

# REPORT

*JOINT UNESCO WORLD HERITAGE CENTRE/ ICOMOS REACTIVE MONITORING  
MISSION TO THE WORLD HERITAGE PROPERTY*

NATURAL AND CULTURO-HISTORICAL REGION OF KOTOR (I25 bis)  
MONTENEGRO



29 October - 2 November 2018

*Cover: View across the inner bay from Dobrota, towards Glavati*

## Contents

ACKNOWLEDGEMENTS .....	5
EXECUTIVE SUMMARY AND RECOMMENDATIONS.....	6
<b>I BACKGROUND TO THE MISSION .....</b>	<b>14</b>
1.1 <i>Inscription history</i> .....	14
1.2 <i>Criteria and Outstanding Universal Value</i> .....	14
1.3 <i>Examination of the State of Conservation by the World Heritage Committee</i> .....	15
1.4 <i>Justification of the mission</i> .....	16
<b>2 NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY .....</b>	<b>17</b>
2.1 <i>International treaties and programmes</i> .....	17
2.2 <i>Cultural heritage legislation</i> .....	17
2.3 <i>Spatial planning framework</i> .....	17
2.4 <i>Procedure for approval of construction projects</i> .....	19
2.5 <i>Institutional framework for heritage protection</i> .....	19
2.6 <i>Management structure and plan</i> .....	20
<b>3 IDENTIFICATION AND ASSESSMENT OF ISSUES .....</b>	<b>21</b>
3.1 <i>Introduction</i> .....	21
3.2 <i>Road infrastructure</i> .....	22
<i>Improving the Adriatic Highway</i> .....	22
<i>Traffic circulation and planned roads within the World Heritage property</i> .....	23
<i>The bottleneck at Kotor Old Town and the 'by-pass'</i> .....	25
<i>Improvements to the road from Kotor to Cetinje via Njeguši</i> .....	26
<i>Cableways</i> .....	27
3.3 <i>Sea infrastructure and tourism</i> .....	27
<i>Introduction</i> .....	27
<i>Managing cruise ships</i> .....	28
<i>Port infrastructure</i> .....	28
<i>Marinas and water buses</i> .....	29
<i>Monitoring effects on the marine environment</i> .....	30
<i>Risk assessment and disaster planning</i> .....	30
3.4 <i>The urbanisation of the Boka landscape</i> .....	32
<i>Introduction</i> .....	32
<i>The culturo-historic landscape of the Boka Kotorska</i> .....	33
<i>Planning to sustain the Outstanding Universal Value of the Boka landscape</i> .....	35

3.5	<i>Management structures and processes</i> .....	39
	<i>The Heritage Council</i> .....	39
	<i>Integrated decision-making, and developing a sense of common purpose</i> .....	40
	<i>The need for better staffing levels for authorisation/ monitoring on the ground</i> .....	41
3.6	<i>Assessment of specific places and proposals</i> .....	42
	<i>Morinj</i> .....	42
	<i>Kostanjica</i> .....	44
	<i>The entry to the Strait</i> .....	45
	<i>Glavati-Prčanj</i> .....	46
	<i>Muo, Prčanj, Stoliv</i> .....	50
	<i>Škaljari</i> .....	51
	<i>Dobrota and Ljuta</i> .....	52
	<i>Orahovac and Drazin Vrt</i> .....	53
	<i>Perast</i> .....	53
	<i>Risan</i> .....	54
3.7	<i>Management of the Buffer Zone</i> .....	55
	<i>The Verige Strait</i> .....	55
	<i>The outer bays beyond the Strait, including the setting of Forte Mare</i> .....	56
	<i>The remainder of the buffer zone</i> .....	57
3.8	<i>Historic building conservation</i> .....	58
	<i>Derelict historic buildings</i> .....	58
	<i>Loss of historic joinery</i> .....	59
4	<b>ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY</b> .....	61
5	<b>CONCLUSIONS AND RECOMMENDATIONS</b> .....	63
6	<b>ANNEXES</b> .....	66
6.1	<i>Terms of reference and World Heritage Centre decision</i> .....	66
6.2	<i>Itinerary and programme</i> .....	70
6.3	<i>Composition of mission team</i> .....	76
6.4	<i>Summary of progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008 and 2013 mission reports</i> .....	77
6.5	<i>Progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008 and 2013 mission reports</i> .....	79
6.6	<i>Illustrations</i> .....	102

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## EXECUTIVE SUMMARY AND RECOMMENDATIONS

The overriding issue facing the property, evident since 2003, is the need to constrain the process of urbanisation of the shores of the Boka Kotorska, particularly the Kotor-Risan Bay and along the Verige Strait. This demands radical change to the objectives of the emerging revised spatial plan, including highway projects contained within it, aligning the spatial plan with the Management Plan of the World Heritage property, and improving the effectiveness of the mechanisms, particularly the Heritage Council, through which they are implemented and monitored.

The long-standing issue of the improvement of the Adriatic Highway through the Boka region remains unresolved, but alternatives to a bridge carrying it over the Verige Strait are emerging. Plans to develop the local road network to facilitate and address the consequences of increasing urbanisation need to be drastically reduced in the revised spatial plan, and investment concentrated on local improvement, particularly adjacent to the Old City of Kotor. In relation to transport infrastructure, we recommend that:

*R 1 The concept of a bridge across the Verige Strait should be finally set aside. Studies should be taken forward towards a decision on a tunnel under the Strait, or alternative route(s) which avoid a bridge over the Strait, and should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, in cooperation with the Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs.*

*R 2 Building on the work undertaken to date, an integrated transport plan should be developed for the Boka Kotorska region, with clear priorities and a phased plan for implementation, particularly of water transport, taking account of potentially available resources.*

*Action to be taken by: Ministry of Transport and Maritime Affairs and the Ministry of Sustainable Development and Tourism, in cooperation with the Ministry of Culture and Municipalities of Kotor, Herceg Novi and Tivat.*

*R 3 The proposals for new roads to facilitate and service development along the western side of the bay (at Muo, Prčanj, Stoliv, Kostanjica) should be cancelled and removed from the emerging spatial plan.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

*R 4 The safeguarded route for the proposed bypass for Risan should be reassessed in the emerging spatial plan, and either revised so as to be much better integrated into the existing landscape and settlement form, or the project cancelled.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture and Municipality of Kotor.*

*R 5 The feasibility of short tunnel options to by-pass Kotor Old Town should be explored as a medium-long term solution to traffic passing in front of the Old Town, if at-grade*

*management of traffic proves inadequate. The long bypass project for Kotor and Dobrota should be cancelled.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

*R 6 Details of the proposed cableway project linking Cetinje to Škaljari should be submitted together with a Heritage Impact Assessment including visual impact analysis to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor, in cooperation with the Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs.*

Local water transport has the potential to complement transport around the bay by road as part of a sustainable, integrated transport strategy. This should be linked to the management of increasing numbers of visitors arriving by cruise ships. The constant, looming presence of multiple ships in the bay emphasises the need for a Disaster Risk Reduction Plan for the property and for environmental monitoring of the water in the bay. In relation to sea infrastructure, we recommend that:

*R 7 To encourage the integration of sustainable tourism and heritage conservation, the national and local authorities should:*

- Improve collaboration between all stakeholders and actors. A collaborative platform should be established during revision of the Management Plan, including (but not necessarily limited to) the City of Kotor, Kotor Port Authority, the Institute of Marine Biology and the Kotor Tourism Organisation;*
- Develop clear integrated management mechanisms for sea traffic and associated passenger traffic within the Boka Kotorska within the updated Management Plan;*
- Implement the emerging proposals for 'waterbuses' in the bay area.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor in cooperation with the Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs, Kotor Port Authority, Institute of Marine Biology.*

*R 8 The Heritage Council, co-ordinating all the major stakeholders, should establish and maintain an integrated Disaster Risk Reduction Plan as a part of the updated Management Plan, including establishing procedures for hazardous situations.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.*

*R 9 The updated Management Plan should provide for comprehensive environmental monitoring of the bay by a competent body, publicly reporting annually including making recommendations to address emerging issues.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council, Institute of Marine Biology.*

*R 10 Details of proposed port infrastructure works and the port development plan should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor, Kotor Port Authority.*

From a summary analysis of the attributes which define the OUV of the property, and particularly of the 'harmonious integration [of settlements and buildings] to the cultivated terraced landscape on the [lower] slopes of high rocky hills', and of the effects of recent intensive urbanisation, this report sets out some general principles which should guide future development within the property, the changes to the objectives and policies in the emerging spatial plan necessary to deliver them, and changes to the remit of the Heritage Council necessary to implement and monitor them. In relation to a revision of the spatial and management plans, and the Heritage Council, we recommend that:

*R 11 The emerging revised spatial plan for Kotor, presently under elaboration (to be integrated into a national plan) and the local detailed studies that will be subordinate to it, should give priority to sustaining the OUV of the property, establishing a balance between public and private interests in the sustainable development of the region. The current policies and allocations that encourage the extension and intensification of urbanisation of the inner bay must be replaced by principles guiding development pressure to places and forms that can demonstrably be accommodated without further harm to the historic and natural values of the landscape and impact to the OUV of the property, linked to the established policy of encouraging quality rather than quantity in the visitor offering.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.*

*R 12 The identification of land as being in principle suitable for development in the emerging spatial plan, and the use, scale and volumetric form of the development envisaged, should be based on an assessment of its potential impact on the OUV of the Boka landscape on a parcel-by-parcel basis. Such an approach, embracing the concept of Heritage Impact Assessment to decide the limits of capacity, is necessary to ensure that development on such allocated sites can be achieved while respecting OUV. Revision of current spatial plans needs to be co-ordinated with revision of the Management Plan, which should underpin these principles of spatial planning.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.*

*R 13 Specifically, the revised spatial plan should be based on the following principles:*

- No urbanisation of steep slopes.*
- Maintain existing gaps between historic settlements.*
- Landmark buildings to be worthy of their location.*
- Limit new development on the west side of Kotor Bay.*
- Accommodate development within the morphology of the historic landscape.*
- New buildings generally to respect and integrate with their local context.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.*

*R 14 Heritage Impact Assessments commissioned in line with the 2011 ICOMOS Guidance<sup>1</sup> for large or sensitive projects should include, in visual impact studies, accurate visual representations of the project in its context, and must be submitted to the World Heritage Centre for review by the Advisory Bodies in line with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor.*

*R 15 The Management Plan should be revised/updated in parallel with the completion of the spatial plan, so that the two documents have mutually compatible and supporting objectives which prioritise sustaining the OUV of the property. It should be 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. The legal, administrative and institutional frameworks should be harmonised and adjusted where necessary to enable more efficient and effective management of the property.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.*

*R 16 In line with Paragraph 172 of the Operational Guidelines, the new draft spatial planning documents and draft updated Management Plan should be submitted to the UNESCO World Heritage Centre for review and feedback by the Advisory Bodies before adoption. Subsequently, Paragraph 172 submissions should only be required for proposals which are not in general conformity with the development parameters defined in those plans on the basis set out in Recommendations 12 and 13.*

*Action to be taken by: Ministry of Sustainable Development and Tourism in cooperation with the Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor.*

*R 17 The moratorium on new construction should be maintained until the adoption of the emerging spatial plan for the Kotor area and the revised Management Plan, which will identify the limited potential to accommodate sustainable development within the sensitive landscape of the area without further negative impact on the OUV of the property.*

*Action to be taken by: Ministry of Sustainable Development, Ministry of Culture, Municipality of Kotor.*

Specifically, in relation to the Heritage Council we recommend that:

*R 18 The operational effectiveness of the Heritage Council, established as per the Law on Protection of the Natural and Culturo-Historical Region of Kotor, should be enhanced by strengthening the links between its members and their respective institutions, to improve decision-making and technical support.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor.*

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<sup>1</sup> ICOMOS International, *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (January 2011).

*R 19 The 'silence of the administration' protocol must be replaced by new protocols that will ensure and oblige the Heritage Council or responsible administration to carefully examine all requests for building permits in protected areas, provide a response, and state the reasons which underpin and justify that response.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.*

*R 20 Greater co-operation between the different responsible national and local institutions should be encouraged and facilitated, especially between the four municipalities concerned, perhaps by extending the remit of the Heritage Council to include advising other municipalities responsible for parts of the World Heritage property. Greater civil society involvement would be helpful.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.*

The principles underpinning these recommendations were informed by our investigation of the landscape around the Kotor-Risan Bay, including developments both completed and proposed. In relation to specific locations around the bay, we recommend that:

*R 21 The urbanisation of Morinj proposed in the 2008 Spatial Plan should be cancelled, and future development be limited in extent and scale to small and inconspicuous areas, established by HIA studies to be consistent with maintaining the remaining historic character of the place and the harmony between landscape and buildings. Consent should not be granted for the ADC Herceg Novi proposal for staff accommodation for 'Porto Novi'.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor, Heritage Council.*

*R 22 Previous policy for further urbanisation of the coastline between the Verige Strait and Morinj, including the envisaged new road, must be decisively reversed in the emerging spatial plan, and no further new building allowed to proceed under the old plan.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

*R 23 A mitigation plan should be prepared and implemented to try to reduce the visual impact of the Boka Projekt and Boka Apartments developments through landscaping, planting and potentially the principles of camouflage, to improve their relationship with their context. If it serves no essential purpose, the faux-historic tower should be removed.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor and Heritage Council.*

*R 24 A limit should be placed on the 'temporary' existence of the building on the Turkish Cape. The definitions within the 'Plan for setting objects of temporary character' should be amended to restrict its application to truly temporary structures, demonstrably reversible and impermanent, their consent time-limited.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor and Heritage Council.*

*R 25 Consent should not be given for the proposed 'tourist village' at Glavati, or for any other urbanisation scheme for this historically agricultural land between historic settlements, and the emerging spatial plan for the area should be amended accordingly.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, the Ministry of Culture, Municipality of Kotor and Heritage Council.*

*R 26 The emerging spatial plan should tightly constrain future development in Muo, Prčanj and Stoliv, so that the historic landscape character of the area remains legible. As noted in Recommendation 4, the projected 'by-pass' at the foot of the cliffs should be cancelled.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, the Ministry of Culture, Municipality of Kotor and Heritage Council.*

*R 27 The emerging detailed spatial plan for the former Fjord Hotel site and the conversion of the Jugoceanija Building to a hotel should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines, and the project(s) if taken forward be subject to Heritage Impact Assessment, including accurate visual representations of the project in its context.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO in cooperation with the Ministry of Sustainable Development and Tourism, Municipality of Kotor and Heritage Council.*

*R 28 The existing undeveloped gap between Ljuta and Dobrota should be maintained. Development within Dobrota should not rise above the tree line at the base of the cliff and, given the definition of 'medium density' illustrated by the development above the Autokamp site, should, where acceptable in principle, be of low density.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Municipality of Kotor, Heritage Council in cooperation with the Ministry of Culture.*

*R 29 A Heritage Impact Assessment for the replacement Hotel Teuta should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO in cooperation with the Ministry of Sustainable Development and Tourism, Municipality of Kotor and Heritage Council.*

*R 30 If a bypass is still considered essential for Risan if the Adriatic Highway proceeds, a less ambitious route for it related to the morphology of the settlement, or local improvements to the road network, should be explored to lessen visual impact on the landscape, and any emerging scheme subjected to a full HIA.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

The buffer zone defined in 2015 was intended to encourage strategic integrated management of the whole Boka Kotorska region, but in relation to effects of change on the setting of the inscribed property, some areas are of greater sensitivity than others, particularly the Verige Strait. In relation to development within the buffer zone, we recommend that:

*R 31 The spatial plans and policies for the Verige Strait and the adjacent shorelines of Tivat Bay, on the west in Herceg Novi municipality and on the east in Tivat municipality, be amended to ensure that any further built development is limited to areas that can be accommodated without additional harm to the character of the landscape, following the general guidance set out in Recommendations 11-13, and specifically to ensure that the unurbanized areas of the coast in and at the entry to the Strait remain so.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipalities of Herceg Novi and Tivat.*

*R 32 On the assumption that the two developments flanking the southern end of the Strait noted as intrusive are legally permitted, landscaping plans should be developed and implemented to minimise their prominence in views from the Strait.*

*Action to be taken by: Municipalities of Tivat and Herceg Novi.*

*R 33 To protect the view along the axis from Perast through the Verige Strait and the character of the southern shores, the emerging spatial plans should constrain development on the south side of Tivat and Herceg Novi bays, primarily to currently-developed areas.*

*Action to be taken by: Ministry of Sustainable Development and Tourism in cooperation with the Ministry of Culture and Municipalities of Kotor, Herceg Novi and Tivat.*

*R 34 New building must respect the relationship between established settlements on the southern shores of the outer bay and their landscape context, with particular concern for views from Forte Mare which constitute a significant aspect of its setting.*

*Action to be taken by: Ministry of Sustainable Development and Tourism in cooperation with the Ministry of Culture, Heritage Council and Municipalities of Tivat and Herceg Novi.*

*R 35 In planning large scale infrastructure projects in the buffer zone beyond the viewshed from the bays, their effect on the character of the landscape which provides the context for the World Heritage property should be taken fully into account. Projects should be submitted to the World Heritage Centre for review in accordance with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO in cooperation with the Ministry of Sustainable Development and Tourism, Municipalities of Kotor, Herceg Novi, Tivat, Cetinje and Heritage Council.*

There is a need to encourage investment in the remaining traditional buildings which are in poor condition or derelict, and to encourage the development of the craft skills necessary to conserve and authentically restore traditional timber joinery. In relation to historic building conservation, we recommend that:

*R 36 Consideration should be given by Kotor Municipality to establishing a register of heritage assets at risk through decay or disuse and using it as a tool to prioritise actions to encourage and facilitate repair and re-use, including financial incentives.*

*Action to be taken by: Municipality of Kotor, Heritage Council, Ministry of Culture.*

*R 37 In conjunction with NGOs and other relevant organisations, training in the repair and manufacture of traditional joinery should be investigated. Its use in historic buildings should be incentivised and public authorities, including Kotor Municipality, should set an example by reinstalling it in its own buildings.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.*

## I BACKGROUND TO THE MISSION

### *1.1 Inscription history*

The Natural and Culturo-Historical Region of Kotor, comprising the inner, best-preserved part of the Boka Kotorska on the Adriatic coast of Montenegro, was inscribed on the UNESCO World Heritage List in 1979 under cultural criteria (i), (ii), (iii) and (iv). After inscription, the property was included on the List of World Heritage in Danger until 2003, because of the effects of the 1979 earthquake and subsequent political instability in the region.<sup>2</sup> In 2015, the World Heritage Committee approved a proposed minor boundary modification to include the property's buffer zone (Figs 1, 2).<sup>3</sup>

### *1.2 Criteria and Outstanding Universal Value*

The Outstanding Universal Value (OUV) 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 centuries in the spreading of Mediterranean cultures into the Balkans'.

The property is inscribed on the World Heritage List under the following criteria:

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.

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<sup>2</sup> Decision 27COM 7A.27.

<sup>3</sup> Decision 39COM 8B.47.

### *1.3 Examination of the State of Conservation by the World Heritage Committee*

Since its inscription, significant threats have been identified, including but not limited to:

- the lack of an adequate management or spatial planning system;
- an inadequate legal system;
- accelerated urban development and urbanisation pressure;
- effects arising from the use and development of transportation infrastructure.

Most recently, these threats have resulted in biannual World Heritage Committee decisions between its 36th (2012) and its 42nd (2018) sessions.

The current mission arose from a decision made by the World Heritage Committee during its 42nd session (Manama, 2018 – Decision 42COM 7B.26, see Annex 6.1), where it:

- Welcomed the ongoing work by the State Party on legal, planning and management matters and acknowledged the work undertaken as part of the Kotor Heritage Impact Assessment (HIA) to analyse in general the weakness of the current overall protection system, and the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor;
- Noted the proposal to centralize the production of HIAs as a means of mitigating negative impacts of development proposals that have been submitted, but considered that this measure cannot compensate for the lack of adequate legal and planning mechanisms for the overall landscape of the property;
- Remained concerned that considerable further work is needed to analyze in detail the weaknesses of the current Spatial and Urban Plans in force for the property's territory and its buffer zone, as a prelude to developing means to strengthen them;
- Considering ICOMOS' technical review of the HIA of the project, urged the State Party to abandon the Kotor-St John's Fortress cable car project to prevent any negative impact on the property's Outstanding Universal Value (OUV);
- Strongly requested the State Party to maintain the moratorium on any new construction and development until a complete suite of planning and protection measures are in force to satisfactorily accommodate possible sustainable developments within the sensitive landscape of the area and prevent any impact on the cultural and landscape values of the property;
- Also requested the State Party to complete all relevant actions in response to the Committee's previous decisions, in particular to carry out HIAs for all ongoing or planned development projects, including the transport connection at Verige and the tourist facility at Glavati-Prčanj, as well as to submit the results of the HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitments.

#### *1.4 Justification of the mission*

In line with the recommendations set forth by the Committee in its above-mentioned decision, the Terms of Reference of the 2018 joint UNESCO World Heritage Centre/ICOMOS Reactive Monitoring mission were defined as being to:

- Assess the overall state of conservation of the property and evaluate factors and conservation issues that could potentially impact on its OUV, including particularly its conditions of authenticity and integrity;
- Analyze the planning situation for all major construction and reconstruction projects in the property and its setting, whether proposed, approved or contracted, recalling the Committee's request to maintain a moratorium on any new construction and development activities until a complete suite of planning and protection measures are in force, ensuring safeguarding of OUV;
- Inspect both the property and buffer zone, including particularly the Kotor-St John's Fortress cable car project, to determine which actions have occurred in view of abandoning the project to prevent any negative impact on the OUV of the property;
- Analyze the impact or potential impact of construction projects that have been carried out or are planned within the property or in its setting, in terms of impact or potential impact on OUV, including the review of HIAs;
- Consider the current legal, planning and management mechanisms in place for the property, its buffer zone and wider setting and, where relevant, consider other information and technical advice, including all Technical Reviews submitted by ICOMOS from 2017-2018;
- Review the work undertaken by the State Party to strengthen development control measures including the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor, as a prelude to developing means to strengthen the current spatial and urban plans;
- Also review progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008 and 2013 mission reports and identify those recommendations which are yet to be implemented and which remain relevant to the conservation of the OUV of the property;
- Provide advice on short- and medium-term measures that may be required to strengthen the overall systems of protection and management for the property and its setting; and on longer-term measures to develop more targeted strategic and spatial plans together with planning tools and guidance.

The complete Terms of Reference for this mission are attached at Annex 6.1.

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

### *2.1 International treaties and programmes*

Montenegro became a State Party to the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris) in 2007.<sup>4</sup> Montenegro has also ratified other relevant international heritage conventions, particularly (under the auspices of the Council of Europe) the 1985 Convention for the Protection of the Architectural Heritage of Europe (Granada), the 2000 European Landscape Convention (Florence) and the 2005 Framework Convention on the Value of Cultural Heritage for Society (Faro).

The protection and sustainable development of this complex property is a true challenge and the mission encourages engagement with other international treaties, particularly the 1992 European Convention on the Protection of the Archaeological Heritage (Valletta), as well as other Council of Europe, UNESCO and ICOMOS reference texts.

### *2.2 Cultural heritage legislation*

The current legislation in the field of cultural heritage is based on the Constitution of Montenegro (Official Gazette of Montenegro [OGM] no. 01/07), ensuring the protection of the country's natural and cultural heritage of general interest.

The protection of cultural properties in the Boka Kotorska region is regulated by the national Law on the Protection of Cultural Properties (OGM no. 49/10 and 40/11), which prescribes integrated protection of the property and its buffer zone, and the specific provisions of the Law on Protection of the Natural and Culturo-Historical Region of Kotor (OGM no. 56/13). This legislation regulates the protection and management of the Kotor area, including special preservation measures for the World Heritage property. The main objectives of this legislation are the preservation of the OUV of the property, ensuring conditions for the sustainable development and usage of the area and the professional and scientific presentation and valorisation of its heritage.

In February 2018, the Government of Montenegro adopted the Amendments to the Law on Protection of the Natural and Culturo-Historical Region of Kotor (OGM no. 26-2/17-2/10), according to which Heritage Impact Assessments will be obligatory for all construction projects planned in the area, if considered necessary by the national Administration for the Protection of Cultural Properties on a case-by-case basis. It also made changes to the structure of the Heritage Council.

### *2.3 Spatial planning framework*

Currently, the World Heritage property and its buffer zone are included in the areas governed by the Southern Adriatic Plan (1969), which covers the whole area; the Spatial Plan of Montenegro (2008); the Project for the Special Use of Maritime Property (2007); and the 1:50,000 Special Purpose Plan for the Coastal Region of Montenegro until 2030.

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<sup>4</sup> Kotor was inscribed when Montenegro was part of the Federal Republic of Yugoslavia.

Much of the inscribed property is included in the Spatial Plan of the Municipality of Kotor (1987 as amended); the General Urban Plan covering the Kotor Bay area (Kotor, Škaljari, Muo, Dobrota), and detailed elaboration plans for almost all of the urban areas around the inner bay, within Kotor municipality. The whole Boka Kotorska region (including the municipalities bordering Kotor) is currently characterized by a plethora of various levels of spatial plan.

The system of plans is currently not adequate for ensuring the effective protection of the property. Most of the plans are dated, there is a lack of coordination between them and they do not meet the necessary conservation requirements. This poses significant risks for the conservation of the property, as for the time being, no adequate spatial plan exists for the property in its entirety and all have the objective of encouraging the extension and intensification of urbanisation.

In September 2017, the Government of Montenegro adopted the Law on Spatial Planning and Construction (OGM no. 64/17). This law also provides the basis for the development of a Spatial Urban Plan for the Municipality of Kotor. In accordance with the provisions set out in this law, a new Spatial Urban Plan for the Municipality of Kotor should be prepared and adopted by the end of 2018. Should the plan not be adopted within the prescribed deadline, a new legal framework will come into force under the umbrella of the Ministry of Sustainable Development and Tourism, which will define spatial planning in accordance with the new administrative and legal infrastructure. The emerging plan for the Municipality of Kotor (whether or not adopted by the end of 2018) will inform the development of a new National Spatial Urban Plan, which will replace all current regional plans. The National Plan is foreseen for adoption on 15 October 2020. Until such a national plan is in place, it will be challenging to effectively manage the cultural landscape of Boka Kotorska as a whole (the property and its buffer zone), since the World Heritage property covers an area under the control of four distinct municipalities (Kotor, Herceg Novi, Tivat and Cetinje).

The Government of Montenegro further adopted two studies, which inform heritage management: the Study of Protection of Cultural Properties for the Special Purpose Spatial Plan for the Coastal Area (SPSPCA – July 2017) and the Study on the Protection of Cultural Properties in the Municipality of Kotor (SPMK – November 2017). The latter maps the attributes of the OUV of the property and proposes measures to protect them.

In the framework of the Law on Spatial Planning and Construction of Structures, the strategic level *Special Purpose Plan for the Coastal Area of Montenegro to 2030* was adopted (OGM no. 23/11 and 23/17). The mission regrets that this plan was adopted before sharing it with the UNESCO World Heritage Centre for review and comment by the Advisory Bodies. However, in the World Heritage property and its buffer zone, its provisions cannot be applied directly, but are contingent on meeting guidelines and measures for the protection of cultural properties established in 2017 (see above).<sup>5</sup>

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<sup>5</sup> Section 36 of the Plan, 'Rules for implementation', items 2, 9, 10, 12, 21.

The Amendments to the Decision on the Special Purpose Spatial Plan for the Coastal Area of Montenegro, adopted in November 2017, prohibit construction in the Natural and Culturo-Historical area of Kotor, until the adoption of the Spatial Plan of the Municipality of Kotor. Construction in the area is only allowed for projects designed for the purpose of restoration, maintenance and usage of the legally built objects within their existing horizontal and vertical dimension, construction of objects of underground utility infrastructure, and in the area covering the old towns of Kotor and Perast.

#### *2.4 Procedure for approval of construction projects*

The process to construct a building in the municipalities of Kotor, Tivat or Herceg Novi is as follows. The investor must submit a construction request to the relevant municipality in order for it to issue Urbanistic and Technical Conditions for construction on the parcel in question, which must have been designated for urbanisation in the relevant spatial plan(s). During the elaboration of these conditions (20 days), the Directorate for the Protection of Cultural Properties is asked whether the location or type of construction requires a Heritage Impact Study (HIA). Upon obtaining the Urbanistic and Technical Conditions, the investor shall hire a project designer and if an HIA is requested, he shall address the Directorate to form a team for the elaboration of this study. The design of the project and the HIA study will be shared with UNESCO, the city architect and the Directorate for the Protection of Cultural Properties for approval and shall be revised if needed. In line with the Law on Spatial Planning and Construction of Structures and the Law on the Protection of Cultural Properties, the final project proposal will be submitted to the competent inspection. If the inspection makes no remarks within 15 days since the submission of the proposal ('silence of the administration'), the investor may commence construction. During construction, the investor shall hire supervision and if the project involves a cultural property, conservation supervision.

#### *2.5 Institutional framework for heritage protection*

The Ministry of Culture (acting in collaboration with other government institutions concerned) is the main entity responsible for the protection of the property. Concrete protection and conservation activities in the Boka Kotorska region are performed, within their competence, by state administration bodies, authorities of the municipalities concerned, and public services founded by the state and/or municipality.

The Law on the Natural and Culturo-Historical Region of Kotor Protection (OGM no. 56/13) made provisions for the establishment of the Council for the Management of the Kotor Region, chaired by the Mayor of Kotor. The Council, which has newly appointed members since September 2017, convenes once every month and coordinates conservation, preservation and management of the property (for the detailed remit and review of the effectiveness of the Council, see chapter 3.2). While it is reassuring that the Management Council of the Kotor Region has been designated as a coordinating entity between different management levels, its operation and enforcement is rather sluggish and not efficient enough to ensure effective coordination and management.

The mission noted that many different institutions are responsible for Kotor World Heritage property including, but not limited to, the Ministry for Sustainable Development

and Tourism, the Ministry for Culture, and its specialised institute, the Directorate for the Protection of Cultural Properties, at the local and regional level. In general, collaboration between the different actors should be enhanced, as a lack of cooperation jeopardises the coordinated and coherent development and management of the area. It is particularly important to unite all actors involved in the common goal of the protection and sustainable development of the property. Therefore, appeals should also be made to NGO's, community associations and others for local participation in projects, in addition to encouraging the role of the local media in raising awareness about issues of heritage protection.

### *2.6 Management structure and plan*

Over the past few decades, the management of the property has been the subject of constant attention by the World Heritage Committee and ICOMOS, in particular through the recommendations for the creation of an adequate and unified management system.

The need to prevent excessive and uncontrolled urbanization led to the development of the Natural and Culturo-Historical Region of Kotor Management Plan in 2007. The Management Plan was later updated and adopted by the Montenegrin Government in 2011. The plan defines the management, protection, conservation, usage, and presentation of the World Heritage property. It contains a strategy for managing the Natural and Culturo-Historical Region of Kotor for a period of 15 years, guidelines for its implementation, a programme of activities, mechanisms for achieving integrated protection and monitoring.

The mission considers it encouraging that a revised Management Plan is to be drafted in the first half of 2019, as the current plan is rather dated and has some clear problems, which were evoked by the World Heritage Committee decisions of the past five years and the 2013 ICOMOS advisory mission. The current Management Plan does not mention the need to improve the legal protection of the property. Nor does it make reference to the necessity for a direct link between protection regimes and land-use and (urban) spatial plans. Without this connection, the plans cannot be expected to provide adequate protection of the OUV of the property. In the context of the changing legal framework, the current Management Plan is not sufficiently harmonized with the existing and proposed planning tools for the protection and sustainable development of the Kotor region.

## 3 IDENTIFICATION AND ASSESSMENT OF ISSUES

### 3.1 Introduction

The Boka Kotorska has long attracted tourists, as postcards from the end of the 19th century onwards attest. What has changed during the late 20th century is the number of visitors, arriving not only by road, but particularly to Tivat Airport (within the buffer zone). The airport saw passenger numbers double, to some 1.2m between 2010 and 2017, with further expansion of facilities now planned.<sup>6</sup> This has generated strong demand for hotels and holiday apartments, the latter both for short lets and as second homes. People are understandably attracted by the combination of the Mediterranean climate, the dramatic landscape, and its cultural heritage.

Recent years have also seen a dramatic increase in the number and size of cruise ships visiting the bay, many able to dock at the quay, opposite the sea gate of Kotor. They have become a constant, looming presence in the bay (Figs 7, 8). The visitors they bring do not need beds, but they change the character of the place in other ways. The Old Town into which they pour is now given over largely to tourist shops and cafes, the narrow streets packed with parties in a hurry. The shift from permanent residence in the town began before this concentrated visiting,<sup>7</sup> but it is certainly a contributory factor to the drift from a functioning town worth a visit, to a place whose primary function is to entertain visitors.

The main economic activity in the area is now the building and operation of tourist facilities and supporting tourist activity. This presented an economic opportunity, particularly in the post-Yugoslavia era in which much manufacturing and agriculture became uneconomic. The 1987 Spatial Plan for Kotor, and subsequent plans for much of the inner bay, envisaged the urbanisation of virtually all the buildable land, wherever steep cliffs do not sweep down unchallenged into the sea, with new roads both to open up these areas for development and carry the traffic they generate. By 2003, the first joint UNESCO/ICOMOS reactive monitoring mission noted that urbanisation was endangering the values for which the site was inscribed.<sup>8</sup> Implementation was gathering pace by the time of the 2008 joint UNESCO/ICOMOS reactive monitoring mission, its further progress was documented by the 2013 ICOMOS mission, and its effects, actual or potential, were particularly clear to the 2018 mission. Pockets of tall, dense urban building are appearing in existing small-scale settlements, or on steep cliffs, seemingly at random but in fact realising small sections of continuous urbanisation plans. It has taken Kostanjica, in particular, to demonstrate the three-dimensional reality of these lines on maps in the spatial plans. The remaining open areas between historic settlements, including Glavati, were designated for up-market 'tourist villages'.

Although the Government of Montenegro is fully committed to implementation of its commitments under the 1972 World Heritage Convention, the current spatial plans for

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<sup>6</sup> *Wikipedia*, 'Tivat Airport'.

<sup>7</sup> At least as early as the aftermath of the 1979 earthquake, when many inhabitants were moved out of damaged buildings.

<sup>8</sup> Mission Report, 27.COM/INF 7B, para 19.

the Boka Kotorska give priority to urbanisation rather than sustaining the Outstanding Universal Value of the property. The key issue facing the property, evident since 2003, is the need to halt this process of urbanisation through radical change to the objectives of the emerging revised spatial plan, aligning these with the Management Plan of the World Heritage property, and improving the effectiveness of the mechanisms, particularly the Heritage Council, through which they are implemented and monitored.

Transport infrastructure issues, particularly road proposals, are closely related to spatial planning. The long-standing issue of the improvement of the Adriatic Highway remains unresolved, but alternatives to a bridge to carry it over the Verige Strait are emerging. Local water transport has the potential to complement movement around the bay by road as part of a sustainable, integrated transport strategy, linked to the management of increasing numbers of visiting cruise ships. There is a need to encourage investment in the remaining traditional buildings which are in poor condition or derelict, and in doing so to encourage the development of the craft skills necessary to conserve and authentically restore traditional timber joinery.

### 3.2 Road infrastructure

#### *Improving the Adriatic Highway*

Movement along the Adriatic coast by road is slow and convoluted, nowhere more so than in negotiating the deep inlet of the Boka Kotorska. The existing Adriatic Highway here is a two-lane road, European Route E65/E80, completed in the 1960s, which on approaching the bay region from the south passes through the Vrmac tunnel to the Old City of Kotor, continuing around the east and north sides of the Kotor-Risan Bay to Herceg Novi. An alternative route through Tivat, which tends to be preferred by through traffic, uses the ferry connection across the Verige Strait and then joins the road around the Tivat Bay to reach Herceg Novi (Figs 2-4).

Two strategic projects are proposed to ease movement through the coastal corridor. The Adriatic-Ionian Autoroute is a European project to create a motorway from Trieste (Italy) to Kalamata (Greece). Detailed planning for the Montenegro section has yet to start, but the currently-proposed route on the 1:50,000 *Coastal Plan to 2030* is about 20km inland (Fig 3), across the limestone plateau. If built, its only effect on the World Heritage property will be to make it much more easily accessible by road from other parts of southern Europe. This may, however, generate both increased development pressure and more visitor traffic.

More immediately relevant is the proposed expressway, whose route through the buffer zone on the *Coastal Plan* reflects the current route through Tivat but crossing the Verige Strait (which connects the inner and outer bays) by a new bridge at its south-west end (Fig 3).<sup>9</sup> However, following serious concern expressed at all levels from the local to the international,<sup>10</sup> the *Coastal Plan* also shows an alternative route crossing the outer bay by

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<sup>9</sup> For more details see *BokaCet 2020: Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje* (2016), Measure 18, pp 150-151.

<sup>10</sup> Mission Reports 2009, 2013.

a tunnel near Herceg Novi and following the south-west shore of Tivat Bay, within the buffer zone. Subject to the siting and design of the road above the south shore of the bay, to avoid adverse effects on the appearance of the landscape particularly on the axis from Perast through the Strait, this new proposition need cause no harm to the setting of and approach to the property. It offers a solution to a long-standing issue, but not of course the only one. A tunnel under the Verige Strait was also mentioned as a possibility during the mission, and subject to the same caveats, could also provide a solution.

**R 1        *The concept of a bridge across the Verige Strait should be finally set aside. Studies should be taken forward towards a decision on a tunnel under the Strait, or alternative route(s) which avoid a bridge over the Strait, and should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.***

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, in cooperation with the Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs.*

#### *Traffic circulation and planned roads within the World Heritage property*

The Adriatic expressway would be a significant regional route that would certainly remove some through traffic from the World Heritage property, particularly that which currently uses the route through Tivat and utilises the ferry. However, traffic travelling northwards onto the limestone plateau towards Grahovo and Nikšić would still need to access the P11, which leaves the coast road near Morinj and climbs across the north-west side of the bay. A 2013 study<sup>11</sup> identifies the road from Kotor around the east and north sides of the Kotor-Risan Bay and ultimately on to the P11 as the primary traffic route through the Kotor Municipality (Fig 4).<sup>12</sup>

The mission was informed that the roads around the shores of the bay tend to become congested during the tourist season. There is a particular pinch point in front of the Old Town of Kotor, where pedestrian flows from cruise ships, across the road between the quay and the Sea Gate, and visitors converging on the Old Town, contribute to long delays. But the roots of the problem lie deeper. The rapid urbanisation of the shores has generated proportionately more traffic, and most movement around the bay is currently in private cars. A recent study<sup>13</sup> (2016) suggests that an integrated, environmentally-friendly approach is needed, and suggests ways forward. In particular, it advocates integrated public transport by road and water around the bay area, with water routes and frequency being more intensive during the tourist season. This could make a major

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<sup>11</sup> *Traffic study and the sustainable mobility plan for the Kotor municipality*, Final report, November 2013.

<sup>12</sup> The P12 was constructed c.2003 to supersede a difficult route above Risan. The 2003 mission considered it 'the worst single intervention in the Boka Kotorska' but the raw cuts and scree slopes of the open rather than tunnelled sections are now beginning to weather and vegetate (report, para 18), but some assistance in accelerating this process is highly desirable (as the 2013 Mission Report, the Management Plan and the 2015 Study on the protection of cultural properties (p82) all state. The rubble slopes are not an 'attempt to dump excavated materials directly into the bay' but the result of using excavated material to build up a road bed across hollows in the cliff face.

<sup>13</sup> *BokaCet 2020: Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje* (2016), henceforth '2016 Study'.

contribution to more adequate traffic and visitor management. The report is a positive first step towards developing an integrated transport strategy for the Kotor area, and usefully summarises the wide range of transport projects that have been suggested but not yet implemented.

Building more roads (or more accurately, making provision in spatial plans for them) has hitherto been seen as the solution to the problems; the principal schemes are summarised in red on Fig 3. An ambitious scheme for a by-pass for Kotor Old City seems to have been suggested as far back as 1971, and the conceptual design was adopted in 1988.<sup>14</sup> It proposed a new road branching from the Vrmac Tunnel road, passing through the cliff behind the Old Town, emerging briefly on a viaduct to cross the Škurda River, and finally exiting in Dobrota at the foot of the cliff. As well as connecting with the existing road network in Dobrota, it was envisaged as the first section of a new by-pass road across the back (east) of Dobrota, against the cliff, emerging to connect with the existing coast road beyond Ljuta. The detailed route is shown on the 2011 and draft 2018 1:5,000 spatial plans for Dobrota, mostly running on the edge of the (then) remaining green space at the foot of the cliff, but occasionally cutting into it (Fig 33). The underlying intention seems to be to open up more areas for substantial development, some of which is already proceeding in anticipation (see p 46), indeed making a route difficult to achieve without cutting back the cliff. Quite apart from the damaging impact on the relationship between settlement and landscape which is a critical attribute of the OUV of the property (for which see section 3.4), this project runs the risk of being self-defeating by generating yet more traffic. Were it to be completed, the capacity of the road would in any event be governed by the capacity of the junction with the tunnel road, and local roads, in the urban area of Škaljari. The local driver for the project is the bottleneck outside Kotor Old Town, which is considered below.

A similar new road is proposed above the settlement line on the western shore of the bay, from the same proposed junction with the Vrmac approach road, as far as the municipality boundary at the entrance to the Verige Strait. On this side of the bay the strip of land at the foot of the cliff is narrower and the relationship of buildings with the landscape much more fragile. A new road above and through the settlements here and the development that it could facilitate has the potential to devastate the character of this area. The Jadranska magistrala along the west side of the bay is not a major route through the area (Fig 4), and particularly if the southern route for the Adriatic Highway is chosen, the tertiary, local status of the coast road there will be reinforced. There is some recognition of this problem in the Local Location Study Glavarti-Prčanj (adopted in 2015; see p 42) which states that 'Corridor reserved for traffic route Muo-Prčanj-Stoliv-Verige must be reconsidered through Spatial Plan of Kotor due to its big impact on settlement urbanization and preservation of the cultural landscape of Boka Bay. LSL Glavati does not represent basis for implementation of this traffic route.'<sup>15</sup>

There may be more of a case for a by-pass for Risan (as there already exists around Perast), although if the Adriatic Expressway is implemented, it would reduce through

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<sup>14</sup> Regardless of concerns about its impact on the OUV of Kotor, at an estimated cost of €30m in 2016 it is unaffordable in the foreseeable future.

<sup>15</sup> The LSL is quoted at length in the HIA for Glavati at p170.

traffic on the coast road there. The engineering involved in the scheme incorporated into the present spatial plan seems disproportionate to the benefit, and potentially very damaging to the landscape of the bay, discussed below (p 54).

The route through Kostanjica parallel to and above the coast road was intended only to service urbanisation of the area, rather than as a replacement through route. It is considered further below, but the impact of cutting into the hillside to facilitate development involving short lengths of its course has demonstrated that the concept of urbanising any more of this section of the bay must be abandoned.

**R 2** *Building on the work undertaken to date, an integrated transport plan should be developed for the Boka Kotorska region, with clear priorities and a phased plan for implementation, particularly of water transport, taking account of potentially available resources.*

*Action to be taken by: Ministry of Transport and Maritime Affairs and the Ministry of Sustainable Development and Tourism, in cooperation with the Ministry of Culture and Municipalities of Kotor, Herceg Novi and Tivat.*

**R 3** *The proposals for new roads to facilitate and service development along the western side of the bay (at Muo, Prčanj, Stoliv, Kostanjica) should be cancelled and removed from the emerging spatial plan.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

**R 4** *The safeguarded route for the proposed bypass for Risan should be reassessed in the emerging spatial plan, and either revised so as to be much better integrated into the existing landscape and settlement form, or the project cancelled.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture and Municipality of Kotor.*

*The bottleneck at Kotor Old Town and the 'by-pass'*

Regardless of the bigger picture, the bottleneck at the Old Town, the conflict between traffic and pedestrians moving from the quay and the entrance, is an important issue. Both the 2013 and 2016 traffic studies<sup>16</sup> have considered ways of improving the situation more economically (and with less impact on OUV) than the envisaged bypass. These range from installing timed pedestrian lights at a wide crossing, through pedestrian under or overpasses, to an on-line underpass to take traffic below the present road level, in effect forming a wide pedestrian bridge at grade. More ambitiously, two alternative routes for a

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<sup>16</sup> See notes above.

short tunnel under the harbour have been suggested (Fig 5), as well as a shortened version of the by-pass to the east of Kotor.<sup>17</sup>

As an interim measure, at least, it is proposed to install traffic lights before the 2019 season, an entirely reversible and affordable measure with no implications for OUV. Pedestrian under- or over-passes nowadays need lifts as well as stairs, so both involve structure above as well as below ground, and to ensure that people use them, the carriageway would need to be fenced off. That would not enhance the setting of the Old Town and would offer a poor visitor experience. The problem with vehicle underpasses and tunnels is always the entrance and exit; and as the road is a primary route, they must be capable of accommodating European standard HGVs. The short tunnel suggestions are worth further exploration, in terms of technical practicality, affordability and potentially low impact on the OUV of the property (provided that the shortened by-pass concept did not require crossing the Škurda River on a viaduct). If feasible, one of these could address the bottleneck and improve the setting and experience of the Old Town, and of the long-standing produce market under its walls, without harm to OUV. If any of the tunnel options were built here, the established by-pass concept would be redundant.

Parking is a related issue. At present, there is a surface car park along the quay, and another larger one opposite the north wall of the Old City, as well as temporary car parks in Škaljari (see below). The quay car park is due to be lost to the need to improve port security, and the other one spoils the view of and from the ramparts (and is always carefully edited out of publicity images of this side of the city). There are good arguments for limiting visitor parking in the immediate vicinity of the Old City (with 'park and ride' from more distant sites),<sup>18</sup> but some is needed here if only to serve residents and businesses within the (necessarily car free) Old City itself. The latter needs to be easily accessible from the main road in whatever form it takes in the future. Underground or multi-storey parking has been suggested, but enhancement of the setting of the north side of the Old Town should be a key consideration.

*R 5 The feasibility of short tunnel options to by-pass Kotor Old Town should be explored as a medium-long term solution to traffic passing in front of the Old Town, if at-grade management of traffic proves inadequate. The long bypass project for Kotor and Dobrota should be cancelled.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

#### *Improvements to the road from Kotor to Cetinje via Njeguši*

The improvement of the road from Cetinje to Njeguši and on to Kotor, involving localised realignment, has recently been completed as far as the start of the descent via the

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<sup>17</sup> BokaCet 2020: Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje (2016), Measure 21, pp 156-159.

<sup>18</sup> See BokaCet 2020: Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje (2016), Measure No 6, pp 115-7.

'serpentine road' to Kotor. The character of this historic land route to the city contributes to the OUV of the WHP, as the first carriage road into Kotor Bay, harmoniously integrated into the mountain landscape.

***The mission welcomed the decision to confine the improvement of the serpentine section within the existing path of the road, primarily to the road structure and barriers.***

#### *Cableways*

A 15km cableway from Cetinje to Škaljari is proposed, to provide a (primarily) tourist link between the two centres across the spectacular landscape of the Lovćen National Park. Its termination at Škaljari (map, fig 3) would coincide with the south-eastern boundary of the World Heritage property, which here (adjoining the National Park) has no formal buffer zone.<sup>19</sup> Subject to technical review (the updated feasibility study was completed in 2013), the effect on views from within the World Heritage property may be negligible, with no material impact on OUV.

***R 6 Details of the proposed cableway project linking Cetinje to Škaljari should be submitted together with a Heritage Impact Assessment including visual impact analysis to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.***

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor, in cooperation with the Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs.*

***The mission welcomed the Mayor's decision not to proceed with the cable car project previously proposed to reach St John's Fortress from Kotor,<sup>20</sup> or a tourist facility based on the fortress on Vrmac Hill.***

### *3.3 Sea infrastructure and tourism*

#### *Introduction*

Taking into account the geographical position and natural configuration of the area, the present sea infrastructure of Kotor Bay does not provide the necessary conditions for further development of cruise ship and yacht tourism. In fact, the present management of this touristic segment creates a considerable impact on the property itself. The high tourism pressure is evident, and at the same time systems that should ensure the appropriate management of a huge number of tourists are insufficient to meet all requirements. Despite all the efforts of the authorities at different levels, during the tourist season, the city is subject to traffic jams and the main road very often blocked (see Section 3.2). This is a serious concern which raises a question about the safe management of

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<sup>19</sup> See BokaCet 2020: *Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje* (2016), Measure No 16, pp146-7.

<sup>20</sup> The subject of an ICOMOS technical study in November 2017.

visitors and Disaster Risk Management for the property. Such a situation also encourages the local population to continue to desert the Old Town, both for economic reasons and because it no longer offers the conditions necessary for normal life and wellbeing.

### *Managing cruise ships*

The global trend of increasing cruise ship tourism is affecting Kotor. Since 2007, when 40,900 passengers on 177 cruise ships visited, there has been constant growth.<sup>21</sup> During 2017 a total of 488 cruise ships visited Kotor, and 2018 data shows little decrease; a total of 450 ships is expected by the end of the season. Reservations for 2019 show an evident increase; approximately 500 ships are expected. At the time of the Mission there were already 240 reservations for 2020. For passengers, the experience of the ship entering the inner bay is key to the attraction; there is no interest in mooring in the outer bay.

The constant increase of the number of cruise ships directly influences the number of visitors to the bay. The latest figures show that in 2018 more than 600,000 visitors had arrived by the cruise boats by the time of the mission. Having in mind this trend and the prolongation of touristic season, it is expected that greater numbers will come ashore in the near future. Already 5,000-10,000 people per day land from cruise ships and need to be dispersed, remaining on shore typically for 3-6 hours.

The management of cruise ships is ensured through the Port of Kotor who administer the territory of Risan-Kotor Bay. Under present rules no more than three cruise ships are permitted to be within this territory at the same time.

The Port of Kotor is currently negotiating a new concession for a period of 30 years with the government of Montenegro, and although the negotiations are not yet finalized, the representatives of the Port authority informed the mission that the new rules would cover:

- A new policy for reservations of mooring and anchoring locations;
- The distribution of daily arrivals;
- Development of plans based on available infrastructure for reception and distribution of visitors;
- Enhanced management to reduce the impact of the ships on the marine ecosystem and city infrastructure;
- Increased revenue allocations to safeguard cultural and natural heritage, from 10% to 20% of the total tax collected by the Port.

### *Port infrastructure*

Presently within the area of responsibility of Port of Kotor, there are two berths at the quay in the front of the Old Town and three anchorages in the bay close to Kotor (Figs 7, 8). The mission was informed about the plans of the Port Authority to construct two pairs of dolphins, at a location between the Institute of Marine Biology (Fig 8) and the quay at Kotor, on the east side of the bay. These are intended to replace the anchorages in the

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<sup>21</sup> Data from 2006-2014 is given in the 2015 tender document for the cable car project at St John's Fortress.

bay close to Kotor. The three anchoring positions off Ljuta will remain the same, while some additional measures are to be undertaken to limit devastation of the seabed by anchors.

The plans for the development of the Port of Kotor also include provision of new electrical installations and a transformer station, to supply power to the ships in order to reduce pollution from the use of ship engines and generators while moored, both at the quay or to the dolphins (which would be a major benefit of their installation).

The mission was also informed about the rule not to accommodate more than three cruise ships at the same time within Tivat-Kotor Bay, although we were not provided with any concrete evidence nor a monitoring system to enforce it. Other details of the development plan were not shared with the mission, as they are considered as confidential, until the process of negotiation with the Government is concluded.

**The mission concluded** that while positive movement towards the enhanced management of the port infrastructure for cruise ships was presented, it would be necessary to review the entire development plan for the Port of Kotor in order to be able to provide a more precise overview of the situation and conclusions about its potential impacts on the World Heritage property. The development plan should be submitted to the World Heritage Centre for review by the Advisory Bodies, prior to any further commitments.

#### *Marinas and water buses*

Further development of marinas and sea infrastructure for other vessels within the bay should be carefully planned to avoid negative impact on the property. At the same time, great attention should be paid to the overall 'loading capacity' and the number of new moorings being created within the bay, as in addition to potential impact on heritage value, they also add to the risk in case of disasters.

The problems of road traffic and constant blockages of roads during the tourist season due to the huge number of vehicles were noted in Section 3.2. This is especially evident around the Old Town of Kotor where most cruise ships are moored and where the majority of tourists (including those arriving by launches from ships anchored in the bay) are (unless destined for the Old Town) collected or returned by bus. A partial alternative to road transport could be the introduction of regional waterbuses serving the whole bay area (extending to Budva) and connecting with smaller, potentially electric-powered, vessels serving seasonal local routes, including a circular route around Kotor-Risan Bay (Fig 6). An initial feasibility study was undertaken in 2015.<sup>22</sup> Provision for its implementation, which would require several small piers to be located around the bay, should be made in the process of finalisation of the Spatial Plan and Management Plan.

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<sup>22</sup> See *BokaCet 2020: Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje* (2016), Measure No 5, pp111-13.

### *Monitoring effects on the marine environment*

The effect of cruise ships (the only large vessels that now enter the bays) on the marine environment is not clear, since no adequate system is in place to monitor any of the segments of the marine ecosystem.

From the information received during the meeting with the Institute of Marine Biology and the Port of Kotor, the only functional system at present is the radar system which primarily monitors navigation within the bay. The same system also supports oversight of underwater archaeological sites and prevention of illegal diving. However, from information received, water quality is not being monitored, nor any other segments such as underwater sound and its influence on the ecosystem, or the zoobenthos,<sup>23</sup> particularly assessment of the damage to it caused by anchoring, the impact of propeller propulsion, raising of the mud from the sea bottom, etc.

Another important issue, which might potentially create a serious impact to ecosystem of the bay, is the eventual import by cruise ships of invasive species. While developing Terms of Reference for monitoring all these segments, this must be taken into consideration to ensure adequate assessment of potential impacts on the sea ecosystems.

Although the Port of Kotor mentioned to the mission its newly-adopted policy to be a 'green port', it was not very clear what was meant by that.<sup>24</sup> The main focus is being given to the reduction of CO<sup>2</sup> emission and airborne pollution (noted above), but it is not known what are the baselines and targets of their 'green' policies.

One of the main concerns noted by the mission is that until now no cooperation was in place between the Institute of Marine Biology and the Port of Kotor. In fact, the meeting organized within the scope of the reactive monitoring mission was the first meeting ever between these two institutions. This must be changed, as the work of and cooperation with the Institute could help in establishing an overall monitoring system for water quality and other marine environmental aspects of the bay. The Institute appears to be professionally and technically equipped to respond to this complex task.<sup>25</sup>

### *Risk assessment and disaster planning*

The mission noted a considerable number of risks to which the property is exposed, but was not in position to obtain any data concerning risk management or integrated disaster planning. Measures introduced to mitigate risk for cruise ship navigation, as presented by the Port of Kotor, are the following:

- the presence of Port of Kotor pilots is ensured on the cruise ships at all times while navigating within Risan-Kotor Bay;

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<sup>23</sup> The community of organisms that live on, in, or near the seabed, here including rare corals on the north shore of Risan Bay.

<sup>24</sup> The Port has system management quality certificates under ISO 9001:2015 and ISO 14001:2015 relating to 'providing maritime services in international maritime transport': <http://www.portofkotor.co.me/>.

<sup>25</sup> Founded in 1961, part of the University of Montenegro, currently 42 staff, conducting research with multiple European partners: see summary at <http://www.ciesm.org/online/institutes/inst/Inst160.htm>.

- navigation is monitored through the radar system established under the authority of the Ministry of Transport and Maritime Affairs of Montenegro;
- navigation routes were changed to minimise the risk of collisions.

Although these measures are in place, the Port Authority mentioned a few incidents which they described as 'small' and which did not result in any damage or hazardous situations for the environment. The Port Authority was not able to demonstrate a plan to control pollution in the case of ecological incidents caused by large ship collisions, or collisions with the two small islands off Perast.

During the process of adjustment of the Management Plan, the issue of Disaster Risk Reduction must be taken seriously into consideration, in order to cover all risks and hazards to which the property is exposed, not only from the number of large ships navigating the bay, but also, for example, from another episode of seismic activity. The authorities should take into consideration the *2007 Strategy for Reducing Risks from Disasters at World Heritage Properties*, which encourages all States Party to develop disaster risk management plans for the properties in their respective countries. The newly internationally-endorsed *Sendai Framework for Disaster Risk Reduction 2015-2030* clearly emphasizes the importance of reducing disaster risk in cultural and natural heritage properties and should also be taken into consideration.

**The mission concluded** that tourism management should be strengthened in accordance with the UNESCO *World Heritage and Sustainable Tourism Programme*, focusing on integration of planning for tourism and heritage management at destination level, in this case in detail for the inscribed property and strategically for the property and its buffer zone, the Boka Kotorska as a whole. In this way the natural and cultural assets are valued and protected and balanced tourism development is encouraged.

**R 7 To encourage the integration of sustainable tourism and heritage conservation, the national and local authorities should:**

- **Improve collaboration between all stakeholders and actors. A collaborative platform should be established during revision of the Management Plan, including (but not necessarily limited to) the City of Kotor, Kotor Port Authority, the Institute of Marine Biology and the Kotor Tourism Organisation;**
- **Develop clear integrated management mechanisms for sea traffic and associated passenger traffic within the Boka Kotorska within the updated Management Plan;**
- **Implement the emerging proposals for 'waterbuses' in the bay area.**

*Action to be taken by: Ministry of Culture, Municipality of Kotor in cooperation with the Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs, Kotor Port Authority, Institute of Marine Biology.*

**R 8 The Heritage Council, co-ordinating all the major stakeholders, should establish and maintain an integrated Disaster Risk Reduction Plan as a part of the**

**updated Management Plan, including establishing procedures for hazardous situations.**

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.*

**R 9 The updated Management Plan should provide for comprehensive environmental monitoring of the bay by a competent body, publicly reporting annually including making recommendations to address emerging issues.**

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council, Institute of Marine Biology.*

**R 10 Details of proposed port infrastructure works and the port development plan should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.**

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor, Kotor Port Authority.*

### 3.4 The urbanisation of the Boka landscape

#### *Introduction*

'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 [lower] slopes of high rocky hills'.<sup>26</sup> The retrospective statement of OUV nonetheless comments, under 'authenticity', that '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.'

The first mission to the property in 2003 noted that '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 property was listed in the World Heritage List may be seriously endangered'.<sup>27</sup> Some of this urbanisation was a consequence of the 1979 earthquake, but by 1987 the Spatial Plan for the Municipality of Kotor envisaged the urbanisation of most buildable land on shores of the southern part of the bay, served by new roads at the foot of the cliffs, including a by-pass for Kotor. Subsequent spatial plans for other settlements around the inner bay followed similar lines. By the time of the 2008 mission, implementation of these urbanisation plans was gathering pace, the report expressing concern about 'the ongoing and accelerated urban development' including 'ill-advised large-scale hotel developments

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<sup>26</sup> SOUV, para 2, adopted 2014: 38COM:8E.

<sup>27</sup> 2003 Mission Report, para 19.

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'.<sup>28</sup> The developing situation was extensively documented by the 2013 mission.<sup>29</sup>

The consequences of realising these urbanisation plans have been highlighted, particularly, by the developments at Kostanjica, by the proposals, subsequently implemented, for the 'Autokamp' site in Dobrota, and the proposal for a 'Tourist Village' at Glavati-Prčanj. However, the problem is widespread, with a scatter of quite recent developments which stand out from their context because of their urban density and the size and location of their buildings. The *Study on the Protection of Cultural Properties...* adopted by the Ministry of Culture in 2017 (but dated 2015) was perfectly clear about the threats and the guidelines necessary to protect the values of the place.<sup>30</sup> Eventually a halt was called early in 2017 with the imposition of the moratorium on new construction, but much was in progress at the time, and some building continues presumably under past consents.

In this section we first review the historic pattern of land use and development around the bay and try to understand what characterises the 'harmonious integration' between buildings and landscape which is identified as a crucial attribute of the OUV of the place. From this we identify the constraints on development necessary to preserve what remains of the OUV of the property and set out general guidance which must shape the emerging spatial plan if further harm is to be limited. In support of these we then consider some of the developments, implemented and proposed, in more detail and make site-specific recommendations for some of the settlements around the bay (settlement locations are shown on Fig 2).

#### *The culturo-historic landscape of the Boka Kotorska*

Historically, utilisation of land around the bay was confined to the short steep valleys to the north-east (Risan), north-west (Morinj) and south (Škaljari),<sup>31</sup> and to discrete areas of gently sloping land at the foot of the massive limestone cliffs, in contrast to the areas where the cliffs continue unbroken into the sea. Isolated areas of such land tend to correspond with gullies and hollows in the cliffs above, resembling a discrete pile of debris from the erosion or collapse of the cliff above in geological time, in an area prone to seismic activity (Fig 9).

The land around the bay was utilised from the Neolithic period onwards. There was an Illyrian town at Risan, later *Risinium*, and another town, *Acruvium*, by the first century AD, probably on the site of Kotor. Medieval settlement around the bay developed on the upper zone of this land below the cliffs, or higher on the less steep hill slopes. Groups of houses with their churches were built on or above a road approximately parallel to the

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<sup>28</sup> 2013 Mission Report, para 5.

<sup>29</sup> 2013 Mission Report, pp 14-16, at pp15-17.

<sup>30</sup> See especially pp 79-84; also the *Heritage Impact Assessment...for harmonising Policy/ Planning Framework and Instruments* (2017).

<sup>31</sup> And on a smaller scale, Orahovac.

shore, along which were agricultural terraces retained by drystone walls.<sup>32</sup> By contrast, the city of Kotor was established on a gently-sloping site at the foot of a great cliff at the southern end of the bay, and Perast on a somewhat similar site, on a shore otherwise flanked by cliffs (Figs 10, 11). Expansion of Perast was limited by its geography; but towards the southern end of the bay, north of Kotor, there is more usable land at the foot of the steep cliffs, on the east side (Dobrota) and to a much more limited extent on the west side (Muo, Prčanj).

From the 16th century, historic development extended north from Kotor along both sides of the bay, as the principal houses began to be built in groups along the shore, with palaces, warehouses and churches addressing the waterfront. These were connected to the upper road by lanes (some with houses along them) usually at right angles to the shore, between the landholdings. Prčanj typifies this pattern, the town developing from such a group, its churches and palaces prominent on the shoreline. All land below the cliffs, behind and between the developed shores, was extensively terraced for cultivation, and where not now urbanised generally has extensive tree coverage as cultivation has been abandoned. Trees (often stunted) extend beyond the terraces onto the less steep cliffs, particularly on the south-west side of the bay, covering the undeveloped parts of the slopes of Kostanjica.

In the 19th century, under Austro-Hungarian rule, a road was made along the shoreline, and the importance of the upper road and the settlements along it (in the hills above) declined through migration to the shoreline. Except for some local loops (especially the by-pass behind Piran), and a road parallel to the shore through Dobrota built in 1962,<sup>33</sup> the coast roads have provided the principal land circulation around the bay ever since. Building over the terraces accelerated in the late 20th century, people displaced from the old town of Kotor by the 1979 earthquake being rehoused in Dobrota. Development was at first shaped by the established pattern of the landscape, low rise buildings of modest, domestic scale (2-3 storeys; sometimes 4-5 storey apartment buildings in Dobrota). Typically, they tended to diminish in both size and density up the slope towards the cliff, and towards the edges of settlements, leaving churches on the shore as communal buildings prominent in the landscape. Layouts following the contours as reflected in the terraces, with connections roughly perpendicular to the shore, still achieved a reasonable harmony with the landscape, and the individual historic settlements remained separated by green gaps, where the agricultural landscape still extended down to the coast road (Figs 9, 12).

In the last couple of decades, tourism-related development has accelerated, and the predominant character of its buildings has changed. The apartment blocks are larger, taller and closer together, forming dense urban islands, the landform has increasingly been shaped to suit the buildings rather than vice-versa, and the sites chosen for their views out. In consequence the newer (usually generic and utilitarian) buildings are typically much more assertive in their presence in the landscape. Such large-scale development has also

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<sup>32</sup> The church of St. Ilije at Gornji Stoliv is a prominent example on the west side of the bay.

<sup>33</sup> 2013 Mission Report, p20.

spread higher up the slopes, breaking the tree line, and has tended to fill in gaps between older settlements and cover hitherto green or treed terraces.

In conclusion, over the second half of the 20th century, the landscape, set against the large-scale backdrop of cliffs and mountains, demonstrated how much development it could harmoniously absorb within its historic framework. But the scale and the location of many more recent buildings has now demonstrated the vulnerability of the place to developments which by virtue of their bulk and siting override the historic framework, while the growing horizontal extent of development threatens to urbanise most of the bay, virtually all of it in accordance with spatial development plans from 1987 onwards. It should be evident, especially from the detailed analysis of specific developments and proposals below, what in the Boka landscape constitutes harmony and what destroys it.

### *Planning to sustain the Outstanding Universal Value of the Boka landscape*

The survival of what remains of the harmony between the buildings, historic land allotment and utilisation, and landscape setting depends on sustaining the halt to the urbanisation process that has been achieved by the moratorium on new permissions. This does not require an end to development in the Boka Kotorska; rather that development must be constrained in form and extent by the capacity of the landscape to absorb it without further harm to the values that give the place its OUV if it is to retain its inscribed status.

Development policies should also be considered within the overall framework of the *Sustainable Development Agenda 2030*, and implementation of the actions contributing to target 11.4 'Strengthen efforts to protect and safeguard the world's cultural and natural heritage.' Development policies, programmes and plans must take into consideration values recognized under international treaties, and they must be oriented towards safeguarding them.

Here we try to summarise some general principles which should guide future development in the World Heritage property, drawn from the places and developments considered detail in the following sections:

- 1 Preserve the vertical structure of the landscape; specifically avoid the urbanisation of steep cliffs running down to the sea, which until recently remained unbuilt save for occasional small buildings mostly associated with the coast road. As Kostanjica shows, apart from being historically without precedent, vertical development does not fit harmoniously into the landscape. It has a disproportionate impact wherever it appears, not just at Kostanjica but for example in Škaljari (the Apartment Boki buildings high on the side of the valley), because on a steep slope even a modest footprint generates a disproportionate public elevation. Do not allow new building rooflines to break the tree line at the foot of the cliffs.
- 2 Maintain the horizontal structure of the landscape, specifically by maintaining the remaining undeveloped spaces between historic settlements, including (but not limited to) those between Orahovac and Ljuta, Ljuta and Dobrota, and Muo and Prčanj,

particularly at Glavati, all of which recent spatial plans have identified for tourist development.

- 3 Avoid large buildings of mundane use and design set on the prominent land forms traditionally associated (especially in the southern part of the Risan-Kotor bay) with socially significant or architecturally distinguished buildings, especially churches. The apartments at Drazin Vrt are particularly unworthy of their landmark location in the landscape.
- 4 Limit further urbanisation of the settlements on the west side of the southern part of the bay (Muo, Prčanj, Stoliv).
- 5 Respect the way in which until recently new building has been integrated into the horizontal morphology of historic settlements and patterns of agricultural terracing and land allotment. Generally, the larger buildings, usually 3-4 storeys, were on or close to the shore, and the scale and density diminishes both up the slope and towards the edges of the settlements. Colours within the established local muted range can help integration.
- 6 Consider carefully the relationship of new developments to their local context. Dense clusters of identical urban apartment blocks of 5-6 storeys have been set without consideration for historic relationships between landform and buildings, or settlement hierarchy and morphology, with little attempt at integration.

The details supplied of two major schemes considered below, at Glavati and Morinj, include 3D computer-generated images of the project, but set in a generalised landscape context, without showing existing buildings or structures outside the site. We do not know whether this method of presentation reflects the designers' approach to the project, or the limitations of their technology, but several realised schemes do appear to have been conceived in such isolation. They include some of the most incongruous intrusions in the Boka landscape, on the edge of Risan (Fig 46), in Muo (Fig 28) as well as in Dobrota (Figs 36-7). Alternatively, of course, they may have been designed on the basis that everything around them will be developed in like manner, making context irrelevant. It is clear, however, that the graphic material that we have seen submitted in support of major developments is inadequate to judge their impact on the culturo-historic landscape of the World Heritage property or their impact on specific monuments within it. In addition to computer-generated images of the project itself, accurate visual representations of the project in its context, from viewpoints determined by the authorities, should be prepared as part of a visual impact study for any development for which an HIA is requested.

The new Spatial Plan for Kotor, on which work is being led by the Municipality, and which in 2019 will be integrated into a national spatial plan,<sup>34</sup> should be carried forward as a matter of urgency and be elaborated in parallel to the adjustment of the Management Plan. The Management Plan should take into consideration the conservation studies already carried out. Its main objective should be to safeguard the OUV of the World Heritage property and minimise potential negative impacts on it. It should have clearly-defined and

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<sup>34</sup> See 2.3 above for the details.

consistent objectives, procedures for implementation, and mechanisms for monitoring outcomes.

Until these revised policies are in adopted, **the moratorium on starting new construction activities within the World Heritage property**, introduced by the Government of Montenegro on 27 March 2017,<sup>35</sup> **should remain in force**. It has produced important although not wholly satisfactory results, as some requests for building permits were submitted during the period between its adoption on 2 February 2017 and its entry into force following the repeal of the old law on 27 March. Some of these requests, concerning proposed developments at Glavati and Kostanjica, considered below, are currently subject to legal action by the investors to try to secure permits.<sup>36</sup>

**R 11** *The emerging revised spatial plan for Kotor, presently under elaboration (to be integrated into a national plan) and the local detailed studies that will be subordinate to it, should give priority to sustaining the OUV of the property, establishing a balance between public and private interests in the sustainable development of the region. The current policies and allocations that encourage the extension and intensification of urbanisation of the inner bay must be replaced by principles guiding development pressure to places and forms that can demonstrably be accommodated without further harm to the historic and natural values of the landscape and impact to the OUV of the property, linked to the established policy of encouraging quality rather than quantity in the visitor offering.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.*

**R 12** *The identification of land as being in principle suitable for development in the emerging spatial plan, and the use, scale and volumetric form of the development envisaged, should be based on an assessment of its potential impact on the OUV of the Boka landscape on a parcel-by-parcel basis. Such an approach, embracing the concept of Heritage Impact Assessment to decide the limits of capacity, is necessary to ensure that development on such allocated sites can be achieved while respecting OUV. Revision of current spatial plans needs to be coordinated with revision of the Management Plan, which should underpin these principles of spatial planning.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.*

**R 13** *Specifically, the revised spatial plan should be based on the following principles:*

- **No urbanisation of steep slopes.**

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<sup>35</sup> In accordance with the Action Plan adopted in January 2017 to implement the World Heritage Committee decision of 2016.

<sup>36</sup> See below, 'Glavati'.

- **Maintain existing gaps between historic settlements.**
- **Landmark buildings to be worthy of their location.**
- **Limit new development on the west side of Kotor Bay.**
- **Accommodate development within the morphology of the historic landscape.**
- **New buildings generally to respect and integrate with their local context.**

Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.

**R 14 Heritage Impact Assessments commissioned in line with the 2011 ICOMOS Guidance<sup>37</sup> for large or sensitive projects should include, in visual impact studies, accurate visual representations of the project in its context, and must be submitted to the World Heritage Centre for review by the Advisory Bodies in line with Paragraph 172 of the Operational Guidelines.**

Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor.

**R 15 The Management Plan should be revised/updated in parallel with the completion of the spatial plan, so that the two documents have mutually compatible and supporting objectives which prioritise sustaining the OUV of the property. It should be 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. The legal, administrative and institutional frameworks should be harmonised and adjusted where necessary to enable more efficient and effective management of the property.**

Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.

**R 16 In line with Paragraph 172 of the Operational Guidelines, the new draft spatial planning documents and draft updated Management Plan should be submitted to the UNESCO World Heritage Centre for review and feedback by the Advisory Bodies before adoption. Subsequently, Paragraph 172 submissions should only be required for proposals which are not in general conformity with the development parameters defined in those plans on the basis set out in Recommendations 12 and 13.**

Action to be taken by: Ministry of Sustainable Development and Tourism in cooperation with the Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO, Municipality of Kotor.

**R 17 The moratorium on new construction should be maintained until the adoption of the emerging spatial plan for the Kotor area and the revised**

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<sup>37</sup> ICOMOS International, *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties* (January 2011).

**Management Plan, which will identify the limited potential to accommodate sustainable development within the sensitive landscape of the area without further negative impact on the OUV of the property.**

*Action to be taken by: Ministry of Sustainable Development, Ministry of Culture, Municipality of Kotor.*

### *3.5 Management structures and processes*

The legal framework for the management of the World Heritage property is set out in Section 2.1 above.

#### *The Heritage Council*

The role and obligations of the Heritage Council are defined by the by the Law on Protection of Natural and Culturo-Historical Region of Kotor of 2013, as amended in February 2018. This law is intended to safeguard the World Heritage property in accordance with the Management Plan adopted by the Government of Montenegro, while all activities within the property are intended to be coordinated by the Heritage Management Council for Kotor area, established by the government pursuant to the Law.

The Council has a president and ten members. It is appointed and dissolved by the Government on the proposal of the state administration body competent for cultural affairs, and is composed of one representative of the state administration bodies competent for cultural affairs, one representative of the state administration bodies competent for spatial planning and protection of environment, one representative of the state administration bodies competent for the protection of cultural properties, one representative of the Montenegrin National Committee for UNESCO and one representative of NGOs dealing with Kotor protection, as well as five representatives of the Municipal Assembly of Kotor.

The Council's mandate is four years. The Mayor of the Municipality of Kotor is the president of the Council. Article 10 of the Law defines the obligations of the Council, which is obliged to:

1. Promote the importance of the Outstanding Universal natural and cultural value of the Kotor area, as a World Heritage Property;
2. Coordinate elaboration, revision and implementation of the Management Plan;
3. Initiate and monitor implementation of projects and activities foreseen by the Management Plan;
4. Provide authorisation, upon seeking an opinion by the competent department of the local government for initiatives, programmes, spatial planning and other projects related to the Kotor area and its protected environment, adopted by local self-government bodies, state bodies, public enterprises and others, in order to harmonize them with the Management Plan and others documents of importance for the Kotor area;
5. Encourage and guide the implementation of activities and projects that contribute to the improvement of the protection, safeguarding and development of the Kotor Area;

6. Monitor the condition of the Kotor area and request component authorities to undertake required measures in accordance with their mandates;
7. Prepare annual reports on the implementation of the Management Plan;
8. Prepare and submit bi-annual reports on the Council's performance, to the state administration body complement for cultural affairs;
9. Obtains the opinion of the President of the Municipality of Herceg Novi, the Municipality of Tivat or the Mayor of the Capital City of Cetinje on the status, protection, preservation and management of the Kotor area and / or its protected environment which affects their territories.

Although the Law sets out ideal conditions for the functioning of the Council, the way it works is facing challenges. These are affecting the full implementation of the Law and the amendment of the Management Plan, and at the same time they indicate a huge gap in horizontal and vertical coordination. In addition, a lack of understanding of the protected area by a number of competent authorities, as well by the state institutions and partners, create a huge obstacle in the functioning of the Council.

Even though the Law clearly defines the composition of the Council, some of the state civil servants appointed to the Council in their personal capacity do not contribute to the improvement of its functioning. The fact that the Council's 2017 report was not adopted by November 2018 demonstrates its poor functioning, which is based on constant demands and arguments among the members of the Council.

The work of the Council is administratively and technically supported by the department of the Municipality of Kotor responsible for the protection of cultural and natural heritage, but the absence of linkage with the Administration for the Protection of Cultural Property Department in Kotor frustrates the work of the Council. Such linkage is essential to enhance coordination within the process for issuing authorizations for construction permits, as in some cases permission was deemed to be given because the Administration for the Protection of Cultural Property Department in Kotor failed to respond within the 15-day period beyond which the law presumes they had no comment to make, following which the investor may commence construction.<sup>38</sup> This is a serious issue that heavily influences safeguarding of OUV and management of the property. The administrative norm called 'silence of the administration' has been used in many cases related to the mission to justify inappropriate development projects and investments within the property. This norm assumes a timeframe of 15 days to get the feedback of the relevant authorities vis-à-vis the submitted proposal. The mission was informed that in consequence, some construction projects automatically got approval, even though they were in conflict with other existing management mechanisms and regulations.

#### *Integrated decision-making, and developing a sense of common purpose*

Besides efforts of the authorities to harmonise spatial planning processes, all previous missions have detected serious problems in the sector of spatial planning, which encourages the extension and intensification of urbanisation of the shores of the bay. This is in direct conflict with the objective of conserving the Outstanding Universal Value of

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<sup>38</sup> For the full procedure for obtaining consent see Section 2.4.

the property, creating a considerable negative impact on the cultural heritage of Kotor. The adopted spatial plans have enabled huge construction and development projects within protected areas, and in particularly within the World Heritage property. This is the result of gaps in the vertical and horizontal communication within and between national and local authorities on the level and priority which should be given to cultural and natural heritage protection of a place of Outstanding Universal Value. The recent amendments to the legal frameworks regulating spatial planning, and its centralisation at the national level, are in theory giving substantial guarantees that this situation could be improved, but this requires both a substantial change to established land use designations and a strong monitoring mechanism.

The understanding of a common purpose by all stakeholders is quite fragmented, and this should be further strengthened through a participatory process of elaboration of the new Spatial Plan for Kotor and the adjusted Management Plan. A sectoral and not synergic approach in planning and management is just creating additional confusion and leaving many grey areas that potentially affect the OUV of the property.

*The need for better staffing levels for authorisation/ monitoring on the ground*

The mission noted gaps in staffing capacities at the various levels to ensure adequate safeguarding and management of protected areas. **The mission welcomed** the initiative of the Ministry of Culture and the Directorate for Cultural Heritage to undertake an assessment of institutional capacities in the cultural heritage sector and make the adjustments to staff numbers and skills necessary for effective operation.

The inspectorate capacities also need to be enhanced as the present conditions, staffing and technical expertise do not provide sufficient guarantees for proper monitoring and inspection of the property. **The mission also welcomed** the initiative of the government to place the Inspectorate for Cultural Heritage within the Administration for the Protection of Cultural Property, as in this way the monitoring could be enhanced. Normally, the number of the inspectors should be increased taking into account the area of the property.

Furthermore, the mission noted a lack of knowledge and understanding about the boundaries of the core and buffer zone by the three local authorities (Herceg Novi, Tivat and Cetinje) that adjoin Kotor. This is crucial for adequate implementation of required measures and actions to safeguard OUV. While adjusting the management plan, particular attention should be given to raising awareness within these three local administrations about their obligation to safeguard OUV. In the future, the possibility of extending the remit of the Heritage Council, to include participation of the representatives of the other three local administrations, should be seriously considered.

**R 18** *The operational effectiveness of the Heritage Council, established as per the Law on Protection of the Natural and Culturo-Historical Region of Kotor, should be enhanced by strengthening the links between its members and their respective institutions, to improve decision-making and technical support.*

Action to be taken by: Ministry of Culture, Municipality of Kotor.

**R 19** The 'silence of the administration' protocol must be replaced by new protocols that will ensure and oblige the Heritage Council or responsible administration to carefully examine all requests for building permits in protected areas, provide a response, and state the reasons which underpin and justify that response.

Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor.

**R 20** Greater co-operation between the different responsible national and local institutions should be encouraged and facilitated, especially between the four municipalities concerned, perhaps by extending the remit of the Heritage Council to include advising other municipalities responsible for parts of the World Heritage property. Greater civil society involvement would be helpful.

Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.

### 3.6 Assessment of specific places and proposals

#### *Morinj*

In Morinj, the 2008 Spatial Plan foresaw the development of a network of streets covering the flat land between the springs and streams in the valley bottom, which fed the mills from which the place takes its name. Although the 2013 mission report<sup>39</sup> noted that after a study undertaken by the regional conservation organisation, 'it is forbidden to build in this area', one block has been developed, with the Hedera Apartments, in accordance with the 2008 plan.<sup>40</sup> This currently stands isolated on the frontage of an existing minor road (see Fig 15). No further tourist development should take place in this sensitive area.

The 'Lavender Bay Apartments' were also recently constructed in accordance with the 2008 Spatial Plan (Figs 13, 15), on high ground above Morinj, an area where development was facilitated by the construction of the new road to Grahovo and Nikšić in 2003. The parallel blocks are oblique to the bay, and both recent and slightly older development to their north-east fortuitously sit (in long views) reasonably comfortably within a concavity in the hillside (Fig 13).

So far, therefore, the character of this part of the bay is not unduly compromised by modern development. However, building on the sparsely vegetated rocky promontory between these developments, or on the rising ground above, around the loop of the Nikšić road, in combination with existing development, would cause the existing and potential

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<sup>39</sup> Page 14, Dossier 03.

<sup>40</sup> Photo 25 attached to the 2008 Mission Report appears to show this site raised with dumped material in preparation for construction.

areas of building to coalesce visually into a large urbanised block, transforming the character of this part of the bay (Figs 13, 15).

After the mission, the State Party forwarded information about a major development here, proposed by ADC Herceg Novi mostly as an accommodation facility for staff to serve the 'One & Only' resort ('Porto Novi') currently in construction at Kumbor, some 15km distant.<sup>41</sup> The development site is superimposed on the 2008 Spatial Plan at Fig 15 and the concept illustrated on Figs 14 and 16. The proposal is to build 22 mostly residential blocks, generally three storeys high, terraced into the slope (but unlike Kostanjica (see below) the buildings taller than the backs of the terraces), the blocks nearest the bay with pitched tiled roofs, the ones at higher level with flat 'green' roofs. It stands within a larger area intended to be urbanised under a 'Detailed Urbanistic Plan Morinj,' allowing a plot ratio of 1.1 net of service accommodation where multiple plots are combined.

The problem with this development – and the much more extensive urbanisation of this upper area of Morinj envisaged in the 2008 plan – lies primarily in the principle of urbanisation. The buildings are arranged so that all have sea views, the corollary of which is that from the bay the view would be almost entirely of building save for gaps between blocks within individual terraces. That is not to fit buildings harmoniously within a cultural landscape but to transform a large area of that landscape into a 21st century urban area. As the justification of the project in the technical description states, at present more or less correctly, 'Morinj is characterized by untouched nature and rich past.'<sup>42</sup>

Along the north-east coast from Morinj to Risan, where the cliffs tend to run steeply down into the sea, there has been relatively little recent development. If it is redundant, the future of the Lipsi oil terminal/distribution depot<sup>43</sup> and dock requires careful consideration in the emerging spatial plan, but in general this is an area where development should continue to be constrained.

***R 21 The urbanisation of Morinj proposed in the 2008 Spatial Plan should be cancelled, and future development be limited in extent and scale to small and inconspicuous areas, established by HIA studies to be consistent with maintaining the remaining historic character of the place and the harmony between landscape and buildings. Consent should not be granted for the ADC Herceg Novi proposal for staff accommodation for 'Porto Novi'.***

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor, Heritage Council.*

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<sup>41</sup> Staff Accommodation Facility Morinj, Montenegro: Technical Description, 03 September 2018, forwarded to the World Heritage Centre 06 December 2018.

<sup>42</sup> *Ibid*, p6.

<sup>43</sup> Still in operation c2015: BokaCet 2020: Polycentric Sustainable Urban Mobility Plan for Boka Bay and the Old Royal Capital of Cetinje (2016), p21.

### *Kostanjica*

The coast of the bay from the entry to the Verige Strait westwards to Morinj is defined by a cliff face continuing straight into the water; but here the incline is shallow enough to support continuous tree cover, with small areas of terraces and some domestic scale buildings scattered on and above the coast road, especially as the foot of the slope eases to the west, towards Morinj. However, a Spatial Plan dated August 2009 foresaw the urbanisation of the whole coastal strip, to be facilitated by a new access road above the coast road, and links between the two. The Regional Institute for the Protection of Cultural Monuments gave a negative opinion on the plan, but after the expiry of the 15-day period allowed by law (see 3.5 above), approval was deemed given in the absence of a formal response within the legal time limit. Two blocks of this urbanisation plan have been realised (Boka Gardens and the Boka Projekt), one leaving a corridor for the new road, the other having realised a section of it (Figs 17-19, especially plan, Fig 19).

Massive terraces have been cut into the rock, and retaining walls built above the coast road, to provide platforms to support these tourist apartment blocks, replete with underground parking. Their location, their scale and the even larger scale of the vertical cut into the rock to build Boka Gardens, has resulted in them obliterating the historic relationship between sea, land and built form. They represent arguably the single worst negative impact to date on the harmony of the landscape around the bay. The harm is compounded by their location opposite Perast, blighting views across the two islands to a previously-wooded opposite shore. The inclusion of a pseudo-historic tower in the Boka Apartments scheme seems to mock the historic city opposite.

The investor A-Y Montenegro made applications for eight building permits for almost 8,700m<sup>2</sup> of further tourist development at Kostanjica between the announcement of the moratorium and its coming into force. These have not been granted by the mayor, and the matter is the subject of ongoing legal proceedings by the investor.<sup>44</sup>

The magnitude of the cumulative errors of judgement which led to these projects now seems to be generally recognised, providing motivation to avoid repeating them in the future. This requires the withdrawal of the provisions in the 2009 spatial plans for the further urbanisation of the Kostanjica shoreline, including the new road; a permanent stop on further construction following its provisions, including those currently subject to legal proceedings; and efforts being made to mitigate the visual intrusion of what has already been built. This will not be easily achieved, as the painting of exposed rock faces at the rear of the development a shade of green unrelated to the shades of the tree cover above has already demonstrated. The problem is exacerbated by both developments being conceived as slices of a continuous urban strip (as Fig 19 illustrates), rather than in any way integrated with the landscape. Nonetheless, every effort should be made to achieve some degree of mitigation.

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<sup>44</sup> See <https://www.google.com/amp/s/www.bokanews.me/featured/jokic-na-meti-katnica-jer-hoce-da-sacuva-kotor-u-unesco-u/amp/>, which confirms the situation outlined to the mission.

**R 22** *Previous policy for further urbanisation of the coastline between the Verige Strait and Morinj, including the envisaged new road, must be decisively reversed in the emerging spatial plan, and no further new building allowed to proceed under the old plan.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

**R 23** *A mitigation plan should be prepared and implemented to try to reduce the visual impact of the Boka Projekt and Boka Apartments developments through landscaping, planting and potentially the principles of camouflage, to improve their relationship with their context. If it serves no essential purpose, the faux-historic tower should be removed.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor and Heritage Council.*

#### *The entry to the Strait*

In 2016-17 a two-storey restaurant and car park were constructed on the western side of the entry to the Verige Strait (Fig 20). The building is described as 'a temporary entity in all parameters in line with the *Plan for Setting of Objects of Temporary Character* to which the Administration for Protection of Cultural Properties has given its consent.'<sup>45</sup> But its masonry structure built into the shoreline has all the functional characteristics of permanence – how could it be otherwise in such a location?

In architectural terms its form fits reasonably well into the landscape, already altered by the coast road. But it answers a small catholic chapel from the Venetian period on the opposite point, making it seem insignificant by comparison. Its presence also removes the illustration of an historic distinction, this side (the Turkish Cape) being historically undeveloped because while it was in Turkish territory, the Venetians controlling the Strait. In the mission's view it does therefore harm the OUV of the property.

The decision to permit this building indicates the urgent need to develop a definition of 'temporary character' for the purposes of the *Plan*. The mission suggests that reversibility should be a key quality. 'Temporary' objects should be readily demountable, leaving little trace of their limited presence, and usually clad in lightweight, impermanent materials. A time limit should be placed on anything permitted under this legislation remaining in place.

**R 24** *A limit should be placed on the 'temporary' existence of the building on the Turkish Cape. The definitions within the 'Plan for setting objects of temporary character' should be amended to restrict its application to truly temporary structures, demonstrably reversible and impermanent, their consent time-limited.*

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<sup>45</sup> Attachment to letter 25 May 2018 from the Minister of Culture to the World Heritage Centre.

*Action to be taken by: Ministry of Sustainable Development and Tourism, Ministry of Culture, Municipality of Kotor and Heritage Council.*

### **Glavati-Prčanj**

Glavati is the small settlement to the south of Prčanj, on the west side of Kotor Bay. Both stand on parts of a narrow strip of utilisable land formed by debris from the landslip and erosion of the limestone cliffs above (Figs 9, 21-23). The HIA for the proposed development between Glavati and the southern end of Prčanj,<sup>46</sup> submitted by the state party, explains the historic evolution of the site and its significance (its form in 1837 is shown on Fig 24).

'Along the coast of the bay, a naturally very complex form, settlements were set up in sequences, separated by arable land or rocky landscape (...) Unfortunately, the process of excessive urbanization influenced the loss of this characteristic in many of the zones of the region....'<sup>47</sup> 'The zones that are important for preservation of [the] horizontal structure of settlements are the zones with penetration of natural greenery to the coastline, which separate the settlements or certain parts of them, such as the Glavati Inlet'.<sup>48</sup> In consequence of its rare survival as such, the site is specifically identified in the 'description and history' section of the HIA as being of 'special significance' for the OUV of Kotor region.<sup>49</sup> Here the old upper road descends almost to the coastline, and on it stands the tiny medieval church of St Anne, a protected cultural property, with remains of palace of Sbutega family on the hill, surrounded by woodland.<sup>50</sup> The description goes on to state that 'St. Anne Church and associated feudal area in the unused landscape are especially valuable in studies of Kotor feudals' life, and with inlet Glavati, they represent the only preserved authentic part of Prčanj landscape.'<sup>51</sup> Within the proposed development site itself, on the opposite side of the lane to the church, is a well-preserved terrace and a stone-culverted seasonal stream (Fig 23).

Under the heading of 'natural values' the HIA is particularly clear: 'Area of Glavati in Prčanj, despite uncontrolled expansion of coastal urbanization during the past several years, has managed to preserve the basic morphology of Bay settlements due to efforts of institutions for protection of natural and cultural properties. Inlet Glavati represents the only preserved part of the authentic landscape of the coast, with one of its main characteristics, preservation of greenery between built parts of the settlement. Property and remains of palace Glavati-Sbutega with St. Anne Church on an isolated position above the inlet, surrounded by forest vegetation and olive groves, forms an integral part of this original landscape and enables study of development of settlements in the Bay and the manner of lifestyle of its population. Isolated vacation houses and properties of Kotor's noble families have lost its original context nowadays, so it is of crucial importance to preserve the

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<sup>46</sup> *Study of impact assessment of construction project of tourist village Glavati on outstanding universal value of world heritage site - natural and culture-historical region of Kotor*, June-July 2018, produced by an expert team for the Ministry of Culture, Directorate for Protection of Cultural Properties of Montenegro.

<sup>47</sup> HIA, pp 64-5.

<sup>48</sup> HIA, p 65.

<sup>49</sup> HIA, p 67.

<sup>50</sup> HIA, p 87; *Study on the protection of cultural properties* (Kotor 2015), pp296-7.

<sup>51</sup> HIA, p 89.

remaining properties in their original context and revitalize them. Numerous olive groves represent one of the greatest natural resources of this settlement. Olive groves and households in the hinterland are formed on the characteristic terraced ground. In private gardens, there are citruses and Mediterranean fruits such as pomegranate and fig.<sup>52</sup>

The south-east facing site separating two historic groups of shore-line houses is prominent from the bay, both from the shore road (Fig 21) and higher levels (Fig 9) at Dobrota on the opposite side of the bay, and from the serpentine road up onto the plateau towards Cetinje (Fig 12), which provides one of the classic views of the property, not only attractive but historically informative. The site has been mapped as having ecological, cultural and landscape characteristics in the coastal zone which are at the highest level of vulnerability to damage.<sup>53</sup>

At the time of the mission visit on 31 October 2018, the strip of the site along the shore road had been disturbed as a result of power cables being diverted at the owners' request from within it to beneath the roadway, which had been reconstructed in the process (Figs 21-22). Excavated material from the work, and debris from the construction of a temporary roadway through the site while the highway was reconstructed, remains on site; the owners have a year from the completion of the works (in July 2018) to remove it.

**The genesis of the development project** lies in the 1987 spatial plan, as amended in 1995, which envisaged the urbanisation of the area.<sup>54</sup> The concept of a hotel development appears on the Design Plan for Prčanj (PUN), 1994, and was elaborated in the Local Location Study (LSL) Glavati- Prčanj, commissioned by the Municipality in 2008 and adopted in 2015 (Fig 24). From the extracts quoted in the HIA, this seems to have been a conflicted document, noting that 'Inlet Glavati represents the only preserved part of the authentic landscape of the coast, with one of its main characteristics, preservation of greenery between built parts of the settlement,<sup>55</sup> while nonetheless advocating the allocation of the site for development as a tourist village.

Kotor Municipality announced an international design competition for the tourist village on 27 March 2017,<sup>56</sup> three days before the moratorium adopted on 2 February 2017 came into force. The brief included a statement to the effect that if the comprehensive HIA for the Spatial Plan of Kotor<sup>57</sup> and an independent HIA for the Glavati complex show the development to be acceptable in principle, the Administration for the Protection of Cultural Properties would issue conservation conditions. Unless and until they do, the investor would be preparing technical documentation at their own risk, since the

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<sup>52</sup> HIA, p135.

<sup>53</sup> HIA, p116.

<sup>54</sup> See HIA Section 6.5.1 for the planning background.

<sup>55</sup> HIA, p 150.

<sup>56</sup> Mandatory under Article 30 of the Law on Spatial Planning and Construction of Structures.

<sup>57</sup> *Report on Heritage Impact Assessment for Natural and Culturo-Historical Region of Kotor for harmonising Policy/ Planning Framework and Instruments* (Faculty of Architecture, University of Montenegro, 2017), adopted by the government of Montenegro on 10 November 2017.

Administration would expect compliance with the outcome of these studies.<sup>58</sup> The status of detailed 'conservation guidelines' for the development issued by the Directorate for the Protection of Cultural Property of Montenegro Nos 05-82/2016-17 of 21 February 2017, reproduced in a letter from the investor to the World Heritage Centre (23 May 2018), is unclear.

The competition documents sought proposals which would 'in the most efficient manner valorise total potential of the space and tourist village as a unit' and 'add to existing architectural and landscape context while preserving outstanding universal values.'<sup>59</sup> In the competition brief, the Ministry of Sustainable Development and Tourism set a 'construction index' (plot ratio) for this site (of 41,191m<sup>2</sup>) of 1.0.<sup>60</sup> Three entries were received, of which the winning entry was the only one considered fully to comply with the guidelines, and to maximise the identified potential of the site by proposing 40,300 m<sup>2</sup> floor area excluding service spaces, within a total floor area of 54,200m<sup>2</sup>. The other entries, perhaps swayed by the conflicts inherent in the brief, proposed less building, and were not considered sufficiently urbanistic.

The winning entry, designed by an Istanbul-based international practice, Kreatif Architecture, proposed a 'tourist village' comprising a 5-star hotel, with six blocks of apartments or offices alongside and to the rear (Figs 25-26). The hotel would comprise a half-H plan bedroom block of three storeys, above a more extensive three-storey structure (car park, service areas, public rooms) dug into the slope, varying from one story above ground on the frontage to one below at the rear. The other blocks would be three storeys high, set (apart from Block A, on the road frontage) on high basement plinths. Though designed essentially as apartment blocks, some have their internal spaces described as offices and the basement as a car park, others have the rooms arranged as apartments and the basement structure shown unutilised. Whatever their purpose, all would be deeply terraced into the hill, so that upslope, some of the roofs would lie just below the backs of the retaining walls of the cuttings. By such means the scheme aims to fit into the landform. The architecture 'pays homage to the Mediterranean style',<sup>61</sup> using local stone as the main cladding, a green roof to the hotel and red tile pitched roofs to the detached blocks, with lots of glass. The landscape of the higher parts of the site above the built area would be a garden retaining most of the existing trees, to comply with a requirement for 35% green area within residential and tourist developments.

**Assessment:** Given the brief to accommodate a large floor area on the site, the project does its best not to dominate the bay, but with the buildings and the roads arranged to ascend the steep hill, it would in reality be a hard and dense urbanisation of much of the site. The visuals are deceptive, setting the project in a wallpaper of forest, with mature trees between the buildings (Fig 25). The silhouette makes clear that in distant views the overlapping terraces would present an almost unbroken curtain of built structure up to

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<sup>58</sup> Reproduced in the HIA.

<sup>59</sup> HIA p 122 for the full list.

<sup>60</sup> That is to say, the gross floor area of the new buildings (across all floors) could be as great as the site area. UTU 1055-556/10, 25 March 2016.

<sup>61</sup> As described by the competition jury: HIA p130.

c.25m high. The visuals show little of the real context, not even existing buildings bordering the site, and there are no verified views from surrounding areas, only computer-generated images of the project itself. The competition jury recommended that in developing the project more underground parking should be provided, the stream through the centre of the site should be retained, and the adjacent protected areas (St Anne and the ruins) should be integrated with the garden of the complex.

The HIA concludes that 'impact of proposed project on the protected Region in the context of preservation of the Outstanding Universal Value, integrity and authenticity of the World Heritage Site, in line with ICOMOS methodology, is evaluated as "negligible change", and general effect is seen as 'neutral / positive.' Although expounded at length, and clearly losing something in translation, the principal justifications for this conclusion are seen to lie in the fact that the 'urbanistic concept' has been developed through international competition in line within conservation guidelines and planning conditions; and is designed so that the 'buildings and their positions do not degrade the visual identity of landscape and do not represent a visual dominant which would degrade the value of location, authenticity and integrity of visual landmarks'. Substantial weight is attached to the fact that Glavati represents, in terms of its land area, a very small part of the whole World Heritage property, and the assertion that in consequence the effects of the change would be similarly 'negligible'. Moreover 'tourist facilities are positioned in a space which was available through history.....effects of usage and new function have neutral effect on cultural properties and visual landmarks'. Insofar as any slight harm is acknowledged, it would be outweighed by the social and economic benefits of developing sustainable, high-end, year-round tourism, including full-time employment for local people. The increase in traffic on the coast road is seen as positive in that it would help initiate the bypass road above the settlements.<sup>62</sup>

This assessment is fundamentally flawed. It is wholly inconsistent with the 'history and description' section of the HIA quoted above. Glavati is a small part of the whole World Heritage property, but as part of the best-surviving exposition of the development of settlement along (and from the 16th/17th centuries addressing) the bay, it now has a particular significance within the property. The western side of the bay has been subjected to much less modern urban development than Dobrota opposite, so that the pattern of high-level early settlement and distinct historic clusters of 17th-19th century building on the shore, their density tending to diminish towards the agricultural land that horizontally separates them, remain clear. The area demonstrates a significant aspect of the 'harmonious integration [of buildings] to the cultivated terraced landscape on the [lower] slopes of high rocky hills' that is a key aspect of the OUV of the property. As the earlier section of the HIA itself states, it is the 'only preserved authentic part of Prčanj landscape' and of 'special significance' for the OUV of Kotor region.

**The mission concluded** that the landscape of and around Glavati conveys an important aspect of the OUV of the property. This was recognised in the Heritage Impact Assessment report on the World Heritage property as a whole, referred to in the caveat

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<sup>62</sup> Whether on this side of the bay or the opposite one, or both, is not clear: HIA, p254.

added to the competition brief by the Administration for the Protection of Cultural Properties and subsequently (November 2017) adopted as policy by the Government of Montenegro. It grades the contribution to OUV of the Prčanj- Glavati landscape as 'High' (4 on a scale of 1-5),<sup>63</sup> a view with which the mission concurs. The proposed development would consequently result in a moderate to major adverse change, with a correspondingly **large to very large negative impact on the OUV of the property.**

The effect of developing Glavati would be to diminish the value not only of the site itself but of the historic settlements to either side, by divorcing them from the cultural and natural landscape of which they form part, and from which combination the OUV of the Boka Kotorska derives, rather than residing primarily in the urban centres and registered monuments (important though they are). Moreover, the ability to appreciate this historic character of the landscape from the bay or the opposite shore, or in high level views from the serpentine road to Cetinje, would be greatly diminished, along with the aesthetic quality of the place.

**R 25** **Consent should not be given for the proposed 'tourist village' at Glavati, or for any other urbanisation scheme for this historically agricultural land between historic settlements, and the emerging spatial plan for the area should be amended accordingly.**

*Action to be taken by: Ministry of Sustainable Development and Tourism, the Ministry of Culture, Municipality of Kotor and Heritage Council.*

#### *Muo, Prčanj, Stoliv*

The urbanisation of the west bank of the bay, from Muo through Prčanj to Stoliv and the Verige Strait, is not as dense as that of the east bank (Dobrota). There are still undeveloped gaps between individual settlements, and development behind the coastal frontage is more limited. It is still possible to appreciate the settlement pattern before the growth of touristic development, and the historic buildings along the waterfront, in which churches dominate (Fig 27) still establish the character of the place as seen from the bay, despite isolated pockets of recent, dense urban development (Fig 28).

**R 26** **The emerging spatial plan should tightly constrain future development in Muo, Prčanj and Stoliv, so that the historic landscape character of the area remains legible. As noted in Recommendation 3, the projected 'by-pass' at the foot of the cliffs should be cancelled.**

*Action to be taken by: Ministry of Sustainable Development and Tourism, the Ministry of Culture, Municipality of Kotor and Heritage Council.*

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<sup>63</sup> Report on Heritage Impact Assessment for Natural and Culturo-Historical Region of Kotor for harmonising Policy/ Planning Framework and Instruments (Faculty of Architecture, University of Montenegro, 2017), p30.

## Škaljari

Škaljari at the head of Kotor Bay is the point of road entry to the bays through the Vrmac tunnel; development extends up the slope to the south beyond the flat area fronting the bay. The principal issue here is the site across the end of the bay. The *Jugooceanija* office building of the 1960s<sup>64</sup> stands nearest to Kotor, a good example of its kind by leading architects of the region, Djordje Petrović, Mateja Nenadović, and Djordje Zloković (Figs 29-30). Whether or not it becomes formally protected, it has architectural and historical value. Currently vacant, it is now proposed for hotel conversion, for which its form is well-suited.

The adjacent site to the west was until recently the Fjord Hotel, the subject of criticism by past missions. Long vacant, in May 2018 it was demolished (or rather, the upper storeys were collapsed over the lower one, as if some disaster had struck). A 1:1,000 urban plan has been produced showing its replacement by linked blocks of the same scale and height (5 storeys) as the *Jugooceanija* building, also for hotel use, with a small yacht marina at the western end of the shoreline. The mission considered that this could provide an appropriate basis for developing an architectural project, subject to it having a satisfactory relationship to the emerging 1:5000 plan for the area and relating well to all aspects of its context.<sup>65</sup>

The other major issue in Škaljari for resolution through the emerging spatial plan is the future of two derelict factory sites, one of them of modest architectural interest but entirely derelict,<sup>66</sup> the other reduced to its core structure and in use as a temporary car park.

High on the slope to the west of Škaljari, the Apartment Boki buildings, begun 2014, dominate views from the bay. They illustrate the disharmony caused by the intrusion into the landscape of large-scale mundane buildings on steep slopes at the foot of the cliffs (Fig 31).

**The mission concluded** that the proposal for the conversion of the *Jugooceanija* building to a hotel, and development on the adjacent site at the same scale, is likely to be appropriate in principle, subject to detailed proposals, compatibility with the emerging urban plan, and the application of conservation standards appropriate to a significant modern building being applied.

***R 27 The emerging detailed spatial plan for the former Fjord Hotel site and the conversion of the Jugooceanija Building to a hotel should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines, and the project(s) if taken forward be subject to Heritage Impact Assessment, including accurate visual representations of the project in its context.***

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<sup>64</sup> The winner of a competition in 1962, built 1967.

<sup>65</sup> The 2013 Mission (report, p15) considered that the effect of any development here would be negative, preferring green space between the road and the bay, but the reality of the former Fjord Hotel must be recognised.

<sup>66</sup> Of 1926-38, recommended for retention and adaptation in the Management Plan (p170).

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO in cooperation with the Ministry of Sustainable Development and Tourism, Municipality of Kotor and Heritage Council.*

### *Dobrota and Ljuta*

Dobrota extends along almost the whole length of the east side of Kotor Bay, on the gently rising land that narrows from south to north, below the cliff. Historic development of palaces and churches grew northwards from Kotor, along the edge of the bay. Modern development north of Kotor was initiated in the 1960s following the construction of the present main road above the shore and boosted by new housing following the 1979 earthquake (some of it in 'temporary' prefabricated buildings, which remain). It has continued since, driven by tourist-oriented development. The most recent trend has been for tall apartment buildings set high on the slope, below the cliff, part of a more general pattern of intensifying both scale and density. The spatial plan of 2013 and the emerging draft 2018 plan envisaged the extension of the proposed Kotor bypass (see above) along the east side of the settlement below the cliff, which would form the main road, and add further roads to accommodate new development particularly in the northern part of the settlement (Figs 32-33).

Ljuta is a small settlement, currently separated from Dobrota (to the south) by an almost undeveloped coastal strip of some 700m. The emerging draft 2018 spatial plan seen by the mission allocates this area for tourist development, supported by new roads (Fig 34), which would result in the unbroken development of the whole of the east side of the Bay of Kotor.

The redevelopment of the 'Autokamp' site has been controversial. It was an abandoned 1960s camping ground on the bay shore of Dobrota, with significant tree cover, which had survived as an enclave between subsequent (not recent) development between the coast and upper roads. In 2017-18 the Allure Palazzi Kotor Bay hotel was constructed on the site, with a low range of buildings along the shore road and taller blocks behind, addressing the main road (Figs 32, 35-6).<sup>67</sup> All are clad in stone in accordance with conservation policy for the area between the two roads. If the principle of development is accepted as an infill in a developed area, then the scale of the new buildings and the change in scale between the coast and upper roads is acceptable in their context. The accoutrements of the artificial beach (Fig 36) are arguably the aspect of the development that fit least comfortably into the context of the shore road.<sup>68</sup>

The harmonious relationship between buildings and landscape is under far greater threat from the rash of buildings, tall in their context, which are appearing on the slopes above this section of the coast, designated for 'medium density habitation' on the spatial plan (Fig 33). These mask the character of the landscape and threaten to make the historic buildings

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<sup>67</sup> In accordance with permit UPI 0503-847/31-2015, issued 10 June 2016.

<sup>68</sup> But they are much more modest than those envisaged in advance publicity material forwarded to the World Heritage Centre by the Friends of Boka Kotorska Heritage Society in April 2018, and the beach is public, not private.

fronting the bay, over which they loom even from the coast road, seem insignificant (Figs 36-38). Buildings of 5-6 storeys and more are being constructed on difficult, steep sites previously part of the green space above the settlement, with substantial buildings at the top of the slope, breaking the tree line, where previously there were only a few two storey houses (Fig 38).

**R 28** *The existing undeveloped gap between Ljuta and Dobrota should be maintained. Development within Dobrota should not rise above the tree line at the base of the cliff and, given the definition of 'medium density' illustrated by the development above the Autokamp site, should, where acceptable in principle, be of low density.*

*Action to be taken by: Ministry of Sustainable Development and Tourism, Municipality of Kotor, Heritage Council in cooperation with the Ministry of Culture.*

#### *Orahovac and Drazin Vrt*

Development remains small-scale; the spatial plan provides for some infill and further links between the narrow lanes behind the main road. The potential allocation of the lower slopes east of the road from Kotor for tourist development prompts the need for information about form and density before the potential impact can be judged.

Drazin Vrt is a small but ancient settlement in the middle of the north coast of Kotor bay, punctuating a section of coast where steep cliffs otherwise extend straight down into the sea. It is inconspicuous save for the Apartments Natasha, three linked buildings set high above the road, probably built around 2010 (Fig 40). They are assertive in their command of the bay, yet unlike the churches of the older settlements they are architecturally undistinguished buildings that serve an entirely utilitarian purpose, and therefore undermine the principles of historic development of the area.

The 2011 Spatial Plan for Drazin Vrt proposed a new service road behind these buildings, opening up further sites for touristic development. Some additional building is possible here in harmony with the landscape, provided its parameters take account of the lesson of Apartments Natasha.

#### *Perast*

The coast road through Perast was by-passed long ago, the new route tight against the back of the settlement, albeit at the expense of leaving the fortress on the opposite side of the road. The town retains its historic form defined by its particular location on land flanked to either side by steep cliffs down to the sea (Figs 10-11).

A former factory on the waterfront has been converted to become part of the Hotel Jadran, based in the adjacent Smekja Palace. The basically utilitarian factory with its stepped frontage was raised to accommodate an extra storey, given minimal pseudo-historic detailing, but replicating the basic eaves detail which originated as the gutter of its former north light roof (Figs 41-2). The result, especially with the awkward gap between the

(identical) windows of the second and third storeys, the latter largely added, is ungainly. Raising the eaves of the former factory has increased its dominance and further diminished the role of the chapel and indeed the palace itself in the urban hierarchy: 'The conservation of a monument implies preserving a setting which is not out of scale'.<sup>69</sup> The 'villa' built in front of the former factory is said to be broadly based on an historic building once on the site, but there was insufficient information for 'authentic' reinstatement, so the result is historically misleading.

**The mission concluded** that the conceptual approach to this project was misguided, particularly in adding an extra storey to the factory, producing an architecturally utilitarian, massive block which at close quarters dominates the chapel and in views from the islands in the bay dominates much of the Perast waterfront. The small pseudo-historic building in front does little to mitigate the impact of its ungainly bulk. It represents a lost opportunity to add architecture worthy of its very conspicuous context in the historic city.

**The mission was particularly concerned** that a major scheme in so prominent a location was not submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines before a decision was made.

### *Risan*

The extensive, gently-sloping site of Risan accommodated the earliest major settlement around the bay; the mosaics of a Roman villa are exceptionally well-preserved and carefully conserved within a modern building. The early modern settlement was modest by comparison with Perast and unfortunately several of its older buildings, along the axial street, remain derelict (possibly since 1979). Modern development remains largely low density and (in its context) small scale, fitting into the Boka landscape, although a dense 5-6 storey apartment development on the southern edge sits uncomfortably (Figs 43, 46).

The one 20th century statement building in Risan, designed and intended as such, is the Hotel Teuta, on the shore, a charmless brutalist concrete structure of the Yugoslav era (Fig 44). It is now closed, following sale by the state, and consent has been given for its replacement, of a similar height (5 storeys) but much larger floor area, in a light modern style. From the visualisations<sup>70</sup> the effect on OUV is likely to be neutral, but drawings and an HIA are necessary to be certain.

A more serious concern is the proposed by-pass, which was proposed (in the Spatial Plan of November 2011) to loop round behind the town, high up the slope (Fig 45). The desire for a by-pass for Risan is understandable, but civil engineering on the scale implied by the drafts of this route would have a major visual impact on the appearance and integrity of the bay landscape, at a relatively low altitude compared to the Morinj to Grahovo and Nikšić road (but high enough to have a major visual impact).

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<sup>69</sup> Venice Charter, Article 6.

<sup>70</sup> <https://www.dakris.me/portfolio-item/hotel-teuta/> currently on the market.

**R 29** *A Heritage Impact Assessment for the replacement Hotel Teuta should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO in cooperation with the Ministry of Sustainable Development and Tourism, Municipality of Kotor and Heritage Council.*

**R 30** *If a bypass is still considered essential for Risan if the Adriatic Highway proceeds, a less ambitious route for it related to the morphology of the settlement, or local improvements to the road network, should be explored to lessen visual impact on the landscape, and any emerging scheme subjected to a full HIA.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipality of Kotor.*

### 3.7 Management of the Buffer Zone

The Buffer zone, established in 2015, comprises the whole of the Boka Kotorska region except for the area inscribed on the World Heritage List, on the basis that at least in strategic terms, integrated management of the whole region is desirable. That is correct, particularly in relation to transport infrastructure, but in relation to effects of change on the setting of the inscribed property, some areas of the buffer zone are of greater sensitivity than others. Indeed, the Verige Strait and the entry to it from the outer bay make so important a contribution to the integrity of the property that they should be managed to the same standards.<sup>71</sup>

#### *The Verige Strait*

The World Heritage property is the innermost part of a bay system, connected by a narrow channel, the Verige Strait, to the larger Tivat Bay and thence via a less dramatic narrowing to the smaller Herceg Novi Bay and its outlet to the Adriatic Sea. The connection to the sea through the outer bays, and particularly the constrained connection through the Verige Strait, is a fundamental attribute of the OUV of the property. The development of the cities around the inner bay owed much to the protection offered by access to it being confined to a narrow channel; 'Verige' means 'chain', referring to the use in Venetian times of a chain to close ship access to it.

The narrow strait and the entry to it, including the church of St Dimanche (*Sveta Nedelja*) on the cape on the north side at its western entry (Fig 47, E),<sup>72</sup> is of equal importance to sustaining the OUV of the property as the inner bay itself, as are the short sections of

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<sup>71</sup> The mission considered that a case could be made to extend the inscription to this area, although the practical requirements of management can equally be achieved through its current inclusion in the buffer zone and ensuring that spatial planning policies across the three municipalities are aligned.

<sup>72</sup> Photos 5-10 attached to the 2008 Mission Report give a good indication of the characteristics of this area. For the proposal for a bridge adjacent to the cape, see Section 3.2 above.

lightly developed coastlines to either side of the entry from Tivat Bay, as far as Njivice on the east and Bijela on the west (Fig 47, A, B). In the Strait, the established settlements on the low ground above the shore line, and the Lepetane – Kamenari ferry that connects them, generally fit harmoniously into the hollows of the landscape. But more recent (and ongoing) development is disproportionately intrusive, not because of the size of individual buildings but because of its prominent siting and lack of regard for the grain of the landscape, disregarding the characteristics necessary for a harmonious relationship between buildings and landscape outlined in 3.4 above.

On the east bank, in Tivat municipality, ascending a prominent hillside at the southern edge of Lepetane, there is a collection of apartment buildings in various states of construction, each appearing to jockey with the next for the view up the Strait (Fig 47, C; Figs 48-9). On the west bank (Fig 47, D; Figs 50-51), in contrast to the older settlement clustered in the hollow in the hills above the shoreline, a double line of apartment buildings is being constructed up the spine of the promontory defining it southwards.

**R 31** *The spatial plans and policies for the Verige Strait and the adjacent shorelines of Tivat Bay, on the west in Herceg Novi municipality and on the east in Tivat municipality, be amended to ensure that any further built development is limited to areas that can be accommodated without additional harm to the character of the landscape, following the general guidance set out in Recommendations 11-13, and specifically to ensure that the unurbanized areas of the coast in and at the entry to the Strait remain so.*

*Action to be taken by: Ministry of Sustainable Development and Tourism and the Ministry of Transport and Maritime Affairs in cooperation with the Ministry of Culture and Municipalities of Herceg Novi and Tivat.*

**R 32** *On the assumption that the two developments flanking the southern end of the Strait noted as intrusive were legally permitted, landscaping plans should be developed and implemented to minimise their prominence in views from the Strait.*

*Action to be taken by: Municipalities of Tivat and Herceg Novi.*

*The outer bays beyond the Strait, including the setting of Forte Mare*

The landscape character of the outer bays differs from the inner, being more expansive and less dramatic. The south-facing shores are extensively urbanised, with much touristic development, while the north-facing shores are much less so. The visual axis from Perast through the Verige Strait to the south shore is a particularly important attribute of the landscape character of the property and the siting of Perast within it. In the long view from Perast or the Strait, it is the unbroken profile of the peninsula against the skyline above the largely open green hillside that is most important, with limited settlements (notably Krašići) on the shore line which register as comparatively minor elements of the natural landscape. Particularly in the exit by sea, these little-developed southern shores to both sides of the final exit to the sea allow the character of the landform and vegetation to prevail. They stand in contrast to the urbanised northern shores of both Herceg Novi and

Tivat municipalities, where only very large new buildings or structures, or extensive expansion onto the hillsides, have the potential materially to further change the character of the place.

The Venetian fortress of *Forte Mare*, at Herceg Novi on the outer bay, was part of the system of defences of the cities within and so contributes to the significance of the World Heritage property. It is also proposed for inclusion in the serial World Heritage property 'Venetian Works of Defence between the 16th and 17th Centuries: *Stato da Terra* – Western *Stato da Mar*', which already includes Kotor. It and the walled town behind it are now flanked by the modern, mostly tourist-related development of Herceg Novi, but the view from it is towards the relatively undeveloped south shore of, and the outer entry to the bay, here in Herceg Novi municipality. This view is especially relevant to understanding the historic location and role of *Forte Mare*, which in turn contributes to understanding the Venetian period (and later) defences of the Boka Kotorska as a whole.

While the development in the small settlement of Njivice, opposite *Forte Mare*, has largely been along the shoreline, a group of apartment buildings under construction by 2016 and still unfinished in 2018 have been developed on the steep slope between two roads, with similar effect (but on a smaller scale) to the development of *Kostanjica* (Fig 52), and to the detriment of the delicate relationship between settlement and landscape in general and views from the fortress in particular. Buildings in course of construction further west are also high on the slope but spread out horizontally. Neither should be allowed to become precedents for future development.

**R 33** *To protect the view along the axis from Perast through the Verige Strait and the character of the southern shores, the emerging spatial plans should constrain development on the south side of Tivat and Herceg Novi bays, primarily to currently-developed areas.*

*Action to be taken by: Ministry of Sustainable Development and Tourism in cooperation with the Ministry of Culture and Municipalities of Kotor, Herceg Novi and Tivat.*

**R 34** *New building must respect the relationship between established settlements on the southern shores of the outer bay and their landscape context, with particular concern for views from Forte Mare which constitute a significant aspect of its setting.*

*Action to be taken by: Ministry of Sustainable Development and Tourism in cooperation with the Ministry of Culture, Heritage Council and Municipalities of Tivat and Herceg Novi*

#### *The remainder of the buffer zone*

The buffer zone is notably generous in its scope, save at the south-east of the property, where the core area is bounded by the Lovćen National Park. The mission saw little of the land area of the buffer zone (beyond a trip to Herceg Novi), or indeed the upland areas of the property itself. The mission has addressed the contextual, historic and aesthetic contribution that the Verige Strait and the outer bays make to the OUV of the

property in the paragraphs above. While these bays are normally experienced serially, on entry or exit by sea, the high vantage point provided by the serpentine road to Cetinje, at the edge of the limestone plateau towards Njeguši, provides an opportunity to see both the inner and outer bays in conjunction, illustrating the topography of the place (Fig 53). It is from here, within the property, that one sees a large area of the buffer zone laid out below, including the airport at Tivat.

Developments in the buffer zone beyond the bays and their surrounding slopes (considered above) would need to be of national infrastructure scale to affect the OUV of the property itself. The route of the proposed Adriatic expressway through the buffer zone is the most important project of this type currently contemplated, and Fig 3 shows how either of the present options would have a profound impact on elevated views across the Boka Kotorska region, as well as from ground level. New highways also tend to encourage large scale developments. More locally, the extension of Tivat airport's runway is envisaged, and with it no doubt increased terminal facilities. The existence of an extensive buffer zone in which these projects will take place should ensure that, beyond the specific issues of views of and from the inscribed area and the road and sea routes to and from it, the effects of such projects on the character of its surrounding landscape, its topographical context, are taken fully into account.

**R 35** *In planning large scale infrastructure projects in the buffer zone beyond the viewshed from the bays, their effect on the character of the landscape which provides the context for the World Heritage property should be taken fully into account. Projects should be submitted to the World Heritage for review in accordance with Paragraph 172 of the Operational Guidelines.*

*Action to be taken by: Ministry of Culture, Montenegrin Commission for Cooperation with UNESCO in cooperation with the Ministry of Sustainable Development and Tourism, Municipalities of Kotor, Herceg Novi, Tivat, Cetinje and Heritage Council.*

### 3.8 Historic building conservation

#### *Derelict historic buildings*

In general, the condition of the historic buildings in Kotor Old Town is good, but there are a few exceptions. A building on the main east-west street within the north side of the town, at the entry to Pjaca od kina, is roofless with a substantial tree growing from within (Fig 54). In passing, the mission noted several derelict along the southern shores of the bay, for example in Precanj (Fig 55), Dobrota, the Dabinović Palace (Fig 56), and was made aware of several along Gabela Street in Risan, and some in Perast (although the Mazarović and Zmajević Palaces have been roofless shells since the 19th century and might reasonably be conserved as such). We were also made aware of problems with churches above the shoreline settlements, including St Anne (adjacent to the Glavati site) and St Ann at Gornji Stoliv, high on the hill above the coast, which is an important landmark.

In any historic town or city, at any point in time, there will always be a few buildings in transition, or held by an owner reluctant to take action to bring them back into use. It would be desirable, as part of the management of the property, for the municipality of Kotor to develop and maintain a register of buildings (regardless of ownership) that contribute to the cultural heritage of the place but are 'at risk' as a result of under-use and/or decay. It would be of value both for monitoring the state of the built heritage, and as a prompt to action to persuade owners either to repair or to sell. If the register is public (as they usually are), inclusion in it may be enough to prompt action by the owner. The basic information for registered monuments already exists in the 2015 *Study on the Protection of Cultural Properties*.

The buildings we saw are all in areas where there is active investment in rehabilitation, implying a favourable economic climate in which to address the problem of bringing these buildings back into use. Incentives to do so, whether in the form of subventions to help defray the cost of specialist conservation work, or waiving charges normally imposed on development, for example for public utility connections (especially for private owners rather than corporate developments) are always helpful and may be essential if the cost of the work exceeds the value of the completed building. In some cases, for example where the problem lies in multiple interests in the property through inheritance, it may be necessary to initiate compulsory acquisition.<sup>73</sup> The starting of such a process itself often resolves the matter, but where it is necessary actually to acquire the building, having a prior agreement with a party willing and able to take on the building after acquisition minimises risk and cost to the public authority.

***R 36 Consideration should be given by Kotor Municipality to establishing a register of heritage assets at risk through decay or disuse and using it as a tool to prioritise actions to encourage and facilitate repair and re-use, including financial incentives.***

*Action to be taken by: Municipality of Kotor, Heritage Council, Ministry of Culture.*

#### *Loss of historic joinery*

There is an increasing prevalence of principally aluminium replacement doors and windows in historic buildings. Even if the pattern is superficially similar (which is not always the case), the crude and heavily-enlarged sections in a subtle way erode historic character (Figs 57-59). This is not to suggest that in buildings that contribute to the townscape rather than being registered as monuments, slim-line double-glazed units should be resisted where historic windows are past repair, nor that draught-excluding measures should not be included, but rather that historic patterns combined with some manifestation of craftsmanship would better sustain and reinforce the character of buildings.

The problem seems in part to be due to a lack of local availability of the joinery craft skills to repair historic joinery and produce appropriate replacements, which has resulted in the

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<sup>73</sup> Legislation enabling a state party to do so is required under Article 4.2(d) of the Granada Convention, which Montenegro has ratified.

widespread acceptance of modern substitutes. However, their installation by the Municipality in the City Hall of Kotor (Fig 58), and in the the Bujović Palace (c1694), now the Museum of Perast, 'one of the most beautiful buildings on the Adriatic coast' (Fig 59),<sup>74</sup> both in prominent locations, has set a particularly unfortunate public example which others now inevitably feel empowered to follow.

**R 37** *In conjunction with NGOs and other relevant organisations, training in the repair and manufacture of traditional joinery should be investigated. Its use in historic buildings should be incentivised and public authorities, including Kotor Municipality, should set an example by reinstalling it in its own buildings.*

*Action to be taken by: Ministry of Culture, Municipality of Kotor, Heritage Council.*

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<sup>74</sup> *Palaces of Boka Kotorska* (Expeditio 2009), 51.

## 4 ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY

Kotor and Perast remain 'highly characteristic and authentically-preserved small cities enhanced by architecture of great quality (...) well adapted and integrated into the landscape'.<sup>75</sup> Their general state of conservation is good, although (like the historic settlements around the bay in general), with a few buildings still very much in need of conservation, and at the level of detail marred by the blight of incongruous modern replacement windows and doors. The fortress of Perast, unfortunately separated by from the centre by the bypass, remains forlorn and in need of valorisation, and the city's waterfront marred by the clumsy development next to the Smekja Palace.

The other historic settlements around the bay and their agricultural contexts are being submerged by a tide of urban development, generally in accordance with spatial plans that envisaged the urbanisation of all but the most steep and inhospitable shores of the bay. Over the past two decades, particularly, this has been steadily obscuring and destroying, rather than continuing the tradition of, the harmonious integration of the smaller historic settlements and churches with the terraced landscape. Until the moratorium on new building permits was imposed, it had recently moved into a new phase of very dense, tall urban developments which have become the new landmarks of the bay, making many historic landmarks appear insignificant in long views. A sample of projects and proposals is documented in this report but the developments at Kostanjica stand out for their harm particularly to the setting of Perast, previously without such landscape-scale intrusions. Elsewhere cultivation or management of the terraces has largely ceased and where not developed they are becoming overgrown. This threat to integrity was noted in the SOUV; the designation of much of these areas for urbanisation in the current spatial plans must be a contributory factor, but far from the only or perhaps even the major one. Nonetheless, lifting the expectation of extensive development is now a necessary pre-condition for promoting their conservation. In summary, the utilisable landscape of the bay, the land between the sea and hills or mountains, is generally in a poor state of conservation, seriously damaged.

The mission concentrated on the land around the bay and did not have time to explore the upland areas which were in the past economically integrated with the cities. Settlements on the high limestone hills and plateau (some now deserted), and smaller utilisable areas on the high slopes, tended to be controlled by families based in the towns of Kotor-Risan Bay. This integration, and the medieval pattern of settlement focussed at higher levels, presumably justified the inclusion in the World Heritage property of a substantial area of high landscape especially to the north-west of the inner bay, far beyond the viewshed of the cities or the shores of the bay. However, it is evident that the condition of the upland settlements is deteriorating, with some wholly deserted, and the condition of the terraces and the surviving buildings, including churches and chapels, is generally poor. The church of St. Ann at Gornji Stoliv, whose tower is a landmark in the bay, is a case in point. Valorisation of the network of

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<sup>75</sup> Criterion (iv).

historic routes to and through these areas represents a significant opportunity to promote sustainable tourism.<sup>76</sup>

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<sup>76</sup> For the Austro-Hungarian roads between fortifications see eg *BokaCet 2020* (2016), Measure 24, p165.

## 5 CONCLUSIONS AND RECOMMENDATIONS

The cultural heritage of the Boka region is a fragile asset, demonstrably vulnerable to over-exploitation. The principal conservation issue facing it is the need to reset the balance between the economic pressure for leisure developments and tourism, which tends to bring short-term benefits, and the conservation of its cultural and natural heritage, which is vital to long-term economic as well as cultural sustainability. Tourism-led development is rapidly overwhelming the culturo-historic landscape and with it, the qualities that first attracted visitors, and which are crucial to a sustainable economic future based on the cultural and natural heritage of the area. Long-established spatial planning objectives are driving its destruction, objectives which are fundamentally incompatible with sustaining the Outstanding Universal Value of the property.

A system whereby spatial plans incorporate development objectives that are incompatible with conservation, and proposals in accordance with the plan must be challenged on a case by case basis by the Heritage Council or State Administration, is unfit for purpose, being both ineffective in securing the conservation of the property and unreasonable for investors. If inscription is to be sustained, the objectives of the emerging spatial plan must be radically different from its predecessors. The moratorium on new building permits has given the authorities the time and opportunity to reflect on the future direction of the region. The mission concluded, in summary, that it should be high-quality investment to the limited spatial extent that it is compatible with the conservation of outstanding universal value of the bay.

To switch to giving priority to conservation, the established planning policies promoting intensive urbanisation must be withdrawn from the emerging revised spatial plan. The mission offers detailed recommendations, summarised below, but in principle development should be confined to areas and scales that, through a process of site-based Heritage Impact Assessment, including Visual Impact Assessment, demonstrate that it can be accommodated harmoniously within the landscape without material harm to OUV, and that within utilisable areas a balance between former agricultural and developed areas is maintained. The new spatial plan must be fully aligned with the objectives of an updated Management Plan for the World Heritage property. The bypass and service roads proposed in the bay area to open up areas for development and serve the increased traffic they would generate should not appear in the revised plan, but local road improvements and the development of an integrated sustainable transport system, including boats, as already foreseen in local studies, should be encouraged.

In recommending a radical reconsideration of spatial planning policy, the Mission recognises that the established spatial plans have raised legitimate expectations by investors, which will need to be resolved by the State Party. But if the property is to remain inscribed on the World Heritage List, drastic action is needed, not least leaving Glavati and Morinj undeveloped.

Our principal general recommendations concerning spatial planning are:

*R 11 The emerging revised spatial plan for Kotor, presently under elaboration (to be integrated into a national plan) and the local detailed studies that will be subordinate to it, should give priority to sustaining the OUV of the property, establishing a balance between public and private interests in the sustainable development of the region. The current policies and allocations*

that encourage the extension and intensification of urbanisation of the inner bay must be replaced by principles guiding development pressure to places and forms that can demonstrably be accommodated without further harm to the historic and natural values of the landscape and impact to the OUV of the property, linked to the established policy of encouraging quality rather than quantity in the visitor offering.

R 12 The identification of land as being in principle suitable for development in the emerging spatial plan, and the use, scale and volumetric form of the development envisaged, should be based on an assessment of its potential impact on the OUV of the Boka landscape on a parcel-by-parcel basis. Such an approach, embracing the concept of Heritage Impact Assessment to decide the limits of capacity, is necessary to ensure that development on such allocated sites can be achieved while respecting OUV. Revision of current spatial plans needs to be co-ordinated with revision of the Management Plan, which should underpin these principles of spatial planning.

R 13 Specifically, the revised spatial plan should be based on the following principles:

- No urbanisation of steep slopes.
- Maintain existing gaps between historic settlements.
- Landmark buildings to be worthy of their location.
- Limit new development on the west side of Kotor Bay.
- Accommodate development within the morphology of the historic landscape.
- New buildings generally to respect and integrate with their local context.

R 15 The Management Plan should be revised/updated in parallel with the completion of the spatial plan, so that the two documents have mutually compatible and supporting objectives which prioritise sustaining the OUV of the property. It should be 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. The legal, administrative and institutional frameworks should be harmonised and adjusted where necessary to enable more efficient and effective management of the property.

To make this possible:

R 17 The moratorium on new construction should be maintained until the adoption of the emerging spatial plan for the Kotor area and the revised Management Plan, which will identify the limited potential to accommodate sustainable development within the sensitive landscape of the area without further negative impact on the OUV of the property.

R 18 The operational effectiveness of the Heritage Council, established as per the Law on Protection of the Natural and Culturo-Historical Region of Kotor, should be enhanced by strengthening the links between its members and their respective institutions, to improve decision-making and technical support.

R 19 The 'silence of the administration' protocol must be replaced by new protocols that will ensure and oblige the Heritage Council or responsible administration to carefully examine all

requests for building permits in protected areas, provide a response, and state the reasons which underpin and justify that response.

*R 20 Greater co-operation between the different responsible national and local institutions should be encouraged and facilitated, especially between the four municipalities concerned, perhaps by extending the remit of the Heritage Council to include advising other municipalities responsible for parts of the World Heritage property. Greater civil society involvement would be helpful.*

In relation to transport infrastructure:

*R 1 The concept of a bridge across the Verige Strait should be finally set aside. Studies should be taken forward towards a decision on a tunnel under the Strait, or alternative route(s) which avoid a bridge over the Strait, and should be submitted to the World Heritage Centre in line with Paragraph 172 of the Operational Guidelines.*

*R 2 Building on the work undertaken to date, an integrated transport plan should be developed for the Boka Kotorska region, with clear priorities and a phased plan for implementation, particularly of water transport, taking account of potentially available resources.*

*R 8 The Heritage Council, co-ordinating all the major stakeholders, should establish and maintain an integrated Disaster Risk Reduction Plan as a part of the updated Management Plan, including establishing procedures for hazardous situations.*

*R 9 The updated Management Plan should provide for comprehensive environmental monitoring of the bay by a competent body, publicly reporting annually including making recommendations to address emerging issues.*

And in relation to other conservation issues:

*R 36 Consideration should be given by Kotor Municipality to establishing a register of heritage assets at risk through decay or disuse and using it as a tool to prioritise actions to encourage and facilitate repair and re-use, including financial incentives.*

*R 37 In conjunction with NGOs and other relevant organisations, training in the repair and manufacture of traditional joinery should be investigated. Its use in historic buildings should be incentivised and public authorities, including Kotor Municipality, should set an example by reinstalling it in its own buildings.*

## 6 ANNEXES

### *6.1 Terms of reference and World Heritage Centre decision*

The World Heritage property of Natural and Culturo-Historical Region of Kotor (Montenegro) was inscribed on the World Heritage List in 1979 under cultural criteria (i)(ii)(iii)(iv) and had a minor modification to the boundaries in 2012 and 2015.

This property 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 (buffer zone 36,491 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.

Concerns have been raised since 2003 regarding the impact of the lack of an adequate management planning system on the Outstanding Universal Value of the World Heritage property, as well as the accelerated urban development and urban pressure on the property, including the Kotor-St John's Fortress cable car project, the transport connection at Verige and the tourist facility at Glavati – Prčanj. The efforts of the State Party to address the issues raised by the World Heritage Committee at its 40th session are appreciated. However, many issues addressed in previous Committee decisions and mission recommendations (2003: joint World Heritage Centre / ICOMOS mission; February 2008: joint World Heritage Centre / ICOMOS mission; March 2013: ICOMOS Advisory mission) require further progress.

At its 42nd session (Decision 42 COM 7B.26, Manama, 2018), the Committee noted the proposal to centralize the production of HIAs as a means of mitigating negative impacts of development proposals that have been submitted but considers that this measure cannot compensate for the lack of adequate legal and planning mechanisms for the overall landscape of the property. The Committee also recalled its concerns that considerable further work is needed to analyze in detail the weaknesses of the current Spatial and Urban Plans in force for the property's territory and its buffer zone, as a prelude to developing means to strengthen them (see Annex I for the full Decision).

The Committee has requested the State Party to invite a joint UNESCO World Heritage Centre/ICOMOS Reactive Monitoring mission to the property to assess its state of conservation, as well as the various reports and legal amendments that have been produced and to advise on what further work is needed to strengthen the legal and planning production of the property and its buffer zone and to coordinate its management.

The objective of the Reactive Monitoring mission is to review the overall state of conservation of the property as well as progress in the implementation of the Committee's decision 42 COM 7B.26 (see Annexe below) and previous Committee decisions and mission recommendations. The mission should provide a report that sets out recommendations for examination by the World Heritage Committee at its 43rd session in 2019.

In particular, the mission should review and assess the following key issues:

1. Assess the overall state of conservation of the property and evaluate factors and conservation issues that could potentially impact on its OUV, including particularly its conditions of authenticity and integrity;
2. Analyse the planning situation for all major construction and reconstruction projects in the property and its setting, whether proposed, approved or contracted, recalling the Committee's request to maintain a moratorium on any new construction and development activities until a complete suite of planning and protection measures are in force, ensuring safeguarding of OUV;
3. Inspect both the property and buffer zone, including particularly the Kotor-St John's Fortress cable car project, to determine which actions have occurred in view of abandoning the project to prevent any negative impact on the OUV of the property;
4. Analyse the impact or potential impact of construction projects that have been carried out or are planned within the property or in its setting, in terms of impact or potential impact on OUV, including the review of HIAs;
5. Consider the current legal, planning and management mechanisms in place for the property, its buffer zone and wider setting and, where relevant, consider other information and technical advice, including all Technical Reviews submitted by ICOMOS from 2017-2018;
6. Review the work undertaken by the State Party to strengthen development control measures including the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor, as a prelude to developing means to strengthen the current spatial and urban plans;
7. Also review progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008 and 2013 mission reports and identify those recommendations which are yet to be implemented and which remain relevant to the conservation of the OUV of the property;
8. Provide advice on short- and medium-term measures that may be required to strengthen the overall systems of protection and management for the property and its setting; and on longer-term measures to develop more targeted strategic and spatial plans together with planning tools and guidance.

The mission team should ensure that a comprehensive inspection of all parts of the property occurs and should hold working meetings and consultations with the Montenegrin authorities at national and local levels and all other relevant stakeholders, including NGOs.

Based on the results of the above-mentioned assessment and discussion with the State Party representatives, the mission team should propose recommendations to the State Party and the World Heritage Committee to improve the conservation and management of the property and facilitate finalization of the Management Plan for the property. The mission team should prepare a concise mission report in English or French on the findings and recommendations of this Monitoring mission for review by the World Heritage Committee at its 43rd session (2019). The report should follow the standard format.

*Annex: Decision: 42 COM 7B.26*

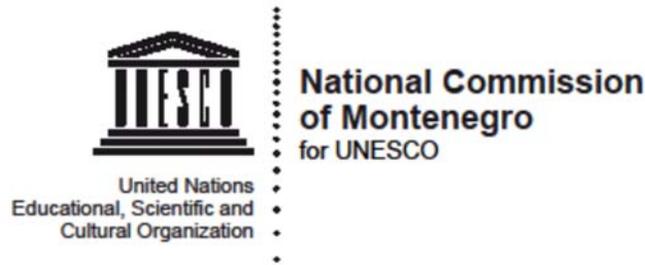
The World Heritage Committee,

1. Having examined Document WHC/18/42.COM/7B.Add,
2. Recalling Decision 40 COM 7B.54, adopted at its 40th session (Istanbul/UNESCO, 2016),
3. Welcomes the ongoing work by the State Party on legal, planning and management matters and acknowledges the work undertaken as part of the Kotor Heritage Impact Assessment (HIA) to analyse in general the weakness of the current overall protection system, and the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor;
4. Notes the proposal to centralize the production of HIAs as a means of mitigating negative impacts of development proposals that have been submitted, but considers that this measure cannot compensate for the lack of adequate legal and planning mechanisms for the overall landscape of the property;
5. Remains concerned that considerable further work is needed to analyze in detail the weaknesses of the current Spatial and Urban Plans in force for the property's territory and its buffer zone, as a prelude to developing means to strengthen them;
6. Considering ICOMOS' technical review of the HIA of the project, urges the State Party to abandon the Kotor-St John's Fortress cable car project to prevent any negative impact on the property's Outstanding Universal Value (OUV);
7. Strongly requests the State Party to maintain the moratorium on any new construction and development until a complete suite of planning and protection measures are in force to satisfactorily accommodate possible sustainable developments within the sensitive landscape of the area and prevent any impact on the cultural and landscape values of the property;
8. Also requests the State Party to complete all relevant actions in response to the Committee's previous decisions, in particular to carry out HIAs for all ongoing or planned development projects, including the transport connection at Verige and the tourist facility at Glavati – Prčanj, as well as to submit the results of the HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitments;

9. Further requests the State Party to invite a joint World Heritage Centre/ICOMOS Reactive Monitoring mission to the property to assess its state of conservation, as well as the various reports and legal amendments that have been produced and to advise on what further work is needed to strengthen the legal and planning protection of the property and its buffer zone and to coordinate its management;

10. Finally requests the State Party to submit to the World Heritage Centre, by 1 February 2019, an updated detailed report on the state of conservation of all components of the property and the implementation of the above, for examination by the World Heritage Committee at its 43rd session in 2019.

## 6.2 Itinerary and programme



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### Reactive Monitoring Mission for the World Heritage property

#### Natural and Culturo-historic Region of Kotor

October, 29th - November, 02nd, 2018

*Contact person: Milica Nikolić*

*Secretary General of the National Commission of Montenegro for UNESCO*

*[milica.nikolic@mku.gov.me](mailto:milica.nikolic@mku.gov.me) 0038269586549*

### Programme

#### Sunday, October 28th

- 14.30 Arrival at Podgorica Airport; Transfer to hotel “Podgorica”; Hotel Accommodation
- 19:00 Working dinner, hosted by the National Commission of Montenegro for UNESCO

#### Monday, October 29<sup>th</sup>

- 08:40 Departure from the Hotel
- 09:00-10:00 Meeting with the Minister of Sustainable Development and Tourism, Mr. **Pavle Radulović**, on urban planning, ongoing projects and policies and other subjects of interest;  
*Venue: Ministry of Sustainable Development and Tourism, Podgorica*
- 10:15-11:00 Meeting with the advisor to the Prime Minister, Ms. **Dragana Čenić**, on ongoing policies regarding the status of Natural and Culturo-Historical Region of Kotor, challenges within the process of HIA adoption, moratorium and other relevant perspectives;  
*Venue: Government of Montenegro, Podgorica*

- 11.00 Departure to Cetinje
- **11.30–12.15 Meeting with the Minister of Culture, Mr. Aleksandar Bogdanović**, on conducted activities, cultural policy towards the Region, challenges in the implementation of the Convention  
*Venue: Ministry of Culture, Cetinje*
- **12.15-13.45 Working lunch**, hosted by the State Secretary from the Ministry of Culture, Mr. Dražen Blažić
- **14.00-16.00 Meeting with the Director of the Administration for the Protection of Cultural Policies, Mr. Božidar Božović**, on protection challenges, urban pressure, development projects and other subjects of interest  
*Venue: Administration for the Protection of Cultural Properties, Cetinje*
- 16.00 Departure to Kotor; Accommodation in hotel Vardar
- **20.00 Working Dinner** hosted by the Mayor of Kotor, Mr. Vladimir Jokić

**Tuesday, October 30<sup>th</sup>**

- **08.30-12.00 Boat cruise** which enables whole area and extent of urban development along the coast to be seen, accompanied by:
  - Mr. Vladmir Jokić, Mayor of Kotor
  - Mr. Aleksandar Dajković, Director General for Cultural Heritage, Ministry of Culture;
  - Ms. Željka Čurović, landscape architect, Ministry of Sustainable Development and Tourism
  - Ms. Zorica Čubrović, architect conservator, Administration for the Protection of Cultural Properties
  - Bojana Petković, Head of the Secretariat for Cultural and Natural Heritage, Municipality of Kotor

*Departure: Port of Kotor; Arrival: Perast*

- **12.00-13.00 Meeting with the directors and representatives of local institutions** Cultural Centre, Local Tourist Organization and Museum in Perast, on different policies, needs and challenges connected with the tourism pressure, needs of citizens, needs of tourists and other relevant subjects of interest, with:
  - Ms. Snežana Pejović, Head of Historical Archives of Kotor – State Archives of Montenegro;

- Ms. Dragana Lalošević, on the behalf of the director of Perast Museum
- Ms. Ana Nives Radović, director of Local Tourist Organization of Kotor;
- Ms. Marija Bernard, acting director of Cultural Centre “Nikola Đurković” Kotor

*Venue: Perast Museum*

- 13:00-14.30 Lunch, offered by the National Commission of Montenegro for UNESCO
- 14.30-15.30 **Sightseeing tour of Perast**; departure for Kotor
- 16.00-19.00 **Meeting with the Mayor of Kotor, Mr. Vladimir Jokić**, on ongoing projects, urban and tourism pressure, needs of citizens, challenges in the implementation of the Convention, functioning of the Council for Management of Natural and Culturo-Historic Region of Kotor, and other subjects of interest;

*Venue: Municipality of Kotor*

- 20.00 **Working dinner**, accompanied by the Minister of Sustainable Development and Tourism, hosted by the Mayor of Kotor

### **Wednesday, October 31<sup>st</sup>**

**08.00-09.00 Meeting with representatives of Port of Kotor and Institute of Marine Biology** on cruising policies and impacts of cruisers on ecosystem of the Sea with:

- Mr. Mirko Đurović, director of Institute of Marine Biology
- Ms. Snežana Jonica, administrative director of Port of Kotor
- Mr. Branko Kovačević, executive director of Port of Kotor/Mr. Dušan Vukasović, head of legal and Compliance Department of Port of Kotor;
- Mr. Aleksandar Dajković, Director General for Cultural Heritage, Ministry of Culture;

*Venue: Institute for Marine Biology, Kotor*

- 09.15-13.00 – **Site visit** to the areas which were previously marked through the Decisions of the World Heritage Committee – *Kostanjica, Morinj and Glavati*, accompanied by:
  - Mr. Vladimir Jokić, Mayor of Kotor;

- Mr. Aleksandar Dajković, Director General for Cultural Heritage, Ministry of Culture;
  - Ms. Željka Čurović, landscape architect, Ministry of Sustainable Development and Tourism;
  - Ms. Marija Popović, Head of Kotor Department of the Administration for the Protection of Cultural Properties;
  - Bojana Petković, Head of the Secretariat for Cultural and Natural Heritage, Municipality of Kotor;
- 13.15-14.45 Lunch, offered by the National Commission of Montenegro for UNESCO
  - 15.00-16.00 Meeting with Mr. Ilija Lalošević, focal point for the Convention, with presence of:
    - Ms. Marija Popović, Head of Kotor Department of the Administration for the Protection of Cultural Properties;
    - Mr. Aleksandar Dajković, Director General for Cultural Heritage, Ministry of Culture;
    - Ms. Sofija Hajrizaj, architect conservator, Kotor Department of the Administration for the Protection of Cultural Properties;

*Venue: Kotor Department of the Administration for the Protection of Cultural Properties*

- 16.15-18.15 Meeting with representatives of relevant NGOs:
  - Ms. Aleksandra Kapetanović, architect conservator, NGO EXPEDITIO;
  - Ms. Biljana Gligorić, architect, NGO EXPEDITIO;
  - Ms. Katarina Nikolić, architect conservator, *NGO Society of Friends of Boka Heritage*;

*Venue: Kotor Municipality*

- 20.00 Dinner, accompanied by the Minister of Culture, hosted by the Mayor of Kotor

#### Thursday, November 01<sup>st</sup>

- **09.00-13.00 Site visit** to the other specific areas which appeared in the official communication between UNESCO and third parties or in the public - *Dobrota, Risan, Gornji Morinji, Gornja Kostanjica and Verige*, accompanied by:
  - Mr. Vladimir Jokić, Mayor of Kotor;
  - Mr. Aleksandar Dajković, Director General for Cultural Heritage, Ministry of Culture;
  - Ms. Željka Čurović, landscape architect, Ministry of Sustainable Development and Tourism;
  - Ms. Marija Popović, Head of Kotor Department of the Administration for the Protection of Cultural Properties;
  - Bojana Petković, Head of the Secretariat for Cultural and Natural Heritage, Municipality of Kotor;
- **13.15-14.45 Lunch**
- 15.00 Departure to Herceg Novi (Forte Mare)
- **16.00-17.00 Meeting with Mayor of Herceg Novi, Mr. Stevan Katić** on the policies and activities towards the inscription of the fortress Forte Mare to the World Heritage List and current cooperation between municipalities on the state of conservation of Natural and Culturo-Historical Region of Kotor; followed by site visit  
*Venue: Municipality of Herceg Novi*
- 19.00 Dinner hosted by the Mayor of Herceg Novi, Mr. Stevan Katić
- Return to Kotor

#### Friday, November 02<sup>nd</sup>

- 08.00 Departure to Podgorica
- **10.00-12.30 Joint meeting with all relevant representatives of local and national institutions:** Cabinet of Prime Minister, Ministry of Sustainable Development and Tourism, Ministry of Culture, Ministry of Transport and Maritime Affairs, Administration for the Protection of Cultural Properties, Municipality of Kotor - current policies and steps to be implemented in future towards the sustaining WHC Decisions  
*Venue: Ministry of Sustainable Development and Tourism, Podgorica*
- 12.45 - 14.15 Lunch, hosted by the National Commission of Montenegro for UNESCO

- 14.00 Accommodation in Hotel Podgorica
- 19.00 Dinner, hosted by the National Commission of Montenegro for UNESCO

**Saturday, November 03<sup>rd</sup>**

- Transfer to the Airport

### 6.3 Composition of mission team

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Europe and North America Unit

UNESCO World Heritage Centre

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UNESCO Regional Bureau for Science and Culture in Europe

Mr. Siniša ŠEŠUM

Head, Antenna Sarajevo

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ICOMOS:

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#### *6.4 Summary of progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008 and 2013 mission reports*

Point 7 of the terms of reference of the 2018 mission (Annexe 6.1) required it to 'review progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008 and 2013 mission reports and identify those recommendations which are yet to be implemented and which remain relevant to the conservation of the OUV of the property.' This annexe provides a brief summary of the relevant issues raised in those reports and committee decisions, broadly in the order in which they emerged, and cross-referenced to the sections and recommendations of this mission report relevant to ongoing issues.

##### **Earthquake damage and deterioration of historic buildings**

The property was placed on List of Heritage in Danger following earthquake damage in 1979 and removed after conservation assessed by the 2003 mission. That mission strongly recommended the state party 'to continue systematically the restoration work undertaken during the past 24 years, also of architecturally less important historical buildings.' This task remains incomplete (eg the Dabinović Palace) and some historic buildings are deteriorating for reasons largely unconnected with the earthquake.

***See this report, Section 3.8, Recommendation 36.***

##### **Quality of restoration work**

The quality of restoration work following the earthquake was commended by the 2003 and 2008 missions and endorsed by the World Heritage Committee in 2008. By the 2018 mission the issue of inappropriate replacement of historic joinery had become evident.

***See this report, Section 3.8, Recommendation 37.***

##### **Excessive urbanisation of the cultural landscape**

This was identified by the 2003 mission as a major risk to OUV. It recommended taking appropriate measures 'for the effective protection of the cultural landscape, which is indispensable for the character of the site'. 'The ongoing and accelerated urban development of the Kotor region' was noted with concern by the 2008 mission, and further documented by the 2013 mission. Development and associated road construction remain the principal threat to the OUV of the property. Tourist developments at Glavarti-Prčanj, Morinj and Kostanjica were the subject of specific concerns by the Committee from 2014.

***See this report, Section 3.2, Recommendations 2-4; Section 3.4, Recommendations 11-17; Section 3.6 (specific locations), Recommendations 21-30.***

### **Management Plan**

The need for a Management Plan was raised by the 2003 mission. The first plan was completed in 2007 but the lack of relationship to the spatial planning of the area and of mechanisms to deliver the plan's objectives, evident by 2008, was highlighted by the 2013 mission. The need to align spatial planning with the Management Plan was highlighted in World Heritage Committee recommendations from 2008 onwards.

**See this report, Section 3.4, Recommendations 11, 12, 15**

### **Legal and administrative provisions**

The lack of adequate legal and administrative provisions to support the objectives of the Management Plan and sustain OUV has been the subject of comment and concern by the World Heritage Committee since 2008, while acknowledging positive changes from 2012 onwards. Further improvements are necessary, particularly in relation to the Heritage Management Council.

**See this report, Section 3.5, Recommendations 18-20**

### **The buffer zone**

The definition of a buffer zone was considered urgent by the 2008 mission and requested by the World Heritage Committee in 2008 and 2009. A buffer zone was approved by the World Heritage Committee in 2015, but alignment of the spatial plans of municipalities in the buffer zone with the objectives of the Management Plan remains to be resolved.

**See this report, Section 3.7, Recommendations 31-35**

### **Transport, particularly roads**

The need for an integrated transport strategy for the region, and to reconsider, and largely to cancel, by-pass road projects embodied in the spatial plans, especially the by-pass for Kotor and Dobrota, has been the subject of numerous recommendations by missions and requests by the World Heritage Committee since 2008. These issues remain essentially unresolved save for preliminary transport studies.

**See this report, Section 3.2, Recommendations 2-5**

### **Bridge over the Verige Strait**

The World Heritage Committee first expressed concern at the emerging proposal for a bridge over the Verige Strait in 2005. Following the 2008 mission, the Committee requested the State Party to consider 'all other geographical and technical options' for an alternative. That remained the position in 2009, 2012, 2014, 2016 and 2018. An alternative option was identified in the *Coastal Plan to 2030*, but the matter remains unresolved.

**See this report, Section 3.2, Recommendation 1.**

### 6.5 Progress with the implementation of previous Committee Decisions, and the recommendations of the 2003, 2008, 2013 and 2018 mission reports

The following table provides a detailed outline of the relevant issues raised in previous mission reports and committee decisions. The x-axis shows the World Heritage Committee Decisions and missions chronologically from left to right. The y-axis represents the new topics introduced during these decisions and missions. Decisions or recommendations which relate to multiple topics are either split (indicated with “[.]”) or duplicated (indicated with a blue asterisk \*). Decisions and mission recommendations are numbered the same way as in their original texts, when applicable.

A miniature version of the table is presented below to provide an overview of the amount of decisions/recommendations over the years and which of these have been resolved (highlighted in green).

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
	1979	2002	2003	2003	2003	2004	2005	2007	2008	2008	2009	2012	2012	2013	2014	2014	2015	2016	2018	2018	
A	X	X	X	X	X																
B		X		X				X		X	X				X					X	
C			X	X					X											X	X
D			X						X	X											X
E			X			X		X	X						X						
F			X	X		X	X	X	X	X	X	X		X	X		X	X	X	X	X
G			X	X					X					X	X			X	X	X	X
H							X	X	X	X	X	X		X	X			X	X	X	X
I									X	X	X	X	X				X				X
J									X	X		X	X	X	X			X	X		
K									X			X		X	X			X	X	X	X
L									X		X			X	X		X				X
M									X												
N									X												
O									X	X		X				X					
P									X												
Q									X												
R														X	X			X	X	X	X
S														X							
T																				X	X

Legend:

World Heritage Committee Decision
(Reactive Monitoring) mission
resolved issue

State Party progress with the implementation of previous Committee Decisions and mission recommendations concerning the World Heritage property "Natural and Culturo-Historical Region of Kotor"

	1	2	3
	CONF 003 XII.46 (1979)	CONF 202 21A.17 (2002)	Joint UNESCO-ICOMOS mission (2003)
A	1) Following the recommendation of the Bureau, the Committee decided to enter this site in the List of <b>World Heritage in Danger</b> as requested by the State Part concerned.	3) Requests the mission to provide a recommendation as to whether or not the site could be removed from the List of <b>World Heritage in Danger</b> at its 27th session in June/July 2003.	2) The inclusion in the List of <b>World Heritage in Danger</b> in 1979 was motivated by serious damages caused by the devastating earthquake. The most valuable monuments and historical buildings, especially those situated in the historic centre of Kotor, have been repaired by means of qualified conservation and partial reconstruction. As the conditions for which the site was included in the List of World Heritage in Danger no longer exist, the site could now be removed from that list.
B		2) Requests the authorities to invite a <b>UNESCO-ICOMOS mission</b> to evaluate the restoration of the site and its current state of conservation.	
C			1) In spite of heavy losses caused by the 1979 earthquake and subsequent <b>urbanization</b> with the ensuing results, the Natural and Culturo-Historical Region of Kotor has maintained the substance of all values for which it was inscribed on the World Heritage List.
D			3) It is strongly recommended i) to continue systematically the <b>restoration</b> work undertaken during the past 24 years, also of architecturally less important historical buildings. [...]
E			3) [...] and ii) to take appropriate measures for the effective protection of the <b>cultural landscape</b> , which is indispensable for the character of the site.
F			4) It is further recommended to prepare, specifically for the World Heritage Site, a spatial plan of special purpose in compliance with the existing legislation. The essentials of this site <b>management plan</b> could be defined by a meeting that would gather all stakeholders. Such a Round Table should benefit from technical and financial assistance from UNESCO, which may also be invited to dispatch one or two specialists to Kotor in order to moderate the event.

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CONF 003 XII.46 (1979)

CONF 202 21A.17 (2002)

Joint UNESCO-ICOMOS mission (2003)

5) It is recommended that following the Round Table and the adoption of a site management plan, the Government appoint a **Site Coordinator** and confer upon him/her the necessary authority to enact the implementation of the site management plan.

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	27 COM 7A.27 (2003)	27 COM 8B.3 (2003)	28 COM 15B.78 (2004)
A	<p>2) Notes that the threats for which the property was included on the List of <b>World Heritage in Danger</b> in 1979, namely the partial destruction due to an earthquake, have been mitigated through professional restoration.</p> <p>7) Decides to remove the property from the List of World Heritage in Danger.</p>	<p>1) Following examination of state of conservation reports of properties on the List of World Heritage in Danger (WHC-03/27.COM/7A).</p> <p>2) Decides to remove the following properties from the List of <b>World Heritage in Danger</b>: Natural &amp; Culturo-Historical Region of Kotor, Serbia and Montenegro (27 COM 7A.27).</p>	
B	<p>1) Acknowledges the results of the international <b>UNESCO/ICOMOS mission</b> to the property providing updated information.</p>		
C	<p>3) Expresses its concern about the risks that excessive and <b>uncontrolled urbanisation</b> have on the exceptional universal value of the property.</p>		
D			
E			<p>3) Encourages the State Party to follow the phases indicated in the progress report for the development of an integrated management plan that takes into account the built heritage, the <b>cultural landscape</b> and the intangible heritage values of the property.</p>
F	<p>4) Requests the State Party to take into account the specific recommendations from the mission, in particular to prepare a <b>management plan</b> for the World Heritage area, and to appoint a property co-ordinator.</p>		<p>1) Commends the State Party and the Institute for the Protection of Cultural Heritage in Kotor for the excellent organisation of the Round Table on the development of a <b>management plan</b>.</p> <p>3) Encourages the State Party to follow the phases indicated in the progress report for the development of an integrated management plan that takes into account the built heritage, the cultural landscape and the intangible heritage values of the property.</p>

27 COM 7A.27 (2003)	27 COM 8B.3 (2003)	28 COM 15B.78 (2004)
<p>5) Endorses the proposal for a <b>Round Table</b>, to be organised in co-operation with the World Heritage Centre and , ICOMOS and ICCROMUCN, in order to include all stakeholders in the management planning.</p>		

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7			8			9		
29 COM 7B.84 (2005)			31 COM 7B.100 (2007)			Joint UNESCO-ICOMOS Reactive Monitoring mission (2008)		
A								
B			5) Requests the State Party to invite a <b>joint World Heritage Centre / ICOMOS mission</b> with natural heritage expertise to the property to examine the suitability of the proposed bridge at Verige and its impacts on the cultural and landscape values of the property.*					
C						5) The mission expressed its concern about the ongoing and accelerated <b>urban development</b> of the Kotor region. The dynamics of these transformation processes are beyond prediction and existing institutions cannot cope with it. 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 Hezeg Novi to ensure integrated planning and development processes in the region.		
D						6) The mission notes that the <b>state of conservation</b> of the historic city of Kotor is adequate with excellent <b>restoration</b> 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. [...]		
E			5) Requests the State Party to invite a joint World Heritage Centre / ICOMOS mission with natural heritage expertise to the property to examine the suitability of the proposed bridge at Verige and its impacts on the <b>cultural and landscape values</b> of the property.*			6) [...] The mission however points out that the overall <b>cultural landscape</b> 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.		
F	3) Thanks the State Party of Serbia and Montenegro for the reports provided, concerning the progress in drafting of the <b>management plan</b> for the property initiated in 2003, and the concerns about the building of the "Verige" Bridge near the entrance to the Bay of Kotor.*		3) Noting with appreciation the results of the January 2006 workshop to assist in the <b>management planning</b> process and the collaboration between the State Party, ICOMOS, ICCROM, the World Heritage Centre and the UNESCO Venice Office.  4) Acknowledging the finalization of the site management plan by the State Party in 2007.			2) The mission welcomed the draft <b>management plan</b> 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. [...]		

29 COM 7B.84 (2005)	31 COM 7B.100 (2007)	Joint UNESCO-ICOMOS Reactive Monitoring mission (2008)
<p>G</p>		<p>2) [...] 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 <b>steering group</b>, a coordinator for the World Heritage site and thematic task forces. The mission noted that none of these seem to be working actively.</p> <p>3) The mission further noted that the management system is not adequate due to the lack of a specific <b>site manager</b> (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.</p>
<p>H</p> <p>3) Thanks the State Party of Serbia and Montenegro for the reports provided, concerning the progress in drafting of the management plan for the property initiated in 2003, and the concerns about the building of the "Verige" Bridge near the entrance to the Bay of Kotor.</p>	<p>5) Requests the State Party to invite a joint World Heritage Centre / ICOMOS mission with natural heritage expertise to the property to examine the suitability of the proposed <b>bridge at Verige</b> and its impacts on the cultural and landscape values of the property.</p>	<p>1) While considering the <b>Verige bridge proposal</b>, 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.</p> <p>The mission however recommends that the following steps be urgently undertaken: [...] (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.</p>
<p>I</p> <p>J</p>		<p>1) [...] The mission however recommends that the following steps be urgently undertaken: (a) the definition and delineation of a <b>buffer zone</b> 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.</p> <p>4) The mission urges the authorities to ensure optimal coordination among different plans and <b>legal instruments</b> 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.</p>





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	32 COM 7B.101 (2008)	33 COM 7B.114 (2009)	36 COM 7B.79 (2012)
A			
B	<p>3) Noting the results of the February 2008 World Heritage Centre / ICOMOS mission to the property to examine the suitability of the proposed bridge at Verige and its impacts on the Outstanding Universal Value of the property.</p> <p>7) Requests the State Party to take into account the detailed recommendations of the joint mission. [...]</p>	<p>3) Notes the follow-up activities to the February 2008 World Heritage Centre / ICOMOS mission to the property taking into account the key recommendations concerning the proposed bridge at Verige, the adoption and implementation of the management plan, and the coordination of conservation activities and development planning for the whole area of Kotor Bay.</p> <p>4) Regrets that no coordination body has been established yet as recommended and requests the State Party to fully implement all recommendations in accordance with Decision 32 COM 7B.101.</p>	
C			
D	<p>4) Notes with appreciation the State Party's excellent conservation work and commends the State Party for cooperating with stakeholders in the conservation work.</p>		
E			
F	<p>10) Encourages the State Party to complete the management plan after having put in place adequate legal and protective measures, and appropriate resources. [...]</p>	<p>6) Expresses great concern at the proposed bypass road and associated tourist development and urges the State Party to suspend further consideration of this until a buffer zone has been established, with adequate protection, and management mechanisms have been put in place to allow full impact studies to be undertaken.</p>	<p>3) Welcomes the progress made in updating and adopting the Management Plan.</p> <p>4) Requests the State Party to submit three printed and electronic copies of the revised Management Plan, including information how the issue of tourism pressure is addressed, to the World Heritage Centre for review by the Advisory Bodies.</p>

	32 COM 7B.101 (2008)	33 COM 7B.114 (2009)	36 COM 7B.79 (2012)
G			
H	<p>7) [...] and also urges the authorities to carry out a visual impact study of the <b>Verige bridge</b> project.</p> <p>8) Also requests the State Party to carry out detailed environmental, cultural and visual impact studies in the event that other bridge or tunnel options are considered in the future.</p> <p>9) Further requests the State Party to consider all other geographical and technical options which may replace the Verige Bridge project and would eliminate negative impacts on the Outstanding Universal Value.</p>	<p>5) Welcomes that funding has been obtained to carry out the visual impact study of the proposed <b>bridge at Verige</b> with the German Technical Cooperation Agency (GTZ).</p>	<p>7) Also urges the State Party, in the light of the negative impact on the Outstanding Universal Value identified by the Visual Impact Assessment, to reconsider the idea of a <b>bridge at Verige</b>, to explore alternative means of linking the bays, such as a tunnel, improved ferry services and a by-pass road in the Kotor Bay and find appropriate solutions in consultation with the World Heritage Centre and the Advisory Bodies.</p>
I	<p>5) Urges the State Party to consider protective mechanisms including a feasibility study for a <b>buffer zone</b> to better protect the property.</p>	<p>6) Expresses great concern at the proposed bypass road and associated tourist development and urges the State Party to suspend further consideration of this until a <b>buffer zone</b> has been established, with adequate protection, and management mechanisms have been put in place to allow full impact studies to be undertaken.*</p>	<p>5) Takes note that the State Party has submitted [...] a proposal for a <b>Buffer zone</b>, as requested in the Decision 33 COM 7B.114.</p>
J	<p>10) Encourages the State Party to complete the management plan after having put in place adequate <b>legal and protective measures</b>, and appropriate resources. [...]</p>		<p>6) Notes the progress made on developing <b>legal protection</b>, but urges the State Party to develop detailed prescriptions for its implementation and for the overall coordinated management of the property.</p>

	32 COM 7B.101 (2008)	33 COM 7B.114 (2009)	36 COM 7B.79 (2012)
K			8) Highlights the continued need to put in place as soon as possible an <b>integrated spatial development plan</b> of the three neighbouring municipalities and a regional transport strategy that includes alternatives to the Verige bridge project and its associated road network and the by-pass road in the Kotor Bay and encourages the State Party to address this need, with a particular focus on the Outstanding Universal Value of the property, within the framework of the ongoing activities with regard to the development of the Coastal Area Spatial Plan of Montenegro.
L		6) Expresses great concern at the proposed <b>bypass road</b> and associated tourist development and urges the State Party to suspend further consideration of this until a buffer zone has been established, with adequate protection, and management mechanisms have been put in place to allow full impact studies to be undertaken.	
M			
N			
O	10) [...] and further requests the State Party, in consultation with the World Heritage Centre and ICOMOS, to develop a draft <b>Statement of Outstanding Universal Value</b> including the conditions of integrity and authenticity, for examination by the World Heritage Committee at its 33rd session in 2009.		5) Takes note that the State Party has submitted a draft retrospective <b>Statement of Outstanding Universal Value</b> for the property, as requested in the Decision 32 COM 7B.101. [...]
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36 COM 8B.58 (2012)	Joint UNESCO-ICOMOS Advisory mission (2013)	38 COM 7B.29 (2014)
A		
B		3) Welcomes the actions undertaken by the State Party for improving the legal and management arrangements for the property and for the implementation of the recommendations from the <b>2013 advisory mission</b> .
C		
D		
E	<p>Donner le statut de « paysage culturel » au territoire du bien afin de protéger les valeurs globales du <b>paysage culturel</b> conformément à la Loi sur les biens culturels (2010). Pour ce faire, mener au plus vite l'étude de revalorisation prévue par la Loi.</p> <p>Mettre en place un système de régimes, de prescriptions et de dispositions détaillées pour tout le territoire du bien et sa zone tampon qui puissent protéger les caractéristiques du paysage culturel global en réglementant les territoires où la construction est interdite et ceux où il est permis de construire mais dans des conditions précises et selon des paramètres rigoureux. Le système de régimes doit être adressé aux plans d'aménagement de territoire et d'urbanisme.</p>	
F	<p>Tout en appréciant le progrès avec l'élaboration du <b>Plan de gestion</b> et son adoption par le Gouvernement de Monténégro, la mission a constaté que le Plan n'intégrait pas assez la politique de conservation et le développement de la planification dans toute l'aire de la baie de Kotor, conformément aux décisions Comité du patrimoine mondial à sa 33ème session. Il est nécessaire que le Plan de gestion prévienne l'amélioration du système de régimes, ainsi que leur orientation vers les plans d'aménagement de territoire et d'urbanisme. Il doit également formuler des indications plus concrètes pour l'amélioration du système de gestion. Le Plan d'action doit prévoir un cadre financier pour l'application du Plan de gestion. Ce cadre est à garantir par le Gouvernement. Le Plan de gestion doit proposer une stratégie de gestion du processus d'urbanisation et du développement du territoire.</p> <p>Il faut améliorer le système de gestion du bien et de sa zone tampon en attachant une attention particulière aux domaines suivants : [...]</p> <p>- Assurer des moyens humains et financiers pour conduire à bien la réforme dans le domaine de la gestion. Outre ces moyens, une volonté politique de faire face aux pressions des investisseurs et promoteurs est essentielle. [...]</p>	3) Welcomes the actions undertaken by the State Party for improving the legal and <b>management arrangements</b> for the property and for the implementation of the recommendations from the 2013 advisory mission.

36 COM 8B.58 (2012)	Joint UNESCO-ICOMOS Advisory mission (2013)	38 COM 7B.29 (2014)
G	<p>Il faut améliorer le système de gestion du bien et de sa zone tampon en attachant une attention particulière aux domaines suivants : [...]</p> <p>- Déterminer le principal <b>gestionnaire du bien</b> (organisme directeur – agence), qui va appliquer le Plan de gestion et va assurer la coordination entre les acteurs, y compris la participation des trois municipalités, en coordonnant les plans relatifs au bien. Selon la mission, l'une des premières missions de cet organisme de coordination pourrait être de procéder à une relecture, partagée avec les divers autres responsables des plans d'aménagement de territoire et d'urbanisme, pour relever les incohérences à corriger;</p>	<p>4) Encourages the State Party to continue its efforts with particular attention to the following:</p> <p>a. Ensure the sustained operation and resourcing of the management system, particularly by formally designating the newly created <b>Management Council</b> of the Kotor Region as a coordinating entity between different management levels. [...]</p>
H	<p>Pour ce qui est du point critique principal de la stratégie de transport – la <b>liaison directe à Verige</b> – la mission estime que cette liaison est indispensable, car elle déchargera le réseau local autour de la Bouche de Kotor du trafic de transit et aura des effets favorables sur les riverains et sur le paysage.</p> <p>Quant aux conditions dans lesquelles cette liaison peut être réalisée, la mission émet les remarques suivantes:</p> <p>- La mission apprécie les actions menées par l'Etat partie pour élaborer un projet de tunnel, conformément aux décisions du Comité du patrimoine mondial lors de sa 36ème session. Une fois terminé, le projet de tunnel doit être présenté au CPM avec des études d'impact sur le patrimoine et son contexte.</p> <p>- La mission recommande parallèlement au travail sur le projet d'un tunnel, d'explorer d'autres moyens pour décharger les liaisons entre les baies en améliorant le réseau général de transport à la Bouche de Kotor, au sens des décisions du Comité du patrimoine mondial, notamment: grâce à des services de ferries améliorés, au développement des transports publics, non-routiers et alternatifs; à l'amélioration des routes de contournement dans la baie de Kotor, conformément aux recommandations dans le rapport de mission. Tous les projets proposés devraient être accompagnés par des études d'impact sur le patrimoine et sur l'environnement qui seraient évaluées par le Centre du patrimoine mondial et l'ICOMOS avant que toute décision de mise en œuvre ne soit prise.</p> <p>- La mission recommande également au cours de l'étude et de l'élaboration des projets, d'engager une équipe pluridisciplinaire et prendre en compte la protection des attributs qui portent la Valeur Universelle Exceptionnelle du bien et ses conditions d'intégrité tout comme celles de son contexte, en particulier les vues et l'axe visuel Perast-Verige-baie de Tivat-mer et la protection de l'environnement en tant que paramètres essentiels en termes de conception. Etant donné les caractéristiques du paysage culturel, l'endroit qui serait envisagé pour les alternatives devra être examiné avec le plus grand soin.</p>	<p>6) Requests that Heritage Impact Assessments (HIAs) be undertaken for all options for the transportation connection at <b>Verige</b>, including the by-pass road around Kotor, and that project proposals under consideration, with corresponding HIAs, be submitted to the World Heritage Centre for review prior to making commitments to their implementation.<sup>4</sup></p>
I		
J	<p>[...] Il faut améliorer le système de gestion du bien et de sa zone tampon en attachant une attention particulière aux domaines suivants :</p> <p>- Accroître le rôle des autorités de protection et faire garantir par <b>la Loi</b> la force obligatoire de leurs décisions;</p> <p>[...]</p> <p>- Envoyer au CPM une information sur les intentions en matière de gestion et sur la nouvelle Loi sur la protection de la contrée naturelle et culturo-historique de Kotor.</p>	<p>3) Welcomes the actions undertaken by the State Party for improving the <b>legal</b> and management arrangements for the property and for the implementation of the recommendations from the 2013 advisory mission.<sup>4</sup></p>

36 COM 8B.58 (2012)	Joint UNESCO-ICOMOS Advisory mission (2013)	38 COM 7B.29 (2014)
K	<p>Les <b>plans d'aménagement du territoire et d'urbanisme</b> à tous les niveaux doivent être conformes au système de régimes de prescriptions et de dispositions détaillées, en respectant les zones non constructibles et les zones constructibles dans certains paramètres et à certaines conditions. La mission réaffirme les décisions du Comité du patrimoine mondial à sa 36ème session, notamment: une attention particulière à la V.U.E. de bien, dans le cadre des activités en cours concernant le développement du Plan spatial de la zone côtière du Monténégro (Plan particulier d'affectation de l'espace littoral du Monténégro), ainsi que tous les autres plans.</p> <p>La mission estime nécessaire de disposer, pour chaque territoire, d'orientations claires en matière d'aménagement et de protection puis, sur ces bases, d'élaborer les projets de plans d'urbanisme avec des cartes précises et des prescriptions détaillées ; de veiller à l'harmonisation des divers documents de planification; d'établir une méthodologie de référence pour l'établissement des plans d'urbanisme. Cette méthodologie doit définir clairement les grands secteurs support du développement et ceux exigeant, au contraire, une protection stricte.</p> <p>La mission réaffirme la nécessité de mettre en application la décision de la 36ème session du Comité du patrimoine mondial sur la nécessité toujours actuelle de mettre en place dès que possible un plan d'aménagement du territoire intégré des trois municipalités limitrophes à l'intérieur du bien et de sa zone tampon. Le plan doit intégrer les régimes et les prescriptions de protection du bien, ainsi que les caractéristiques du paysage culturel et, sur cette base, préciser le réseau local de routes reliées aux grands corridors de transport.</p> <p>Les plans d'urbanisme ne peuvent être élaborés que par une équipe pluridisciplinaire et avec une consultation du public. Ils peuvent, évidemment, être révisés mais en suivant la même méthode.</p> <p>La mission recommande de dégager les moyens humains et financiers indispensables aux services nationaux et locaux pour mener ces actions.</p>	<p>4) Encourages the State Party to continue its efforts with particular attention to the following; [...]</p> <p>b. Continue with the harmonisation of <b>planning tools</b> to establish a clear policy framework for heritage decision-making to ensure that urbanisation and development are adequately planned for and controlled, particularly in consideration of the landscape qualities of the property;</p> <p>c. Consider the establishment of a zoning system for protection of the property, based on the Special Purpose Spatial Plan for the Coastal Area (SPSPCA), with adequate regulatory regimes that include detailed provisions regarding the acceptable limits and rate for change, particularly in terms of specific urban development parameters in consideration to the Outstanding Universal Value (OUV) of the property,</p> <p>d. Conclude the Spatial Urban Plan, including the Regional Transport Strategy, and integrate its provisions in the planning tools of all three neighbouring municipalities.</p>
L	<p>La mission approuve en principe le bien-fondé de la stratégie générale intégrée de <b>transport</b> et le réseau prévu de routes au niveau national et régional concernant le territoire du bien et sa zone tampon.</p> <p>La mission reconnaît l'importance des liaisons de transport des baies réalisées par la route Lipci-Grahovo. Elle recommande de récultiver cette route pour éviter les actuelles conséquences de l'érosion sur l'environnement.</p> <p>- Pour ce qui est des projets proposés de voies périphériques autour de la baie de Kotor au-dessus de la voies existante du littoral (le « by-pass » de Skaljari jusqu'à Ljuta et la route locale de Muo jusqu'à Stoliv), la mission recommande de prier instamment les autorités de mener une étude d'impact visuel de ces projets de routes sur les caractéristiques du paysage culturel. En même temps, la mission fait les évaluations préliminaires suivantes sur le rôle et l'impact de ces routes:</p> <p>- La mission propose, dans le contexte de la stratégie générale de transport, de considérer le projet d'un « by-pass » comme un projet local de déviation urbaine, de voie de desserte locale, déchargée d'un trafic de transit, dont le rôle n'est pas indispensable, surtout dans la perspective d'un développement futur des transports publics, non routiers et alternatifs;</p> <p>- La mission estime d'avance que le « by-pass » actuel aura un impact négatif direct et indirect sur la V.U.E du bien, qu'il tranchera dans l'authenticité et l'intégrité de certains biens (le centre historique de Skaljari, le canyon au dessus de la Škudra) et qu'il intensifiera l'urbanisation de la baie dans la partie allant de Dobrota à Luta;</p>	<p>6) Requests that Heritage Impact Assessments (HIAs) be undertaken for all options for the transportation connection at Verige, including the <b>by-pass road</b> around Kotor, and that project proposals under consideration, with corresponding HIAs, be submitted to the World Heritage Centre for review prior to making commitments to their implementation.'</p>
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36 COM 8B.58 (2012)	Joint UNESCO-ICOMOS Advisory mission (2013)	38 COM 7B.29 (2014)
	<p>La mission recommande de suspendre les projets de construction de zones de valeur à l'intérieur du bien, telles celles de <b>Morini, de Kostanjica et de Glavati</b>. Les projets relatifs aux secteurs 15 et 16 doivent être envoyés au CPM. Toutes les réalisations, prévues pour un avenir prochain, de construire les baies doivent être révisées sur la base du statut du territoire en tant que paysage culturel et des régimes de sa protection.</p>	<p>5) Encourages controlled implementation of developments in <b>Morinj, Kostanjica and Glavati</b> and requests the State Party to undertake Heritage Impact Assessment to ensure that no impact occurs on Outstanding Universal Value. The State Party is invited to submit a Heritage Impact Assessment for the Kotor Region, which is underway, to the World Heritage Centre for review prior to undertaking any further commitments.</p>
	<p>Concernant les <b>ressources humaines</b>, la mission attire l'attention sur la nécessité de répondre positivement aux demandes d'assistance technique formulées par les organes locaux, notamment dans les domaines suivants:</p> <ul style="list-style-type: none"> <li>- Elaboration de régimes, de prescriptions et de dispositions détaillées pour la protection des paysages culturels ;</li> <li>- Elaboration d'une méthodologie de référence pour l'établissement des plans d'urbanisme locaux avec le volet « protection » ;</li> <li>- Elaboration d'études d'impact visuel et d'impact sur le patrimoine d'un projet d'infrastructure ;</li> <li>- Participation aux travaux sur les transports publics, de tourisme, non routiers, alternatifs, etc.</li> </ul>	



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	38 COM 8E (2014)	39 COM 8B.47 (2015)	40 COM 7B.54 (2016)
A			
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F		<p>3) Recommends that the State Party ensure that the <b>Management Plan</b> incorporates the correct property boundary as inscribed in 1979.</p> <p>4) Also recommends that the Management Plan should integrate the relevant municipalities with responsibilities within the property area and buffer zone and coordinate their activities in relation to protection mechanisms and local traffic networks which link the main transport corridors.*</p>	<p>3) Welcomes the progress made by the State Party in strengthening the legal, planning and <b>management framework</b> of the property.</p>

38 COM 8E (2014)	39 COM 8B.47 (2015)	40 COM 7B.54 (2016)
G		4) Strongly requests the State Party to proceed with promptly finalizing the appointment and enforcement of the <b>Management Council</b> with a clear mandate to ensure effective coordination in management.
H		4) Also strongly requests the State Party to finalize the actions undertaken to respond to the World Heritage Committee's recommendations, in particular to: [...] c. Finalize the HIAs for the <b>Verige Bridge</b> and for any alternative options to it as a basis for developing the Regional Transport Strategy. [...] 7) Reiterates its request to the State Party to submit the results of the above HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitment.
I	2) Approves the proposed <b>minor modification to the boundary</b> of the Natural and Culturo-Historical Region of Kotor, Montenegro. 4) Also recommends that the Management Plan should integrate the relevant municipalities with responsibilities within the property area and buffer zone and coordinate their activities in relation to protection mechanisms and local traffic networks which link the main transport corridors.*	
J		3) Welcomes the progress made by the State Party in strengthening the <b>legal, planning and management framework</b> of the property.*

	38 COM 8E (2014)	39 COM 8B.47 (2015)	40 COM 7B.54 (2016)
K			<p>3) Welcomes the progress made by the State Party in strengthening the legal, <b>planning</b> and management framework of the property.<sup>a</sup></p> <p>4) Also strongly requests the State Party to finalize the actions undertaken to respond to the World Heritage Committee's recommendations, in particular to:</p> <p>a. Review and harmonize all <b>planning instruments</b> through a comprehensive Heritage Impact Assessment (HIA), based on the ICOMOS Guidance on HIAs for Cultural World Heritage Properties, so as to establish a clear planning / policy framework that is consistent with the need for protecting the Outstanding Universal Value (OUV) of the property and its attributes and promoting sustainable, equitable and compatible forms of development,</p> <p>b. Finalize the Study of protection of cultural properties for the Special Purpose Spatial Plan for the Coastal Area (SPSPCA), as a basis for defining land-use zoning and its related system of measures and detailed provisions, which should be founded on the OUV of the property and the characteristics of its landscape, and incorporate them into all other plans. [...]</p> <p>d. Conclude and adopt the Spatial Urban Plan for the Municipality of Kotor, in coherence with the objectives, zoning and provisions that will be elaborated for the SPSPCA.</p> <p>7) Reiterates its request to the State Party to submit the results of the above HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitment.<sup>a</sup></p>
L		<p>4) Also recommends that the Management Plan should integrate the relevant municipalities with responsibilities within the property area and buffer zone and coordinate their activities in relation to protection mechanisms and local traffic networks which link the main <b>transport corridors</b>.</p>	
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O	<p>3) Adopts the retrospective <b>Statements of Outstanding Universal Value</b>, as presented in the Annex of Document WHC-14/38.COM/8E, for the following World Heritage properties:</p> <p>Montenegro: Natural and Culturo-Historical Region of Kotor;</p>		
P			

38 COM 8E (2014)	39 COM 8B.47 (2015)	40 COM 7B.54 (2016)
		<p>6) Requests the State Party to undertake an independent HIA, in line with the ICOMOS Guidance on HIAs for Cultural World Heritage Properties, for the tourist facility at <b>Glavati - Prčanj</b> for which a Local Study of Location has been adopted, as well as for all planned, approved and begun development projects, in order to assess their impacts on the OUV of the property and its attributes.</p> <p>7) Reiterates its request to the State Party to submit the results of the above HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitment.*</p>

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		42 COM 7B.26 (2018)	Joint World Heritage Centre-ICOMOS Reactive Monitoring mission (2018)
A			
B		9) Further requests the State Party to invite a <b>joint World Heritage Centre/ICOMOS Reactive Monitoring mission</b> to the property to assess its state of conservation, as well as the various reports and legal amendments that have been produced and to advise on what further work is needed to strengthen the legal and planning protection of the property and its buffer zone and to coordinate its management.	
C		7) Strongly requests the State Party to maintain the <b>moratorium on any new construction and development</b> until a complete suite of planning and protection measures are in force to satisfactorily accommodate possible sustainable developments within the sensitive landscape of the area and prevent any impact on the cultural and landscape values of the property.	14) Heritage impact assessments commissioned for <b>large or sensitive projects</b> should include, in visual impact studies, accurate visual representations of the project in its context, and must be submitted to the World Heritage Centre for review by the Advisory bodies in line with Paragraph 172 of the Operational Guidelines.  17) The <b>moratorium on new construction</b> should be maintained until the adoption of the emerging spatial plan for the Kotor area and the revised Management Plan, which will identify the limited potential to accommodate sustainable development within the sensitive landscape of the area without negative impact on the OUV of the property.
D			In relation to <b>historic building conservation</b> , we recommend that:  36) Consideration should be given to establishing a register of heritage assets at risk through decay or disuse and using it as a tool to prioritise actions to encourage and facilitate repair and re-use, including financial incentives.  37) In conjunction with NGOs and other relevant organisations, training in the repair and manufacture of traditional joinery should be investigated. Its use in historic buildings should be incentivised and public authorities, including the Municipality, should set an example by reinstalling them in its own buildings.
E			
F		3) Welcomes the ongoing work by the State Party on legal, planning and <b>management matters</b> and acknowledges the work undertaken as part of the Kotor Heritage Impact Assessment (HIA) to analyse in general the weakness of the current overall protection system, and the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor.	15) The <b>Management Plan</b> should be revised/updated in parallel with the completion of the spatial plan, so that the two documents have mutually compatible and supporting objectives which prioritise sustaining the OUV of the property. It should be 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. The legal, administrative and institutional frameworks should be harmonised and adjusted where necessary to enable more efficient and effective management of the property.  16) In line with Paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention, the new draft spatial planning documents and draft updated Management Plan should be submitted to the UNESCO World Heritage Centre and ICOMOS for comments and feedback before adoption.  17) The moratorium on new construction should be maintained until the adoption of the emerging spatial plan for the Kotor area and the revised Management Plan, which will identify the limited potential to accommodate sustainable development within the sensitive landscape of the area without negative impact on the OUV of the property.

42 COM 7B.26 (2018)	Joint World Heritage Centre-ICOMOS Reactive Monitoring mission (2018)
<p>G</p>	<p>Specifically, in relation to the <b>Heritage Council</b> we recommend that:</p> <p>18) The operational effectiveness of the Heritage Council, established as per the Law on Protection of the Natural and Culturo-Historic Region of Kotor, should be enhanced by strengthening the links between its members and their respective institutions, to improve decision-making and technical support.</p> <p>19) The 'silence of the administration' protocol must be replaced by new protocols that will ensure and oblige the Heritage Council or responsible administration to carefully examine all requests for building permits in protected areas, provide a response, and state the reasons which underpin and justify that response.</p> <p>20) Greater co-operation between the different responsible national and local institutions should be encouraged and facilitated, especially between the four municipalities concerned, with more civil society involvement.</p>
<p>H</p> <p>8) Also requests the State Party to complete all relevant actions in response to the Committee's previous decisions, in particular to carry out HIAs for all ongoing or planned development projects, including the <b>transport connection at Verige</b> and the tourist facility at Glavati – Prčanj, as well as to submit the results of the HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitments.</p>	<p>1) The concept of a <b>bridge across the Verige Strait</b> should be finally set aside. Studies should be taken forward towards a decision on a tunnel under the Strait, or alternative route(s) which avoid a bridge over the Strait, and should be submitted to the WHC in line with Paragraph 172 of the Operational Guidelines.</p>
<p>I</p>	<p>In relation to development within the <b>buffer zone</b>, we recommend that:</p> <p>31) The spatial plans and policies for the Verige Strait and the adjacent shorelines of the Tivat Bay, on the west in Herceg Novi municipality, and on the east in Tivat municipality, be amended to ensure that any further built development is limited to areas that can be accommodated without additional harm to the character of the landscape, following the general guidance set out in R 11-13, and specifically to ensure that the unurbanized areas of the coast in and at the entry to the Strait remain so.</p> <p>32) On the assumption that the two developments flanking the southern end of the Strait noted as intrusive are legally permitted, landscaping plans should be developed and implemented to minimise their prominence in views from the Strait.</p> <p>33) The emerging spatial plans should constrain development on the south side of Tivat and Herceg Novi bays, primarily to currently-developed areas, to protect the view along the axis from Perast through the Verige Strait and the character of the southern shores.</p> <p>34) New building must respect the relationship between established settlements on the southern shores of the outer bay and their landscape context, with particular concern for views from Forte Mare which constitute a significant aspect of its setting.</p> <p>35) In planning large scale infrastructure projects in the buffer zone beyond the viewshed from the bays, their effect on the character of the landscape which provides the context for the WH property should be taken fully into account. Projects should be submitted to the World Heritage Centre and Advisory bodies to review their impact in accordance to Paragraph 172 of the Operational Guidelines.</p>
<p>J</p> <p>3) Welcomes the ongoing work by the State Party on <b>legal, planning and management matters</b> and acknowledges the work undertaken as part of the Kotor Heritage Impact Assessment (HIA) to analyse in general the weakness of the current overall protection system, and the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor.</p>	

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<p>3) Welcomes the ongoing work by the State Party on legal, <b>planning</b> and management matters and acknowledges the work undertaken as part of the Kotor Heritage Impact Assessment (HIA) to analyse in general the weakness of the current overall protection system, and the proposals for the development of a Spatial Urban Plan for the Municipality of Kotor.*</p> <p>4) Notes the proposal to centralize the production of HIAs as a means of mitigating negative impacts of development proposals that have been submitted, but considers that this measure cannot compensate for the lack of adequate legal and planning mechanisms for the overall landscape of the property.</p> <p>5) Remains concerned that considerable further work is needed to analyze in detail the weaknesses of the current Spatial and Urban Plans in force for the property's territory and its buffer zone, as a prelude to developing means to strengthen them.</p>	<p>11) The emerging revised <b>spatial plan</b> for Kotor, presently under elaboration (to be integrated into a national plan) and the local detailed studies that will be subordinate to it, should give priority to sustaining the OUV of the property, establishing a balance between public and private interests in the sustainable development of the region. The current policies and allocations that encourage the extension and intensification of urbanisation of the inner bay must be replaced by guiding development pressure into places and forms that can demonstrably be accommodated without further harm to the historic and natural values of the landscape and impact to the OUV of the property, linked to the established policy of encouraging quality rather than quantity in the visitor offer.</p> <p>12) The identification of land as in principle suitable for development in the emerging spatial plans, and the use, scale and volumetric form of that development, should be based on an assessment of its potential impact on the OUV of the Boka landscape on a parcel by parcel basis. Such an approach, embracing the concept of Heritage Impact Assessment to decide the limits of capacity, is necessary to ensure that development on such allocated sites can be achieved while respecting OUV. Revision of current spatial plans needs to be co-ordinated with revision of the Management Plan which should underpin the principles of spatial planning.</p> <p>13) Specifically the revised spatial plan should be based on the following principles:</p> <ul style="list-style-type: none"> <li>• No urbanisation of steep slopes</li> <li>• Maintain existing gaps between historic settlements</li> <li>• Landmark buildings to be worthy of their location.</li> <li>• Limit new development on the west side of Kotor bay</li> <li>• Accommodate development within the morphology of the historic landscape</li> <li>• New buildings generally to respect and integrate with their local context.</li> </ul>
	<p>2) Building on the work to date, an integrated <b>transport</b> plan should be developed for the Boka Kotorska region, with clear priorities and a phased plan for implementation, particularly of water transport, taking account of potentially available resources.</p> <p>3) The proposals for new roads to facilitate and service development along the western side of the bay (Muo, Prčanj, Stoliv, Kostanjica) should be cancelled and removed from the emerging spatial plan.*</p> <p>4) The safeguarded route for the proposed bypass for Risan should be reassessed in the emerging spatial plan, and either improvements much better integrated into the existing landscape and settlement form identified, or the project deleted.</p> <p>5) The feasibility of short tunnel options to by-pass Kotor Old Town should be explored as a medium-long term solution to traffic passing in front of the Old Town, if at grade management of traffic proves inadequate. The long bypass project for Kotor and Dobrota should be set aside.</p> <p>6) Details of the proposed cableway project linking Cetinje to Škaljari should be submitted to the WHC in line with Paragraph 172 of the Operational Guidelines.</p> <p>30) If a bypass is still considered essential for Risan if the Adriatic Highway proceeds, a less ambitious route for it related to the morphology of the settlement, or local improvements to the road network, should be explored to lessen visual impact on the landscape.</p>

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<p>8) Also requests the State Party to complete all relevant actions in response to the Committee's previous decisions, in particular to carry out HIAs for all ongoing or planned development projects, including the transport connection at Verige and the tourist facility at <b>Glavati – Prčanj</b>, as well as to submit the results of the HIAs to the World Heritage Centre, for review by the Advisory Bodies, prior to undertaking any further commitments.</p>	<p>3) The proposals for new roads to facilitate and service development along the western side of the bay (<b>Muo, Prčanj, Stoliv, Kostanjica</b>) should be cancelled and removed from the emerging spatial plan.*</p> <p>21) The urbanisation of <b>Morinj</b> proposed in the 2008 Spatial Plan should be cancelled, and future development be limited in extent and scale to small and inconspicuous areas established by HIA studies to be consistent with maintaining the remaining historic character of the place and the harmony between landscape and buildings.</p> <p>22) Previous policy for further urbanisation of the coastline between the Verige Straight and <b>Morinj</b>, including the envisaged new road, must be decisively reversed in the emerging spatial Plan, and no further new building allowed to proceed under the old plan.</p> <p>23) A mitigation plan should be prepared and implemented to try to reduce the visual impact of the <b>Boka Projekt and Boka Apartments</b> developments through landscaping, planting and potentially the principles of camouflage, to improve their relationship with their context. If it serves no essential purpose, the faux-historic tower should be removed.</p> <p>24) A limit should be placed on the 'temporary' existence of the building on the <b>Turkish Cape</b>, and the definitions within the 'Plan for setting objects of temporary character' restricted to truly temporary structures.</p> <p>25) Consent should not be given for the proposed 'tourist village' at <b>Glavati</b>, or for any other urbanisation scheme for this historically agricultural land between historic settlements, and the emerging spatial plan for the area should be amended accordingly.</p> <p>26) The emerging spatial plan should tightly constrain future development in <b>Muo, Prčanj and Stoliv</b>, so that the historic landscape character of the area remains legible. As noted at R 4, the projected 'by-pass' at the foot of the cliffs should be abandoned.</p> <p>27) The emerging detailed spatial plan for the former <b>Fjord Hotel</b> site and the conversion of the <b>Jugoceanija</b> building to a hotel should be submitted to the WHC in line with Paragraph 172 of the Operational Guidelines, and the project(s) if taken forward be subject to Heritage Impact Assessment.</p> <p>28) The existing undeveloped gap between <b>Ljuta and Dobrota</b> should be maintained. Development within Dobrota should not rise above the tree line at the base of the cliff and, given the definition of 'medium density' illustrated by the development above the Autokamp site, should, where acceptable in principle, be of low density.</p> <p>29) A heritage impact assessment for the replacement <b>Hotel Teuta</b> should be submitted to the WHC in line with Paragraph 172 of the Operational Guidelines.</p>
<p>6) Considering ICOMOS' technical review of the HIA of the project, urges the State Party to abandon the <b>Kotor-St John's Fortress cable car project</b> to prevent any negative impact on the property's Outstanding Universal Value (OUV).</p>	<p>The Mission welcomed the Mayor's decision not to proceed with the <b>cable car</b> project previously proposed to reach <b>St John's Fortress</b> from Kotor, or a tourist facility based on the fortress on Vrmac Hill.</p>
	<p>In relation to <b>sea infrastructure</b>, we recommend that:</p> <p>7) To encourage the integration of sustainable tourism and heritage conservation, the national and local authorities should:</p> <ul style="list-style-type: none"> <li>• Improve collaboration between all stakeholders and actors;</li> <li>• Develop clear integrated management mechanisms for sea traffic and associated passenger traffic within the Boka Kotorska within the updated Management Plan;</li> <li>• Implement the emerging proposals for 'waterbuses' in the bay area.</li> </ul> <p>8) The authorities, co-ordinating all the major stakeholders, should establish and maintain an integral Disaster Risk Reduction Plan as a part of the updated Management Plan, including establishing procedures for hazardous situations.</p> <p>9) The updated Management Plan should provide for comprehensive environmental monitoring of the bay by a competent body, publicly reporting annually including recommendations to address emerging issues.</p> <p>10) Details of proposed port infrastructure works and port development plan should be submitted to the WHC in line with Paragraph 172 of the Operational Guidelines.</p>