-term vision of the nature of the area's tourism product, just as a strategic definition of development aims in relation to the development potential is also missing. The management plan draws attention to the discrepancy between the principles concerning the economic development and the spatial potential of the historic setting. The construction of accommodation often clashes with the traditional urban structure and the character of the architecture (alterations are made to roofs and terraces, inappropriate materials such as aluminium are used, etc).

The mission notes that currently the main problem is the general conflict of interests between the development needs and the need to preserve cultural landscape values. Without appropriate management instruments, this conflict risks getting worse.

3.2. Management effectiveness

The problems and threats outlined above make the issue of the effective management of the site and its environment an increasingly pressing one. The mission notes that the current management is ineffective and is not in a position to control the process of urbanisation. In such a situation, the deterioration of the cultural landscape values will not be slow to follow. There is an urgent need to update the legal framework and improve the level of legal protection by regulation of the buffer zone and the introduction of precise rules governing the protection of the property. There is also a pressing need to improve the landscape management by way of optimal coordination between the plans and legal instruments, with the spatial plan showing the way for the whole of the area administered by the three communities. The management system is envisaged as a collective process with a number of participants and partners working under the coordination of clear rules and mechanisms, with particular attention being paid to public and private partnerships and the role played by community associations. The management mechanisms must guarantee that a balance is maintained between public and private interests. It must be understood that the preservation of the integrity and the authenticity of the site's cultural values and its environment is in the interest of everyone, as it represents an important resource in the sustainable development of the whole area. The overall objectives of the protection of the outstanding universal value of the property needs to be made clear to all actors involved including local municipalities and communities as well as foreign investors.

In light of this, the management plan must be seen as a basic instrument to achieve a synergy between all the management instruments, providing it can guarantee its potency as a binding document. The mission also urges the State Party to review any individual infrastructure (roads, bridges, waste disposals, canalisation etc.) and development projects (recreational and touristic complexes, hotels, marinas etc.) only within the overall framework of the final management plan and use it as a tool in coordination with other planning instruments.

3.3 The proposal for a bridge at Verige

The mission specifically evaluated the proposed bridge construction across the Verige strait, which would be according to State Party documentation at least 2325 m long – different figures on the height and width were given¹. Traffic is currently across the strait by ferry from Lepetane to Kamenari (passengers, freight and vehicles). The 2007 and 2008 State Party reports note the negative impacts of traffic jams during the summer tourist season and the overall requirement of infrastructure development.

¹ There seem to be differences of opinion concerning the height of the bridge. While some proposals indicate 42 m, the mayor of Kotor noted that the bridge needs at least to be 72 m high to allow bigger cruise ships to enter the bay.

The mission further suggests that tourism and infrastructure development including type of visitor pressure (cruising boats, day-visitors, demand for easy access e.g. cable car) and increased traffic pressure are carefully analyzed by the Regional Institute and that environmental management with increasing leisure and tourism use of the Kotor Bay is coordinated with relevant organizations and bodies both at municipal and national level.

The mission considers that the ongoing infrastructure development in and around the property needs to be carefully monitored. The road construction between Trebine and Herceg Novi had damaging effects due to badly managed construction techniques on the landscape character and vegetation.

The mission is aware of the severity of the problem posed by the traffic on the Adriatic-Ionian motorway in this sector. The proposal presents a radical solution to the problem and would appreciably reduce the amount of traffic. While considering the Verige bridge proposal, the mission noted that the current location is 2,5km away from the World Heritage site and welcomed that another proposal at the entrance of Kotor Bay within the existing boundaries of the property was rejected already.

The mission, however, after having examined the territory in person, studied the plans for the bridge and listened to the explanations given by the experts involved, notes that the following issues demand particular attention:

- During the selection process relating to the bridge proposal, decided by jury in 1999, there was no representative present from the Regional Institute (the main actor in the preservation of the site under the 1991 law), which had been ignored during the entire design and evaluation process of the project;
- The decision regarding the bridge was made in the absence of overall legal protection of the cultural landscape and without a buffer zone to protect the World Heritage Site, as per point 2.1.;
- No study of the impact of the bridge on the cultural landscape values of the Boca Kotorska region (site and potential buffer zone) has been carried out. There is no more than a rather cursory and perfunctory section on cultural heritage in the official study into the economic justification for the bridge carried out by the Ministry of Transport. The geographic region, defined in the environmental evaluation, is insufficiently wide to be able to evaluate the impact of the bridge on the Boca Kotorska area;
- The bridge would probably disrupt the most important visual axis linking Perast via Verige to the archipelago in the Tivat bay and the sea;
- The bridge would probably harm the architecture of the “Saint Dimanche” church buildings, which is an important landmark in the visual axis mentioned above;
- The project, which requires the construction of 130m high pylons and cable structures along its entire length, would have an aggressive appearance in what is a peaceful and harmonious landscape. It could become a visual barrier at precisely the point where the areas of the two bays meet. It could, therefore, damage the visual integrity of the property (axis) as well as this important entry point into the site.

These facts demand caution when it comes to the final decision-making process.

The mission recommends that the following steps be urgently undertaken:

(a) the definition and delineation of a *buffer zone* around the core area of the property as requested since 2003 to enhance protection in accordance with paragraphs 103 to 107 of the *Operational Guidelines*; The mission urges the authorities to clearly define such a buffer zone for the protection of the World Heritage property and take into account the integral aspects of the whole Boca Kotorška. This region has an overall cohesion integrating cultural and natural aspects into a cultural landscape;

(b) commission a *visual impact study* for the current bridge proposal taking into consideration the outstanding universal value of the property and its landscape setting, for the whole territory of Boca Kotorška, including the World Heritage property and its potential buffer zone, as well as important views (specifically between Perast and the Adriatic Sea), and connection lines; The authorities could consider carrying out either a separate visual impact study or to integrate it in the overall environmental impact assessment (EIA) required for the project. The mission further discussed that other geographical and technical options may exist which could also be taken into consideration. The mission concluded that no bridge construction should be allowed prior to the delineation of a buffer zone already requested in 2003 and the visual impact study.

4. ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY

The mission notes that the values for which the property was inscribed on the World Heritage List, and the conditions of integrity and authenticity are being largely maintained. The mission notes that the state of conservation of the historic city of Kotor is adequate with excellent restoration works as already noted by the 2003 monitoring mission. The Regional Institute for the Protection of Cultural Monuments in Kotor closely works with municipalities and communities on the protection, restoration and valorisation of cultural heritage monuments and ensembles and has established procedures and mechanisms such as preliminary studies to be carried out (for the agglomerations and settlements of Kotor, Dobrota, Orahovac, Perast, Risan, Morinj, Prcan, Stoliv, Skalari, Muo, and Kostanica).

For example, and as has already been mentioned, the Regional Institute managed to have the project to build six hotels in the historic part of Morinj rejected and has ensured the conservation of the old mills and the authentic cultural landscape. In Perast, the Regional Institute stands by its proposal for the conservation and interpretation of the authentic urban structure, in opposition to a project to construct a large hotel.

Concerning the decisions of the World Heritage Committee on the preparation of the management plan, necessary measures were carried out.

However due to accelerated urban development and the current economic transition phase of the Republic of Montenegro threats to the integrity of the landscape values and setting of the site are evident. No follow-up measures to the previous recommendations by the 2003 and 2006 missions concerning the buffer zone have been taken and the mission recommends that this be taken up in priority. Above all, the aim of the conservation policy is to protect certain towns, groups of buildings and monuments rather than to preserve the overall values of the cultural landscape. The Regional Institute itself does not have the power to oppose the urban expansion, nor carry out effective monitoring and controls including those of illegal construction.

In light of what has already been said about the consolidation of the legal and institutional framework (points 2.1 and 2.2), the mission backs the need to adjust the draft management plan in accordance with the recommendations made (2.4) and its use as an important instrument to

spearhead a conservation policy in coordination with all the other legal plans and instruments. This implies efforts and measures for the conservation of the overall cultural landscape in a holistic manner and that professional expertise in this regard could be strengthened at the institute by working more closely with experts (landscape architecture, landscape ecology and geography) and universities, and the assistance of UNESCO, ICOMOS, ICCROM. It is also a question of consolidating capacity building of those engaged in the conservation process and in its opening up to the public.

5 CONCLUSIONS AND RECOMMENDATIONS (see above)

6 ANNEXES

6.1 Terms of reference

The Terms of Reference for the mission are as follows:

1. Review the implementation of the management plan with the relevant national and local authorities
2. Assess the current situation of the site in terms of legal protection, planning and state of conservation;
3. Examine the suitability of the proposed bridge at Verige and its impacts on the outstanding universal value of the property and its integrity;
4. Assess any follow-up actions concerning capacity building activities and needs in collaboration with ICCROM
5. Provide a consolidated detailed mission report by 30 March 2008 with recommendations and executive summary.

6.2 Itinerary and programme

17.02.2008, dimanche

- Arrivée de M. Todor Kretev, représentant de l'ICOMOS et voyage à Kotor.

18.02.2008, lundi

- Arrivée de Mme Mechtild Rossler, représentante de l'UNESCO et voyage à Kotor;
- 9:00-18:00 – Rencontre de T. Kretev avec des représentants de l'Institut régional; discussion portant sur : le Plan de gestion, les législations, le système de gestion, les instruments du plan, l'état de la conservation ;
- Dîner et discussion du programme de la Mission avec les représentants des autorités centrales et locales.

19.02.2008, mardi

- Visite de la zone protégée du Site PM (Kotor, Skaljary, Muo, Prcanj, Tivat); prise de connaissance de la localité et du projet du pont de Verige; visite des vieux marais salins et de l'archipel de la baie de Tivat; traversée de Verige en ferry boat; visite de Kostanjica, Morinj – la zone des vieux moulins; visite de Risan, Perast, Oranovac, Dobrota;

- 17h30 – Rencontre à l’Institut régional de Kotor avec les représentants des autorités centrales et locales : prise de connaissance du projet du pont de Verige; discussion de la proposition.

20.02.2008, mercredi

- 9:00 – Rencontre à la municipalité avec le maire de Kotor, Mme Marija Maja Catovic.
- Visite pour évaluer l’état de la conservation à Kotor et à Perast ; rencontre avec des conservateurs et des représentants d’institutions responsables. 16:00 – Rencontre à l’Institut régional avec des représentants des autorités centrales et locales, des conservateurs, des universités et des ONG.

21.02.2008, jeudi

- Voyage à Podgoriza;
- Rencontre avec les représentants de ministères responsables : le Ministre du Tourisme et de l’Environnement, le Ministre du Développement économique; des représentants du Ministère de la Culture, du Sport et des Médias et le Ministère de la Marine, des Transports et des Télécommunications ;
- Conférence de presse;
- Départ des membres de la Mission de l’aéroport de Podgoriza.

6.3 Composition of mission team

- Dr Mechtild Rössler, Chief, Europe and North America Section
UNESCO World Heritage Centre
- Prof Todor Kretev (Bulgaria)
ICOMOS International

6.4 List of persons met

List of persons met

18 February 2008, Podgorica (only Ms Rossler, UNESCO)

Mr Garret Tankosic Kelly, Resident Coordinator UNDP
Mr Predrag Nenezic, Minister for Tourism and Environment
Ms Ana Pajevic, Ministry for Tourism and Environment
Ms Jelena Rabrenovic, Ministry for Tourism and Environment

18 February 2008, Kotor (official dinner with mission team)

Ms Ana Pajevic, Ministry for Tourism and Environment
Ms Jelena Rabrenovic, Ministry for Tourism and Environment
Ms Lidija Ljesar, Ministry for Culture, Media and Sports
Ms Marija Raznatovic, Ministry for Culture, Media and Sports
Ms Ruzica Ivanovic, Director Regional Institute for the Protection of Cultural Heritage Kotor
Ms Katarina Nikolic, NGO
Ms Zorica Cubrovic, Architect
Ms Radmila Muk Radicevic, city administration

19 February 2008, Kotor (Municipality with mission team)

Ms Marija Maja Catovic, Mayor of Kotor

Ms Ana Pajevic, Ministry for Tourism and Environment
Ms Jelena Rabrenovic, Ministry for Tourism and Environment
Mr Sorfat Lukovic, Secretariat of the Mayors Office
Ms Radmila Muk Radicevic, City administration
Ms Rafaela Lazarevic, City administration
Mr Brano Nedovic, City administration
Ms Andrija Popovic, City administration
Ms Snezana Raicevic, Secretariat for Urbanism
Ms Veronica Varajic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Zorica Cubrovic, Regional Institute for the Protection of Cultural Heritage Kotor

19 February 2008, Kotor (Regional Institute for the Protection of Cultural Heritage Kotor with mission team)

Mr Ratko Ivanovic, company "Monteput", director
Mr Ratko Djurasevic, company "Monteput"
Mr Goran Vujovic, company "Monteput"
Ms Vanja Konjevic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Ruzica Ivanovic, Director Regional Institute for the Protection of Cultural Heritage Kotor
Ms Veronica Varajic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Zorica Cubrovic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Vilma Kovacevic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Lidija Ljesar, Ministry for Culture, Media and Sports
Ms Marija Raznatovic, Ministry for Culture, Media and Sports
Ms Katarina Nikolic, NGO

20 February 2008, Kotor-Zavod (Regional Institute for the Protection of Cultural Heritage Kotor with mission team)

Ms Katarina Nikolic, NGO
Ms Alexandra Kapetanovic, NGO Expeditio
Mr Ilija Lalosevic, Faculty for Architecture
Ms Ana Pajevic, Ministry for Tourism and Environment
Ms Jelena Rabrenovic, Ministry for Tourism and Environment
Mr Alexander Joksimovic, Institute of Marine Studies
Ms Vilma Kovacevic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Ruzica Ivanovic, Director Regional Institute for the Protection of Cultural Heritage Kotor
Ms Ljilja Radunovic, Eco Ceter Dolphin
Ms Veronica Varajic, Regional Institute for the Protection of Cultural Heritage Kotor
Ms Zorica Cubrovic, Regional Institute for the Protection of Cultural Heritage Kotor

21 February 2008, Podgorica (meetings at ministry with mission team including press conference)

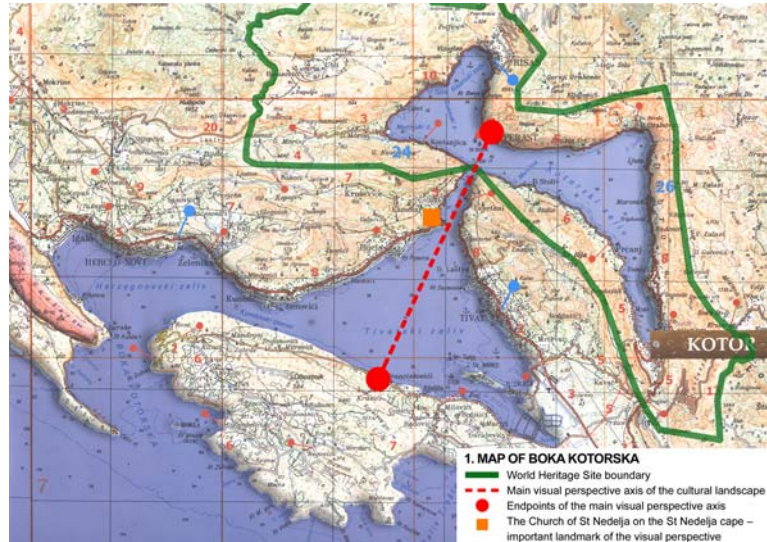
Mr Branimir Gvozdenovic, Minister for Economic Development and Deputy Prime Minister;
Ms Budislava Kuc, Department of urban planning and urban development
Mr Selim Lika, Department of multilateral and regional cooperation

Mr Predrag Nenezic, Minister for Tourism and Environment
Ms Olja Mihajlovic, senior advisor, Ministry for Transport, Maritime affairs and Telecommunications
Ms Lidija Ljesar, Ministry for Culture, Media and Sports
Ms Marija Raznatovic, Ministry for Culture, Media and Sports
Ms Ana Pajevic, Ministry for Tourism and Environment

Mr Ilija Radovic, Ministry for Tourism and Environment
Ms Jelena Rabrenovic, Ministry for Tourism and Environment

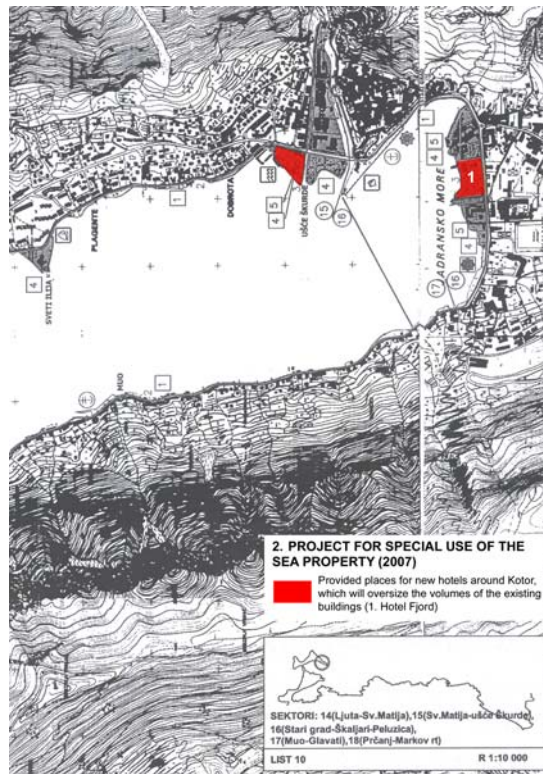
6.4 Maps and drawings

1. CARTE DE BOCA KOTORSKA



- Délimitation du Site PM
- Axe principal de la perspective visuelle du paysage culturel
- Points limites de l'axe principal de la perspective visuelle
- Perast
- L'église «Saint Dimanche»/«Sveta Nedelya» du cap «Saint Dimanche»/«Sveta Nedelya» - un repère important dans la perspective visuelle

2. PROJET POUR LA MISE EN VALEUR SPATIALE DU BIEN MARITIME (2007)



- Lieux prévus pour la construction de nouveaux hôtels dans les environs de Kotor qui dépasseront les dimensions des constructions actuelles (1. hôtel Fjord)

3. LOCALISATION DU PONT DE VERIGE



4. LOCALISATION DU PONT DE VERIGE



5. MODELE 3D DU PONT DE VERIGE

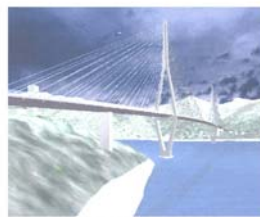
6. MODELE 3D DU PONT DE VERIGE

7. ESQUISSE DU PONT DE VERIGE

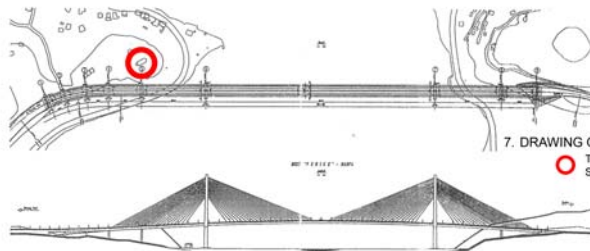
(L'église «Saint Dimanche»/«Sveta Nedelya» du cap «Saint Dimanche»/«Sveta Nedelya»)



5. 3D MODEL OF THE VERIGE BRIDGE



6. 3D MODEL OF THE VERIGE BRIDGE



6.6. Photographs



Photo 1 – Structure horizontale et profils verticaux du paysage culturel. Vue sur Perast



Photo 2 – Vue sur Stoliv



Photo 3 - Structure traditionnelle urbaine à Perast. Silhouette d'un village donnant sur la baie



Photo 4 - Structure intérieure urbaine



Photo 5- Axe de la perspective visuelle principale sur Boca Kotorska entre Perast et la mer.
Perspective depuis Perast vers le Sud et Verige.



Photo 6 - Perspective depuis Verige vers le Nord et Perast



Photo 7 - Le rôle visuel de l'église «Saint Dimanche»/«Sveta Nedelya» du cap «Saint Dimanche»/«Sveta Nedelya» dans la perspective principale.



Photo 8 - Vue depuis Verige



Photo 9 - L'espace de Verige. C'est ici que passe l'axe de la perspective visuelle principale du paysage culturel où l'église «Saint Dimanche»/«Sveta Nedelya» joue un rôle important. Le pont de Verige risque de traverser cet axe et de négliger le rôle de l'église. Vue depuis le Nord



Photo 10 - Vue depuis l'Est



Photo 11- Les anciennes salines près de la baie de Tivat



Photo 12 - Les anciennes salines près de la baie de Tivat



Photo 13- Vue sur l'archipel de la baie de Tivat. Vue depuis la montagne Vrmac

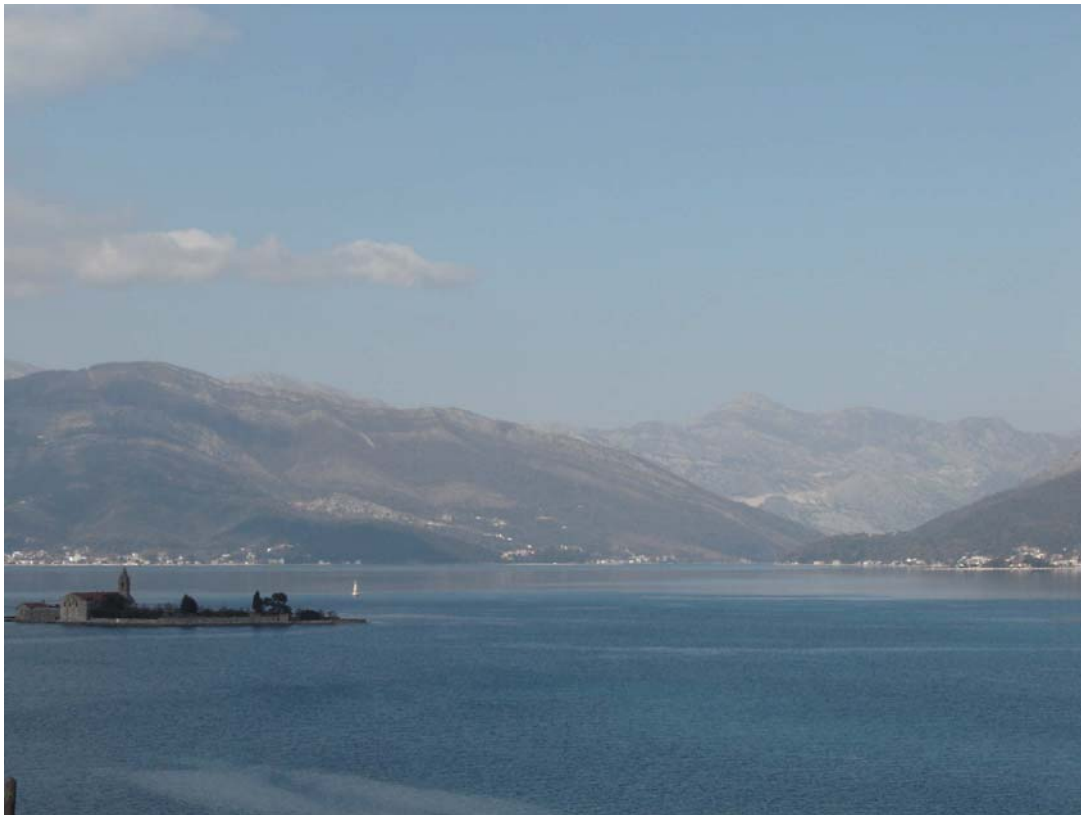


Photo 14 - Vue du Sud vers le Nord et Verige suivant la perspective visuelle principale



Photo 15 - Le cas de l'hôtel Fjord. Vue sur l'actuel hôtel Fjord. Il est prévu de le raser et de construire à sa place un hôtel encore plus grand. L'Institut régional propose de restaurer l'espace vert tel qu'il existait au début du XX^e s.



Photo 16 - Une photo d'archive (début du XX^e s.) du site de l'hôtel



Photo 17 - Urbanisation dans la baie de Kotor – construction des espaces verts libres. Vue depuis Muo vers l'emplacement (au centre) du futur hôtel près de Kotor, qui sera édifié sur l'espace libre



Photo 18 - Construction sur l'espace vert près de Stoliv, avec l'autorisation de la mairie



Photo 19 - Urbanisation dans la baie de Kotor – changement du profil vertical du paysage.
Constructions sur le versant avec des oliviers près de Stoliv



Photo 20 - Constructions sur le versant près de Lepetane



Photo 21 - Urbanisation dans la baie de Kotor – modification de l'échelle et du caractère de l'architecture. Un bâtiment nouveau dans la région de Tivat



Photo 22 - Vue sur la baie de Kotor avec les immeubles qui dépassent l'échelle du lieu



Photo 23 - Impact de l'infrastructure. Parking près de l'allée côtière de Kotor

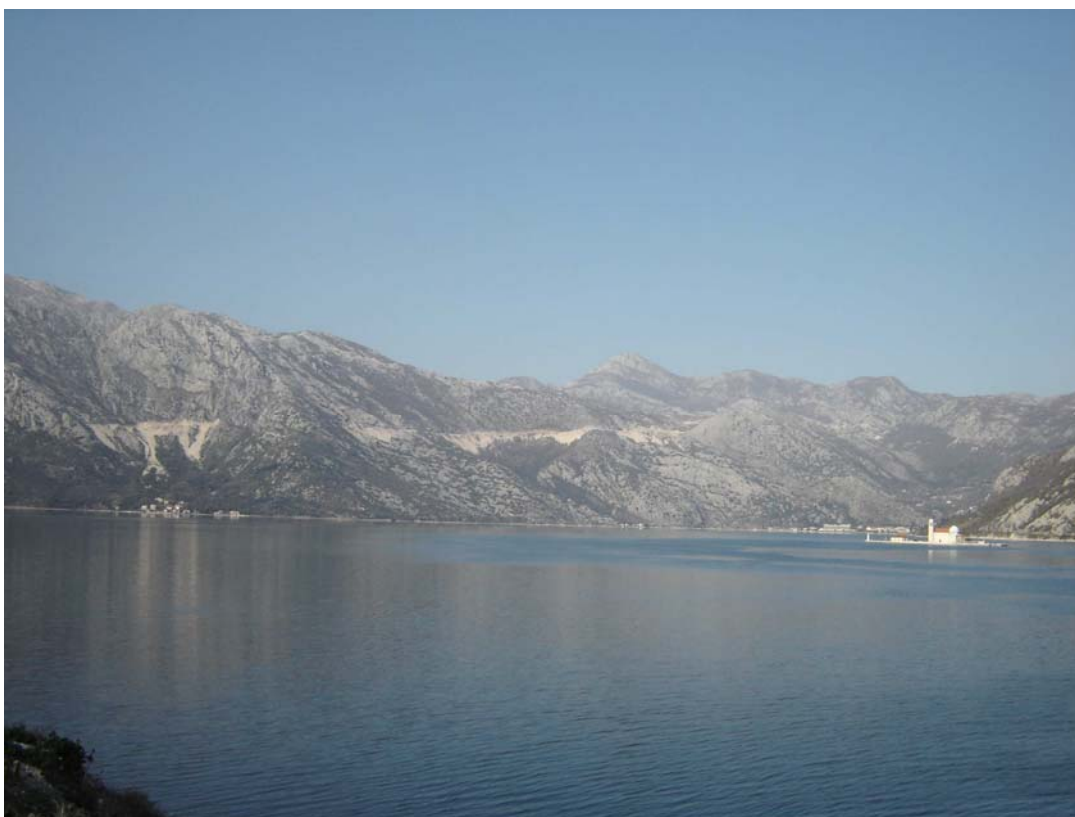


Photo 24 - Atteintes au paysage sur la route entre Herceg Novi et Trebine - vue depuis Kostanjca



Photo 25 - Conservation à Morinj. Un paysage authentique conservé avec les vieux moulins et les anciennes sources. L'Institut régional a rejeté le projet de détruire les moulins, de recouvrir le terrain et de construire 6 hôtels



Photo 26 - Vue sur la zone des moulins. Au fond, on voit le remblai pour recouvrir le terrain



Photo 27 - Conservation urbanistique à Perast. Le bâtiment à droite doit être détruit et remplacé par un grand hôtel

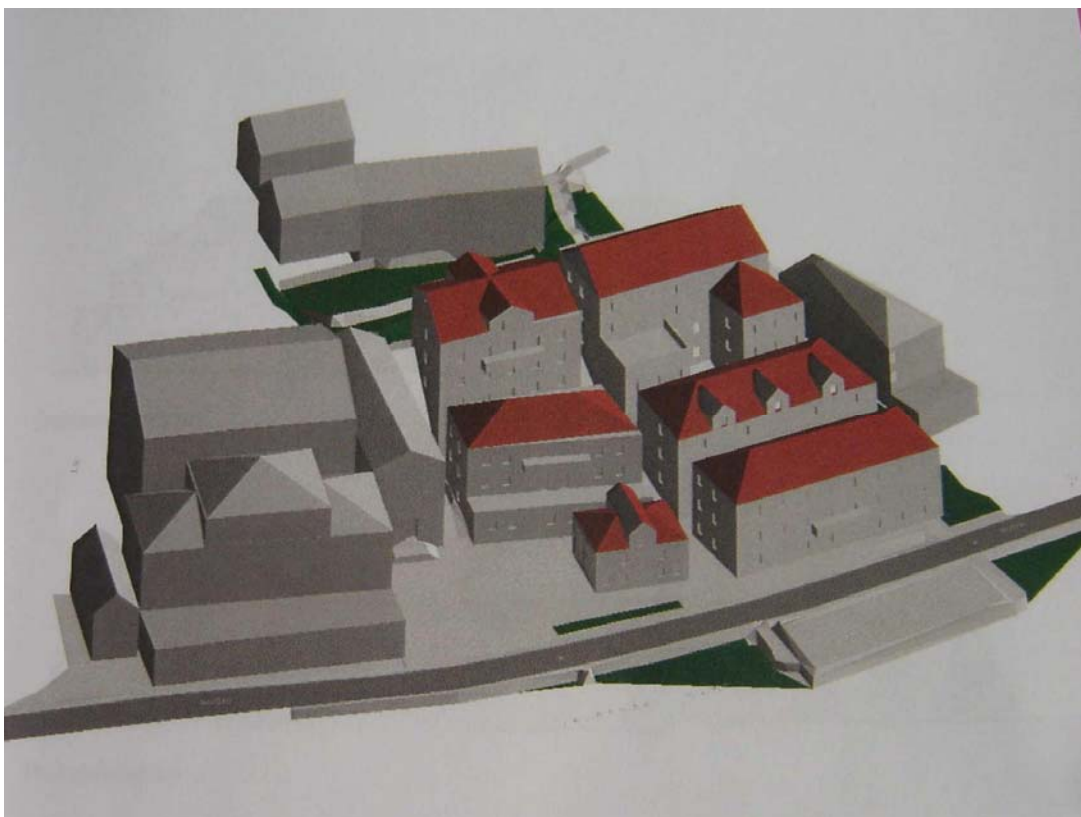


Photo 28 - Une solution alternative au même endroit, soutenue par l'Institut régional d'interprétation de la structure urbanistique traditionnelle



Photo 29 - Conservation à Kotor. Conservation et restauration du complexe de la cathédrale



Photo 30 - Conservation et revalorisation de l'hôtel «Vardar» (Photo 30).



Photo 31 - Rencontres de travail et visites sur place. Vue sur l'emplacement du pont de Verige



Photo 32 - Une présentation faite par les spécialistes chargés du projet du pont de Verige



Photo 33 - Rencontres de travail et visites. Une rencontre à l'Institut régional avec des représentants d'institutions



Photo 34 - Une photo d'ensemble avec Peraste