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# ***National Report*** **on Current Policy, Procedures, Legal Basis and Practice of Marine Spatial Planning in *Montenegro***



**PAP/RAC**  
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**Note:**

This report is based on the Terms of Reference (TOR) provided by the Priority Actions Programme Regional Activity Centre (PAP/RAC) of the Mediterranean Action Plan (MAP). Considering the fact that sea-use planning is actually a new spatial planning instrument in the planning practice in Montenegro, but also a previously identified need, the report presents in short the physical planning system, current legal solutions and the present practice of the overall physical planning in Montenegro. The report also emphasises the current initiative in these areas, as well as the ideas or attempts to establish the system and develop the practice of sea-use planning in Montenegro.

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# 1. General Description of the Spatial Planning System in Montenegro

## 1.1 Physical Planning Evolution in the Country

In the period after World War II, physical planning in Montenegro was developing as part of the overall planning system of the Socialist Federal Republic of Yugoslavia (SFRY), which, again, represented one of the basic characteristics of socialism. A specific feature of the Yugoslavian socialism was self-governance. Self-governance included a maximum involvement of planning “subjects” in the decision-making process, which distinguished the Yugoslavian socialism from the centralist systems of eastern countries (“real” socialism). In the legal-formal way, a maximum of public involvement was ensured through the adoption of plans.

In the late 60s (in 1969), drafting of the Regional Physical Plan for the South Adriatic was initiated, which included the south coastal part of Montenegro. Within this Plan, the General Urban Plans with the elements of the Coastal Spatial Plan for the coastal towns and Municipalities were drafted. Based on these plans, a greater number of detailed urban plans for the central town zones or new tourist settlements were adopted. The overall project was developed in co-operation with the UN (HABITAT/UNDP).

It can be said that during this period the physical planning practice was significantly improved in Montenegro. A body in charge of drafting this Plan was the Republic Bureau for Urbanism and Projecting – as a central expert institution in the Republic.



By enacting the 1974 Constitution, the system was significantly decentralised. Municipalities – local communities were “authorised” to make decisions on all development relevant issues, enacting plans for the social-economic development and physical plans based on them. Physical plans were divided into development and regulatory plans.

After a disastrous earthquake on the Montenegrin coast in 1979, a Project YUG 104/79 was launched (The Republic Physical Plan with Municipality Physical Plans and General Urban Plans) in co-operation of the SFRY Government and UN (HABITAT/UNDP). This Plan represented a United Nation's pilot project in the domain of aseismic planning. It is a general assessment that with this plan, the Republic Physical Plan achieved a high level of integration of the social and economic planning. Also, the plan determined a strategy being element of environmental protection.

The adoption of the plan was a responsibility of legislative authorities also in socialism (the Parliament) so the plans had the power of the law. Development plans were the basis for physical development policy management and the regulatory ones for carrying out the administrative procedure. At the beginning of the 90s, there was a change in the social arrangement from a socialist to a market-oriented system – capitalism. The Law on the Social Plan and social planning was annulled in 1992. The issue of defining and official determining the base (terms and development goals) for the area of planning and spatial management remained open. The base for the physical structure planning in the physical space became the declared commitment instead of the officially agreed documents. On the other hand, the general social crisis in the country degraded the plan determination, and the lack of order in administration resulted in numerous unplanned and illegal spatial interventions.

During that time, in Montenegro, the sea and the narrow coastal area with coastal infrastructure had the character of a public domain for general use and they were owned by the state. According to the Law on maritime domain from 1992, a Public Enterprise was established with the task to govern this space.

## **1.2 Planning Framework and Institutions**

Physical planning and development system in Montenegro is regulated by the Law on physical planning and development. The current Law was enacted in May 2005. This Law regulates the fundamentals of physical planning and development, types, contents and procedures for preparing and adopting planning documentation; requirements for the preparation of planning documents and their enforcement; monitoring of the implementation of the provisions of this Law, as well as other issues relevant to physical planning and development.

Physical planning means formulation of the purposes and use of land, preparation and adoption of planning documents, as well as monitoring of their implementation. Development means shaping of an area according to the purposes set out in the planning document.

The planning document shall prescribe the adequate organisation, purposes and use of land, as well as guidelines for development, protection and improvement of land. The planning document shall have the character of a public document. Planning documents shall be harmonised with each other, whereas the planning documents of the smaller territorial units shall be harmonised with the planning documents of the wider territorial units in relation to the prescribed use of land and the development concept. In cases when planning documents are not harmonised, a planning document of the wider territorial unit shall be applied.

Physical planning and development must comply with special regulations governing the domain of environmental protection, cultural, historical and natural heritage, soil, air, forests, waters, health, as well as protection of energy, mining and industrial facilities, prevention of and protection against industrial hazards, infrastructure facilities and communications, protection of sports and tourists facilities and other objects of special purposes and their infrastructure. Documents regulating the area of physical planning and development are divided into those that refer to monitoring the physical space condition and the ones that plan the physical development (plans).

Land-use monitoring involves establishment and maintenance of records with documents on land-use, preparation and adoption of reports on physical planning, preparation and adoption of physical planning and development programmes, as well as establishment and maintenance of an IT system on land-use. The basic documentation on land-use shall include: data significant for use of space; analyses and studies of space; geodetic – cadastre, topographic,

morphological, geological, seismic, hydrological, pedological, and climate data; cadastre of underground installations and other strata and analyses regarding suitability of the terrain, endangered and pathogen zones, zones of possible industrial hazards, as well as a graphic layout of the current state of spatial development with the analysis and evaluation of the state of environment. It also contains the analysis of implementation of spatial development documents; records of requests (applications) and needs of the space users, records with data about structures, records of structures built contrary to planning documents, etc.

Once a year, the responsible state administration authority and the competent local self-governance authority shall prepare the report on development and land-use for the parliament responsible for the adoption of the planning document. This report contains specifically: the analysis of enforcement of planning documents, assessment of the measures implemented and their impact on land-use management, assessment of the protection of value of land and environment, assessment of the expressed needs of the space users, as well as other elements relevant for the areas of land for which the report is being prepared.

The Parliament of the Republic of Montenegro adopts a five-year programme of physical planning and development and local assemblies adopt five-year and one-year programmes of physical planning and development. The Government of the Republic of Montenegro adopts a one-year operational programme of physical planning and development.

The Programme of physical planning and space development contains the assessment of the need for preparation of new, or for changes and amendments of the existing planning documents and measures relevant for the preparation and adoption of those documents. The Programme is adopted on the basis of the development and land-use report. The Programme also defines a space development schedule (dynamics), sources of financing, deadlines for development, operational measures for implementation of the planning document, and other measures for implementation of the development policy and planning documents. Legislative authorities are still responsible for enacting of physical plan, which means that state planning documents are enacted by the Republic Parliament and the plans on Municipality – local level, by Municipal assemblies. Besides the existence and practical functioning of individual bodies and institutions on a regional level, Montenegro doesn't have a formal regionalisation in terms of official – systematic division into regions as administrative – spatial units.

Realisation of plans is delegated to executive government departments. In that sense, physical plans serve to the government departments for policy management in area of physical space development and utilisation and, at the same time, for carrying out of administrative procedure (issuance of authorisation for performing jobs which inflict permanent physical changes to the space). Administrative procedure of first instance is carried out by local self-government executive bodies, except for the objects of Republic significance (all the industry buildings and those that have the surface larger than 1,000 m<sup>2</sup> or more than four floors), for which the administrative procedure of the first instance is within the ministerial department as well as the complete administrative procedure of the second instance. According to this division, the responsibility of inspection control is also divided. The identified in accordance of system solutions is in relation to the Law on local self-government and the Law on physical planning and development. In other words, the first one foresees that the administrative procedure of the second instance is carried out by the main administrator on the local self-government level, and the latter by the responsible ministry.

The preparation of physical plans is entrusted to executive bodies and to the Ministry for State Plans, and the preparation of municipal plans is entrusted to local authorities. Drafting of plans

doesn't have a character of special significance activity, therefore, in the public bidding process it is entrusted to companies registered for that kind of activity and possessing a licence from the responsible ministry. Persons authorised by the ministry responsible for physical planning and development can take part in the process of drafting these plans.

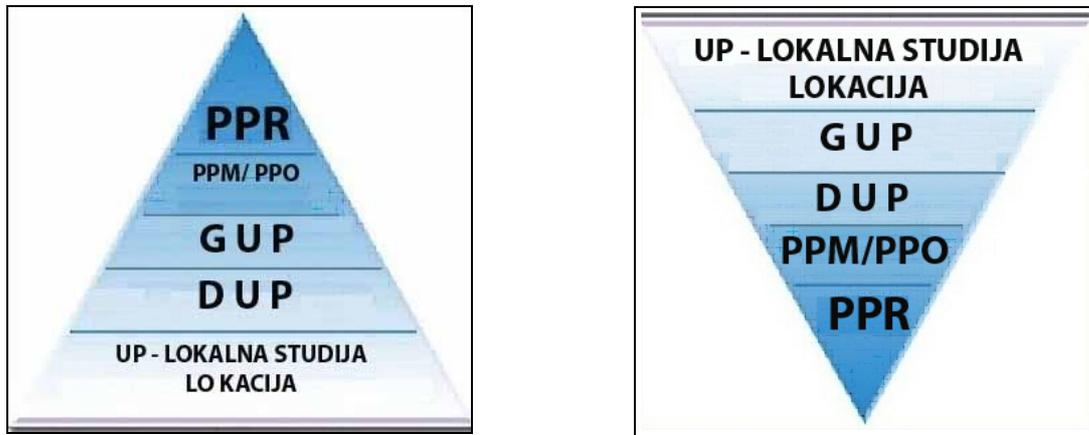


Figure 1: Hierarchy of the Planning Documents in Montenegro Planning System

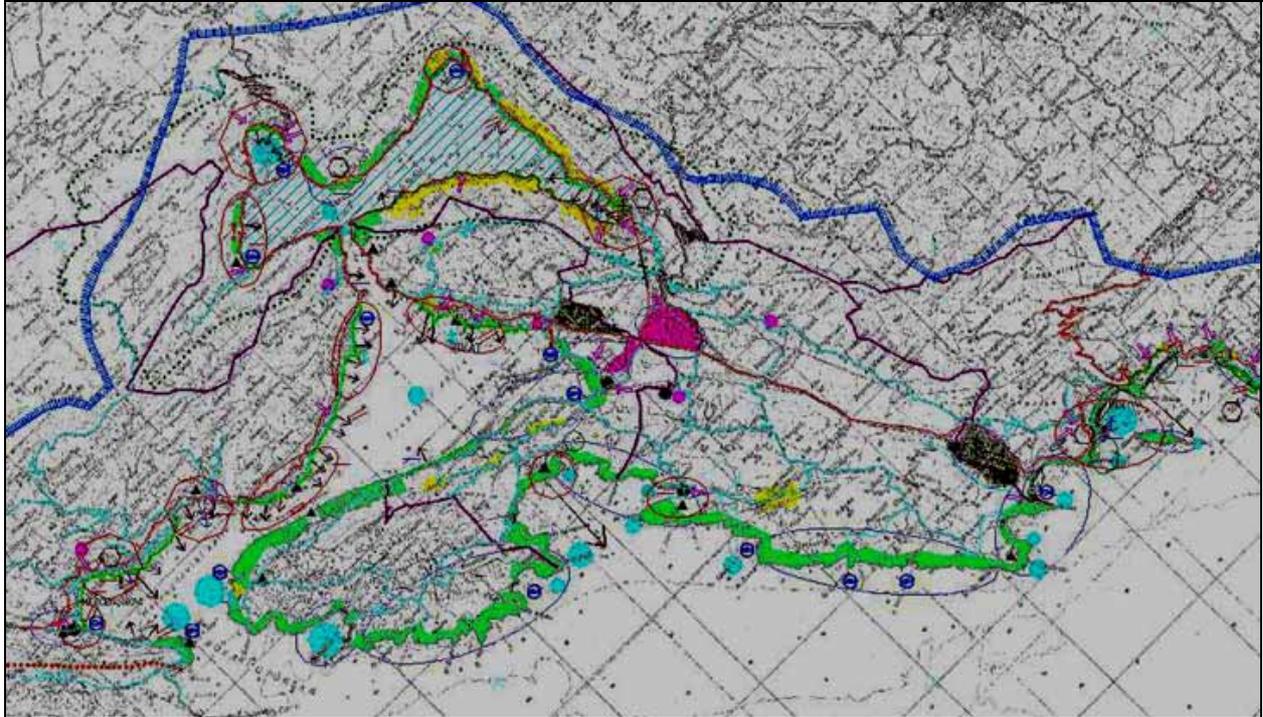
Law on physical planning and development divides planning documents into state and local planning documents. State planning documents are as follows: 1) Spatial plan of the Republic; 2) Spatial plan of a special purpose area; 3) Detailed spatial plan; and 4) Study of a location.

Adoption of the Spatial plan of the Republic and Spatial plan of the special purpose area is mandatory. Spatial plan of the Republic defines state objectives and measures of development in conformity with the overall projected economic, social, environmental, cultural and historical development of the Republic.

The **Spatial plan of the Republic** includes specifically: the policy of use of land and development of functions and economic activities in the Republic; elements of the long-term policy of spatial organisation, plans of the basic infrastructure systems and basic technical systems and the manner of their integration with the infrastructure systems in the surrounding area; elements of natural and cultural heritage protection; strategic environmental impact assessment (SEA), elements of protection of an interest for national defence; elements of prevention and protection against natural and industrial hazards; areas and modalities of cross-border and international co-operation in the field of physical planning; guidelines for the preparation of spatial plans of smaller territorial units, identification of areas of high significance to the Republic; guidelines and measures for the implementation of the plan; areas and zones of public interest; concession areas; and methods, phases and schedule of implementation.

The **Spatial plan of a special purpose area** shall be prepared and adopted for national parks, coastal zone, natural reserves, recreational and tourist areas, monumental sites, exploitation sites where superficial exploitation of mineral raw materials is carried out, etc. The spatial plan of a special purpose area shall include specifically: boundaries of the area for which the plan is being prepared; excerpts from the spatial plan of the Republic; assessment of the current state of development and land-use; the status and directions of development in relation to the immediate surrounding; regimes of development and land-use and zone boundaries as per these regimes; measures for the protection of cultural heritage; measures for the protection of landscape values; Strategic Environmental Impact Assessment (SEA); requirements for construction, development, use and protection of land; other measures and requirements which correspond to the needs and characteristics of the purpose of the area for which the plan is

being prepared; the guidelines and measures for implementation of the plan; areas, zones, locations and structures of public interest; concession areas; methods, phases and implementation schedule; and criteria and guidelines for the construction, i.e. reconstruction of buildings and execution of works in areas for which study of a location is adopted.



**Figure 2: Example of Spatial Plan of a Special Purpose**

A **Detailed spatial plan** shall be prepared specifically for: a large infrastructure of regional significance (regional and arterial highways, railroads for public transportation, airports for public transportation, power generating plants over 10 MW long-distance power lines and power substations with 110 kV and over); industrial, storage and free zones; concession areas; areas designated for building of tourist settlements and resorts; recreational, health and similar facilities; and areas along the lake and river banks and other shorelines.

For the areas within the scope of a spatial plan of a special purpose area, which are not elaborated in detail therein, a study of a location may be adopted. The **Study of a location** defines requirements for construction, i.e. reconstruction of buildings and execution of works in the area covered by the Spatial Plan of a special purpose area. The Study of a location shall include specifically: borders of the area for which it is adopted; a detailed specification of the purpose of the space; urban-technical requirements for the construction of buildings; construction and regulatory lines; plan of infrastructure networks and roads, and guidelines for the construction of infrastructure and communal buildings; levelling and regulatory solutions; points of connection to the traffic routes, infrastructure networks and communal facilities; guidelines for the urban and architectural development; and Strategic Environmental Impact Assessment (SEA). The Study of a location contains a wider analysis of urbanisation of the area at the level of the general concept of space use and infrastructure systems, in accordance with the contents and level of development of the general urban plan.

Local planning documents are as follows: 1) Spatial plan of the local self-governance unit; 2) General urban plan; 3) Detailed urban plan; 4) Urban project; and 5) Local study of a

location. The adoption of the **Spatial plan of the local self-governance** unit and the General urban plan for the centre of the local self-governance unit is mandatory. The general urban plan defines objectives and measures of spatial development for the centre of the local self-governance unit. The general urban plan can also be adopted for other settlements within the territory of the local self-governance unit. The general urban plan can be adopted as an independent local planning document or as part of the Spatial plan of the local self-governance unit.

**The General urban plan** shall include specifically: boundaries of the area for which the plan is being prepared, marked on maps or in topographic-cadastral plans; an excerpt from the Spatial plan of the special purpose area; excerpts from the Spatial plan of a local self-governance unit; an assessment of the current state and a projection of the physical organisation and development with the definition of approximate needs and opportunities for land use; description of the purpose of land with the adequate graphical presentations; guidelines for the development and spatial organisation and guidelines for the preparation of detailed urban plans and urban projects; a projection of an infrastructure systems network and other investment structures; plan of the traffic routes with connections to traffic communication lines of a broader area; a plan of hydro-technical operations and a communal facilities network; fundamentals of the public facilities network; the green area planning document; a plan of reconstruction and/or restoration of old parts of a settlement; a plan of seismic micro zoning; urban measures of protection against natural and other hazards; measures for the protection of the cultural heritage; measures for the protection of objects and spaces being of interest for the national defence in the territory of that settlement; guidelines for a phased development and implementation of the plan; a basic concept and parameters of housing construction; Strategic Environmental Impact Assessment (SEA); criteria and guidelines for construction, i.e. reconstruction of buildings and execution of other works in areas for which the local study of a location shall be adopted; and criteria and guidelines for construction and reconstruction of structures and carrying out works in the areas for which the general urban plan has not envisaged adoption of a detailed urban plan or urban project.

**A Detailed urban plan** defines the requirements for construction, i.e. reconstruction of buildings and execution of works in the settlements within the spatial plan of the local self-governance unit and the general urban plan, in a way, which secures implementation of those plans. The Detailed urban plan shall be adopted for all settlements or parts thereof as specified in the Spatial plan of the local self-governance unit or the General urban plan. The Detailed urban plan shall include specifically: boundaries of the area for which the plan is being prepared, marked in topographic-cadastral plans; recording of the current development state on cadastre blueprints; an excerpt from the Spatial plan of a local self-governance unit or from a general urban plan with the purpose of land, principles and guidelines for the related area; a detailed description of a purpose of space; a draft plan of urban plotting; a development index and an occupation index; urban-technical requirements for the construction of buildings and development (type and height of structure, maximum number of floors, size of urban plot); construction and regulatory lines; routes of infrastructure networks and traffic routes and guidelines for the construction of infrastructure and communal facilities; levelling and regulatory solutions; points of connection to traffic routes, infrastructure networks and communal facilities; Strategic Environmental Impact Assessment (SEA); guidelines for urban, architectural and landscape shaping of the space; and similar. The Detailed urban plan for the areas for which the General urban plan has not been adopted shall contain the general concept of purpose of the space and urban development of the space, in accordance with the content and level of preparation of the General urban plan.



The adoption of **the urban project** for a settlement and parts of a settlement, as well as for other areas registered as cultural heritage, shall be mandatory. The urban project shall contain all the elements of a Detailed urban plan and design solutions for buildings.

For the areas within the scope of the Spatial plan of a local self-governance unit or the General urban plan, for which preparation of a Detailed urban plan and Urban project has not been envisaged, the **Local study of a location** may be adopted.

Planning document preparations shall commence subject to the decision of the Government or the executive body of a local self-governance unit. The decision of the preparation of a planning document shall be passed on in accordance with the Programme referred to in Article 14 of this Law. The decision of the preparation of a planning document shall determine specifically: the type of the planning document; the territory or area comprised by the plan; a manner of funding; the time period for which it is passed on; deadlines for the preparation of the document; and basic guidelines from the plans of broader territorial units, etc., and the necessity for the open competition according to article 30 of this Law.

The Terms of Reference (TOR) defining the basic principles of the planning document represent an integral part of the decision to elaborate a planning document, as well as the needs and requests of the space users, expressed in the report on the development and use of land. The decision to elaborate a planning document, together with the TOR adopted by the executive authority of the local self-governance unit, shall be submitted to the responsible state administration authority. The decision to elaborate a planning document shall be published in one printed medium, with the seat in the Republic, as well as on the web-site of the entity in charge of preparatory activities.

The Spatial plan of the Republic and the Spatial plan of a local self-governance unit shall be drawn on the maps at scales of 1:100,000; 1:50,000 or 1:25,000. The Spatial plan of a special purpose area is drawn on the 1:25,000-scale map and on topographic-cadastral plans of 1:2,500 and 1:1,000 scale for the zones for which a detailed elaboration is prepared. The Detailed spatial plan shall be drawn on the maps at scales 1:25,000; 1:10,000; and 1:5,000 and topographic-cadastral plans at scales 1:2,500 or 1:1,000. The Study of a location shall be drawn on the maps at scales 1:10,000 and 1:5,000 and topographic-cadastral plans at scales 1:2,500 and 1:1,000.

The General urban plan shall be drawn on the maps at scales 1:10,000 and 1:5,000 or topographic-cadastral plans of scale 1:2,500. The Detailed urban plan is drawn on topographic-cadastral plans of scales 1:1,000 or 1:500. The Urban project shall be drawn on topographic-cadastral plans at 1:1,000; 1:500 or 1:250 scales. The Local study of a location shall be drawn on maps at scales of 1:10,000; 1:5,000; and on topographic-cadastral plans at scales of 1:2,500 and 1:1,000.

The State and local planning documents shall be drawn on maps and topographic-cadastral plans in a digital form (on a CD), and shall be presented on maps and topographic-cadastral plans in an analogue form drawn on paper, and shall be updated and identical in content. Analogue forms of geodetic-cadastral plans on paper surface must be updated and notarised by the Republican administrative body responsible for surveying, cadastre, and registration of the real-estate ownership rights.

### **1.3 Transparency**

Everyone has the right to be informed, in accordance with the law, about the preparation and adoption of the planning document, to give initiatives, opinions and in other ways participate in the affairs related to physical planning and development. Everyone has the right, at the entity in charge of preparatory activities, to have an insight into the decision on the elaboration of the planning document and the Terms of Reference (TOR), as well as to give opinions on their content.

The Government or the executive body of a local self-governance unit shall submit the draft planning document for public discussion. The public discussion shall last 15 to 60 days from the day of its announcement. The body in charge of preliminary activities is obliged to draw up a report on public discussion including all remarks and suggestions submitted in the course of the public discussion.

The Development Council, that is, an expert authority, shall examine the report on public discussion and make an expert assessment of the acceptability of remarks and suggestions from the report. The body in charge of elaboration of the planning document is obliged to incorporate in the draft planning document all proposals and opinions contained in the expert assessment.

The body in charge of preliminary activities shall enable all the interested parties to get an insight into the report on public discussion and performed expert assessment of the planning document, and it shall publish the report and the expert assessment on the web-site. Planned decisions can be challenged at the Constitutional court in the sense of following the legal procedure while the adoption of the plan, or the change and amendment of the plan, can be initiated at the responsible Parliament.

### **1.4 Development Control**

The basic spatial purpose and organisation is defined by Republic spatial and urban plans. Hierarchical harmonisation of plans is defined by the law, in a way that the lower level plans (of lower spatial coverage) must be in accordance with the plans for wider territorial units. The space of forests and waters is run according to Forest industry, that is, Water industry basis.

For the areas in which the construction is foreseen (building ground) the adoption of regulatory – detailed plans is mandatory, or the plans of a higher level contain a detailed examination. Based on the urban plan or spatial plan with a detailed examination, a decision is issued on a

location for construction of objects or more precisely for interventions, which inflict permanent spatial changes.

The decision on location and UTR (Urbanistic-Technical Requirements) contain all-important parameters for construction of an object and physical development of an urban parcel. Based on this decision, a project is drafted and its accordance with the plan (approved location) is determined by the responsible body for urbanism and construction.

### 1.5 Land Policy in Relation to Coastal Zone

In Montenegro, the National Strategy for Integrated Coastal Area Management is in the phase of adoption. This document will for the first time formally define the border of the Coastal Area.

It is anticipated that the coastal area should cover the space of 6 municipalities based on their administrative borders except for the part of space in the Municipality of Bar that is located in the hinterland of the coastal-mountain chain and does not belong to the slopes turned to the sea. Traditionally, this space (the proposed space in the Draft) is considered as the coastal area in Montenegro.

Within this space, a special zone has always been the public maritime domain that is legally defined as a public space for general use and as a special purpose area. According to the Law, the Public Enterprise for Coastal Zone Management (*JP Morsko dobro*) is the owner of this space while the executive function in terms of adopting the plans, issuing licences and approvals, inspection, etc. is under the competencies of the local and state bodies.



**Figure 3: Coastal Area of Montenegro**

The Law determines the public maritime domain as a space comprising: the sea coast, ports, moles, shipways, piers, shoals, bathing spots, cliffs, reefs, springs and spas on the coast, deltas of rivers flowing into the sea, channels connected with the sea, sea and territorial waters, living and non-living world in them and in the surrounding continental zone, as well as part of the land that by its nature serves the purpose of using the sea for marine transport and sea fishery and for other purposes related to the sea. On the land, the border of the maritime domain is defined as a line that is at least 6 m far from the line that the biggest waves reach during the worst weather conditions.

Since the public maritime domain cannot be sold, the Public Enterprise for Coastal Zone Management (*JP Morsko dobro*) is authorised to rent this space in order to realise plans and programmes adopted by the relevant bodies. Renting the space of the public maritime domain is a type of concession. Out of income generated from renting, the Public Enterprise invests

money into protection, improvement, construction and development of the coast – of the public maritime domain.

On the other hand, through the public-private partnership between the Public Enterprise for Coastal Zone Management (*JP Morsko dobro*) and contractors – users of the maritime domain, 20 million euros were invested in the coast development so far. This partnership is first of its kind in Montenegro and represents a pilot project.

In the land policy, in Montenegro, there are no specificities and differences between the coastal area and other parts of the state. In the earlier period, in tourism coastal zones, e.g. Budva Riviera, the restrictive policy regarding construction of vacation houses was conducted. Actually, regulations prevented construction of such facilities in tourism zones. The situation completely changed in the period of development crisis and general social crisis at the end of the last century, and the construction of housing facilities for market sale became a leading type of construction on the whole coast transforming tourism zones into settlements for temporary living, i.e. seasonal living.

## **1.6 Urban-Rural and Transport Policy in Planning**

In the socialist period, fast industrialisation was followed by an excessive urbanisation process. This process resulted in an increased population number in the cities and in almost complete abandonment of rural areas. A rush development of tourism on the coast in 1960s resulted in a migration of residents from the hinterland, i.e. the coastal villages and from the continental parts of the Republic, which in turn contributed to the excessive construction in certain coastal zones. Later on, a demand for construction locations along the coast and in the wider coastal zone particularly increased. It can be concluded that the number of demands for construction exceeded the number of locations foreseen for construction according to the current plans. This applies both to tourism and housing constructions.

The over-ambitious development plans were completely realised, but the funds that should have followed construction and development of settlements were not sufficient to fulfil the needs generated by the construction. However, in the period that followed, the society succeeded in ensuring a high urban standard and communal services for new settlements so that every tourist settlement disposed over a complete infrastructure, which cannot be said for other housing and urban zones. The issue of insufficient public services and undeveloped infrastructure has been especially pronounced in the last 15 years.

At the same time, no investments were made into already constructed infrastructure systems in terms of reconstruction or maintenance. In conclusion, it is necessary to ensure resources to cover “a debt to the earlier period”, as well as resources for construction of supporting infrastructure for the facilities being under construction.

In Montenegro and especially in its coastal area, the transport system is the basis of development, as all types of traffic networks are far below the appropriate quality and capacity standards. The transport in the coastal region relies almost exclusively on the Adriatic highway that in its significant length actually represents city streets. The relative traffic isolation of the coast from the continental part of Montenegro and its surroundings, which is due to coastal and mountain chains, is partly overcome by the railway Belgrade – Bar and by the two transversal highways: from Bar and Budva to Podgorica and Cetinje, as well as by the highways whose construction is under way (i.e. Risan – Niksic and Herceg Novi – Trebinje). A significant improvement in the traffic network was done by the construction of the Sozina tunnel located on the highway Bar – Podgorica, and by the construction of the three tracks at some parts of the

above-mentioned highway. The Airports of Podgorica and Tivat are of special importance for the traffic connection of the coastal part with the surroundings, especially for tourism development.

The marine transport is mainly based on the cargo seaport of Bar, international tourist ports of Budva and Kotor and smaller cargo ports of Risan and Zelenika. The coastal marine transport has almost lost its importance and is functioning only as a local tourist transport in the summer season. The planning system in Montenegro does not pose specific procedural or technical requirements for the planning in the coastal zone or in the marine area.

## **1.7 Environment Protection and Planning**

At the end of 19<sup>th</sup> century, the Decree on the Protection of the Rain Forest in Biogradska Gora, the so called “The Ban of the King Nikola”, was adopted. The Law on Physical Planning and Development from 1979 included the Decree as the obligatory part of the spatial and urban plans' contents as an example of environment protection measures. Due to the fact that the plans were created according to the basic studies and analyses that had been prepared prior to the plans' creation and adopted in the scope of a procedure that required the maximum involvement of the public in the decision-making process, it may be stated that the plans in the system of integrated planning comprised the obligatory content which today is known as Strategic Environmental Impact Assessment (SEA) and Environmental Impact Assessment (EIA). Such systematic solutions within the Law were consistently implemented in the Project YUG 104/79 (Spatial Plan of the Republic, Coastal Spatial Plans – I and General Town Plans). It has been generally concluded by relevant institutions and experts that those plans were a successful example of integrated planning that included the environment protection component.

In practice, four areas in Montenegro have been legally protected as national parks of which two are under the protection of UNESCO, namely, the river Tara Canyon as the natural world heritage and the Kotor – Risan Bay as the natural, cultural and historical heritage. Spatial plans anticipate protection of the Prokletije mountain as an internationally recognised national park (procedure is under way) and Sutjeska, which should gain the same status, as well as a few regional parks such as Orjen.

In the domain of cultural heritage protection, four old cities on the coast have been listed as the protected national historical centres (Ulcinj, Bar, Kotor and Herceg Novi), as well as the historical centre of Cetinje. Some individual objects and sites have been listed as protected monuments of cultural heritage.

The established system of environment protection and especially protection of monuments of cultural heritage by Law and above-mentioned plans, was of great significance in practice and especially during the reconstruction following the catastrophic earthquake on the coast in 1979. Today, current Laws, apart from the obligatory environmental protection component and protection of historical monuments and monuments of cultural heritage, define the obligation of introducing EIA for all constructions that could jeopardise the environment, while for the plans with a bigger scope of work SEA is obligatory. All constructions at the locations of monuments of cultural heritage need to be approved by the relevant bodies and institutions. The approval is necessary even for the projects aiming to intervene on these monuments.

## **1.8 General Review of the Coastal Area Planning**

The described system of physical planning and development in Montenegro is specific in comparison with other countries. Namely, in Montenegro, preparation and adoption of the

Spatial Plan for the Public Maritime Domain should be legally regulated. There is no difference between spatial plans for the Public Maritime Domain and land-use plans.

Interventions in the aquatorium and coastal area (coastal lines) are not dictated by spatial plans. The only exceptions are the ports and harbours that represent significant engineering facilities. In spite of the formal possibility and even obligation to include the aquatorium in spatial plans, the planning documents have so far not included any decision related to this part of the space. This means that the sea use and the activities implemented on the sea are in compliance with the special sectoral programmes and decrees of certain areas. The same is with defining navigable lines and the regime of coastal navigation, determination of the aquatorium of the ports, harbours, shipyards, anchorages, etc., which comes within the competence of the port authorities and the Ministry of Maritime Affairs and Transportation, and is regulated by the Law on Coastal Navigation.

Fishery, as well as determination of the zones and locations for mariculture, is regulated by the Law on Marine Fishery, being within the competence of the Ministry of Agriculture, Forestry and Water Management. Water resources management is defined by the Law on Waters for which again the Ministry of Agriculture, Forestry and Water Management is responsible.

The offshore archaeological localities, historical monuments and monuments of cultural heritage are protected by the Law on Protection of Monuments of Cultural Heritage, and are within the competence of the Ministry of Culture. In Montenegro, there is a Republic Bureau for the Protection of Monuments of Cultural Heritage and the Regional Institute for the Protection of Monuments in Boka Kotorska Bay.

The military-hydrographical institution is responsible for hydrography of the sea. The Republic Hydro-Meteorological Institute and the Institute for the Biology of the Sea have competence in marine research and monitoring.

## **1.9 Estimation of and Comments on Advantages and Shortcomings**

In general, the quality of physical planning and development in Montenegro, as well as the Spatial Plan of the Republic together with the plans for smaller territorial units as called then "The Constitution on Space" of Montenegro, prepared by two big campaigns by the end of 1960s and 1970s, have been assessed as of high quality. Actually, the entire system of socio-economic development and physical planning and development was directed towards the official goals of the socialist society. The experiences gained from the two above-mentioned projects contributed greatly to a nowadays successful planning practice in Montenegro.

The planning needs used to be monitored by the Republic Bureau for Urbanism and Projects Design and by few smaller, Municipality centres – departments. Local communities, getting bigger and simultaneously more significant, had experts who monitored the implementation and realisation of the plans.

The spatial development system operated through the self-governed interest communities that were organised at the Republic and local level. These communities had at their disposal funds for the construction and spatial development.

Decision-making related to spatial development and construction of facilities and harmonisation of these two issues on technical level was conducted as in all other systems. This means that urban plans were the basis for defining and issuing construction licences required prior the fulfilment of defined urban norms and special standards.

Plans respected the planning practice standards (and environment protection) and the public was included in the decision-making procedure on their adoption. The expected outcomes of such a system failed, however, due to the inefficiency of the socialist system and state ownership. The inefficient economic system could not provide adequate spatial planning and development, because of fast urbanisation and migration of population from the hinterland to the cities and coastal zones.

The additional problem in Montenegro was loss of adequate management – control in the period of social crisis at the end of the last century. A huge number of unplanned and illegal objects covered entire city zones. This construction and usurpation of space generated the additional pressure on infrastructure and spatial planning and development requiring significant social costs.

As to marine planning in Montenegro, there are general rules contained in the laws and by-laws on the use of the sea, but there are no specific spatial plans for the given area. Therefore, today the regime of sea use is determined through annual – temporary programmes, and not through permanent sea-use plans. The absence of an integral document (until the National Strategy for Integrated Coastal Area Management is created) makes difficult the co-ordination of activities of a large number of institutions from the republic and local levels and different sectors that have jurisdiction in this area.



## 2. Specificities of Coastal and Marine Spatial Planning

### 2.1 Main Problems, Issues and Conflicts Related to Coastal Zone Use

The coastal area in Montenegro is actually the most developed region. Turbulent past and clashes of three civilisations, as well as rich natural diversities of certain parts in this region, influenced diversities in tradition, culture, the way of using the space, organisation and overall development that can be seen today.

As for the space use, tradition has left the inheritance of urban settlements and smaller, mainly, fishermen villages along the coast and characteristic Mediterranean villages located in the very hinterland. There are six protected urban sites (i.e. the old town of Ulcinj, Bar, Budva, Kotor, Perast and Herceg Novi) that dominate this area, together with some hundred villages that preserved engineering heritage, with olive trees and southern agriculture plant species.

Today, significant parts of the coast make urban city zones and suburban settlements. For the residents, the coast represents a potential for the development and construction of buildings and settlements. However, development and construction are recipients of negative impacts.

Intensive urbanisation process and population concentration in this zone generate conflicts. Namely, on one side, there is a need to promote coastal tourism, maritime affairs, fishery, etc. together with preserving the public maritime domain and environment protection. On the other hand, the space is used for communal services in the over-crammed settlements in the hinterland together with the pressure of beneficiaries from the immediate contact-zone to privatise parts of the coast. They are solving the waste-water problem by discharging the waste-water directly into the sea.

The long and rich naval tradition on the coast, especially in Boka Kotorska, Kotor and Perast, interwoven with the most active Mediterranean region, enriched the culture and left a trace in the heritage. Kotor and Risan part of the Boka Bay is on the UNESCO list of protected natural and cultural world heritage. In addition, there are four historical places in the area that are protected as urban sites and numerous individual monuments of cultural heritage, archaeological localities and natural heritage sites. Because of the obligation to preserve natural and cultural heritage (immovable monuments) and tendency to use the space to fulfil the needs of current living, problems and conflicts related to space use arise.

Not so long ago, the geo-strategic position was conditioned by significant military presence in this area, which resulted in a large number of military complexes, ports and fortifications along the coast and in its immediate hinterland. They have been since transformed into tourist locations and resorts. The first industrial activity was related to the naval industry, e.g. graving docks. In the period of the industrialisation following the World War II, intensive construction of industrial facilities started in the coastal area. This construction was mainly located in Kotor and its surroundings. There were few plants in Kotor, graving-dock in Bijela, etc. while in the remaining part of the coastal area only few plants for medicine and agriculture products processing were built. A huge move towards reorganisation of the space was done in 1980s, by replacing this industrial complex from Kotor and from the protected part of Boka.

Considering the ecological sensitivity of this area and the narrow coastal space, especially in the Boka Bay, industrial activities created conflicts (i.e. danger from pollution, over-crammed space, jeopardised landscape, etc.). In the same context, conflicts remain, because of the

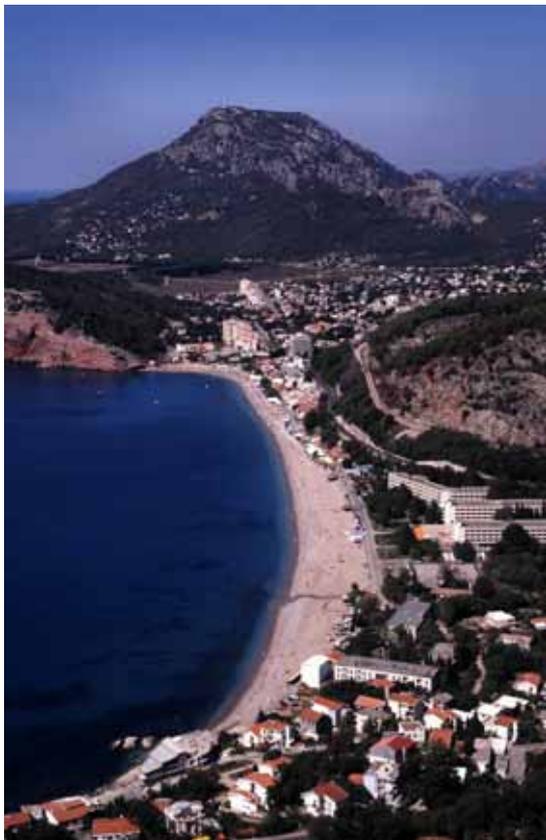
existing ports, especially cargo ports (Bar, Risan and Zelenika), as well as because of warehouses zones and oil reservoirs at the coast.

It may be said that until the beginning of a more intensive tourism development, which happened in 1960s, the coastal area was an agricultural area with a few significant urban sites and ports. The tourism development was followed by a more intensive construction of hotels and tourist settlements with the supporting infrastructure. The biggest infrastructure project at that time, in 1964, was the construction of the Adriatic highway along the coast. Besides being a dominant contribution to the development and increase of living standards, tourism development was accompanied by certain problems, too. The seasonal multiple increase of coastal population made it difficult to organise and maintain communal order. Traffic crowd, together with difficult communication in the entire area was also a big problem. The pressure the bathers exerted on the beaches and organised services changed the natural environment.

Development in the coastal area created also conditions for the increase of population with saturation of certain zones. Over-construction was not followed by adequate infrastructure facilities so conflicts arose with regard to the need for better living standards.

The most visible problems today are those related to infrastructure. The road network is not satisfactory in terms of connection of the coastal area with its surroundings, as well as within the area and even within a certain zone – between the cities and their immediate surroundings. The lack of space is especially emphasised in relation to parking lots in all urban zones.

The lack of water supply systems recognised has since long been solved at the planning and project design level. The construction of a regional water supply system that will permanently solve the water supply issue in the coastal area is still to be done. Also, the lack of the waste-water management system and waste-water treatment facilities is an obstacle to be overcome if further development of this area is desired. Flowing of waste-water through drainage pipes directly into the sea poses a very big problem on the coast, especially in Boka.



Besides the already existing ports, harbours, and individual small moorings, the so called “pontas and mandraci” located along the coastal strip, there are new requirements for the berth of navigation ships and yachts. These requirements are again in conflict with the needs of tourists and residents for a bigger space for beaches and bathing. The problem would also be disappearance of space for berth and fixing of fishing boats.

The coastal navigation is intensively developing, as well as the tourist ships sailings, especially in the summer season. This calls for a more precise definition of navigable lines and anchors, as well as for a consistent respect of the traffic regime in certain zones. In the last few years, fish and shell farming has started followed by certain supporting facilities. All these activities should be regulated in terms of planning taking into account other purposes of the coastal area. Pollution, mainly in industrial zones at the coast and in the zones without sewage systems, limits the possibility of a good quality valorisation.



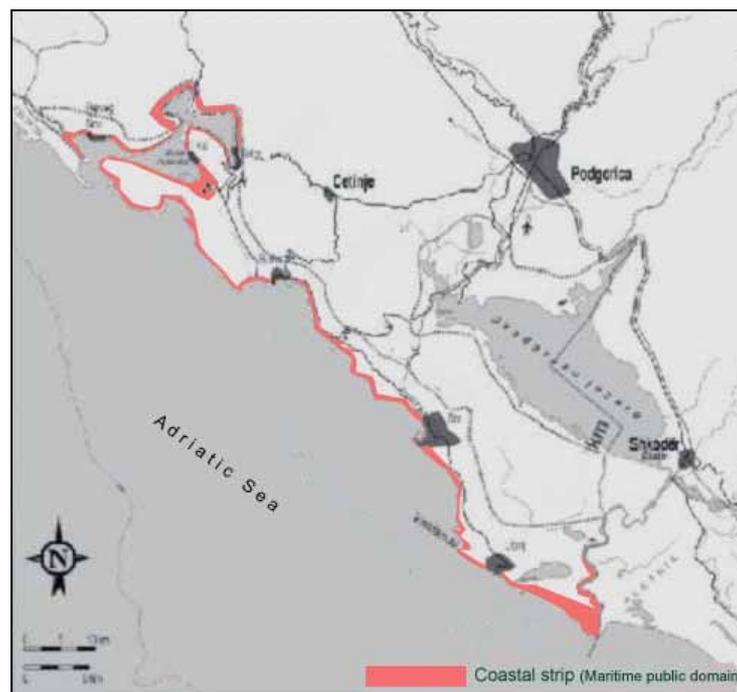
Although about 30 beaches in Montenegro are Nature Protected Areas (NPA), the protection of marine areas of special natural values has been neglected proposed as underwater areas of exceptional natural values. Besides, there are many underwater locations that need to be protected by law in order to preserve the cultural and historic heritage (i.e. shipwrecks, flooded settlements, etc.). Finally, there is a need for the protection of certain marine areas in the framework of MPA management.

The Solila wetland, settled along the coast in the Municipality of Tivat, represents the unique wetland area and specific habitat that has not yet been officially protected. The Solila wetland occupies approximately 100 ha of the land and sea area and is actually consisting of the deserted salt fields of the old salt factory. This is an important habitat of halophyte vegetation, wetland birds and other flora and fauna. There was no intensive development in the surrounding area, which allowed the specific wetland ecosystem to develop and remain practically untouched.

The coastal area is characterised by high diversity of species, habitats and landscape. The ecosystems are distributed mosaically, especially in the coastal hinterland. According to data available, more than 120 plant species, about 55 invertebrate species, about 30 amphibian and reptiles species, more than 220 bird species, and more than 37 mammal species are registered in the coastal strip. The terrestrial and marine biodiversity is characterised by numerous species located within a small area, but with a relatively low abundance. Rare and endemic species with limited range of distribution are also present here, such as the Skadar Oak, and some unusual associations, such as the *Andropogoni – Nerietum*. The Ulcinj area (beach hinterland, Stoj, Solana, swamps – “knete”, and Sasko lake) is particularly important as a valuable biodiversity area in Montenegro. Presently, the value of ornitofauna and natural wetland habitats in this area is appreciated as it was in the past.

## 2.2 The Management and Use Issues of the Montenegrin Public Maritime Domain (*Morsko dobro* Zone)

In 1992, the Parliament of Montenegro adopted the Coastal Zone Law, according to which the Coastal Zone (public maritime domain) encompasses a dry land belt, territorial sea, and all living and non-living resources within it. This zone is recognised as a specific area of exceptional importance for the Republic of Montenegro. Based on the provisions of this law, guidelines for the use, protection and management of the coastal zone have been developed. Furthermore, this law proposes establishment of an institution (Public Enterprise) to manage the coastal zone in a manner proposed by the law. However, the provisions of this Law are broad, ambiguous and insufficient to set up the sound coastal management strategy at the local and state level.



**Figure 4: Land Part of the Public Maritime Domain**

The Public Enterprise for Coastal Zone Management in Montenegro (*JP Morsko Dobro*) was formed in 1992 and is organised as a self-financing institution, making income from renting of the coastal zone parts (beaches, temporary locations, etc.). The income is re-invested in the reconstruction, building, protection and improvement of the coastal infrastructure, according to the Annual investment plans adopted by the Government.

One of the main activities of the Public Enterprise is beach management. Before the 1992 Coastal Zone Law, beaches were considered as public spaces for general use but with no clear obligation to maintain them. The protection of the coast and beaches was under the jurisdiction of local municipalities, and their up-keep was done only occasionally. The exception were the beaches managed by hotels and tourist resorts, which, however, were considered semi-private. After constitution of the Public Enterprise for Coastal Zone Management, a new and active approach to the beach management was done by renting of the beach areas according to specific agreements and contracts, while the rent funds were directly applied to the maintenance of the beach area.

According to the 1992 Coastal Zone Law, bathing areas are divided into: 1) organised and constructed in a way that they need to fulfil all the defined conditions for the organisation of bathing spots (marking, safeguard, towers, toilets, beach umbrellas, showers, etc.); and 2)

natural wild bathing spots that are used by bathers consciously, as well as bathing spots that are partly arranged with some of the beach equipment.

According to the same Law, all bathing areas are under state ownership, which guarantees a free access to both citizens and tourists. Due to this, putting fences or any kind of prevention of free use of beach and bathing spots, whether of the already existing or newly built objects, is not allowed.

Anchors serving as moorings represent, at the same time, specially built parts of the coast that were used for mooring of the ships for the local naval traffic. In 1967, the aforementioned traffic stopped to function. With the exception of the port of Kotor, there are 11 such anchors in the Kotor municipality.

Small moorings, the so-called “pontas and mandraci”, represent a specially impaled water space used for mooring of small boats. In engineering sense, they represent the ambience and architectonic specificity of Boka Kotorska. The existing “pontas and mandraci” are of different size and capacities. With time and due to the earthquake in 1979, the majority of these objects were damaged and a significant number is in a poor state or completely demolished.

In certain parts of Dorota, Ljuta, Mua and in some other settlements in Kotor-Risan Bay, the old and new small moorings – “pontas and mandraci”, were built continuously. Now, they occupy a considerable part of the coastal line, preventing development of new beaches and bathing spots or using the coast for some other purposes. The users – “owners” of these objects use these places as their “own” bathing spots, which jeopardises the public character of the public maritime domain.

Until 1957, maintenance of these facilities was the responsibility of the Naval Administration from Kotor. Since then, maintenance of these places has been transferred to interested users – citizens. For a certain number of “pontas and mandraci”, there was no interest and such objects are in the poorest state.

Taking into account the capacity of the existing small moorings, and the number of registered boats in this area, it can be clearly seen that the demand for mooring is much bigger than supply. Besides the increase of tourist accommodation capacities and intensification of tourist development, the demand for a free space on the coast, especially bathing spots has rapidly increased.

In the past decade, the above-mentioned movements have increased the interest of citizens and investors to revitalise “pontas and mandraci”, as well as to construct the new ones. On the other hand, however, there are more requests for building new bathing spaces for tourists. The next huge problem is their consecutive arrangement so that in certain zones the use of this space for other purposes, e.g. as public bathing areas, is prevented.

The owners of houses on the coast are interested in ensuring small moorings – “pontas and mandraci”, or a bathing spot just for their own needs. As such built objects are small, they cannot receive all interested users, so that the users (investors) from the neighbourhood enjoy the privilege of using their own “private” coast.

The problem has not been adequately solved by valid urban plans. The Spatial Plan of the Public Maritime Domain, based on which the Location Study and/or the Programme of Development and Construction of Coastal Infrastructure will be done, has not been adopted yet. In such a situation, relevant municipal bodies authorised for issuing of reconstruction approvals for the existing “pontas and mandraci”, should design the Programme for Necessary Interventions on Existing Objects, expecting at the same time that the plans aiming to resolve this issue entirely, will be adopted very soon.

## 2.3 Pressures on the Marine Area in Montenegro

The dominant economic activity in the coastal area is tourism, which is at the same time the largest „user” of the coastal space. The development of tourism since 1960 until today turned the coastal area into an immigration area. Several developmental crises from that period onwards caused the exodus toward the coast, while the real estate market liberalisation added to the intensive building in the remaining free locations.

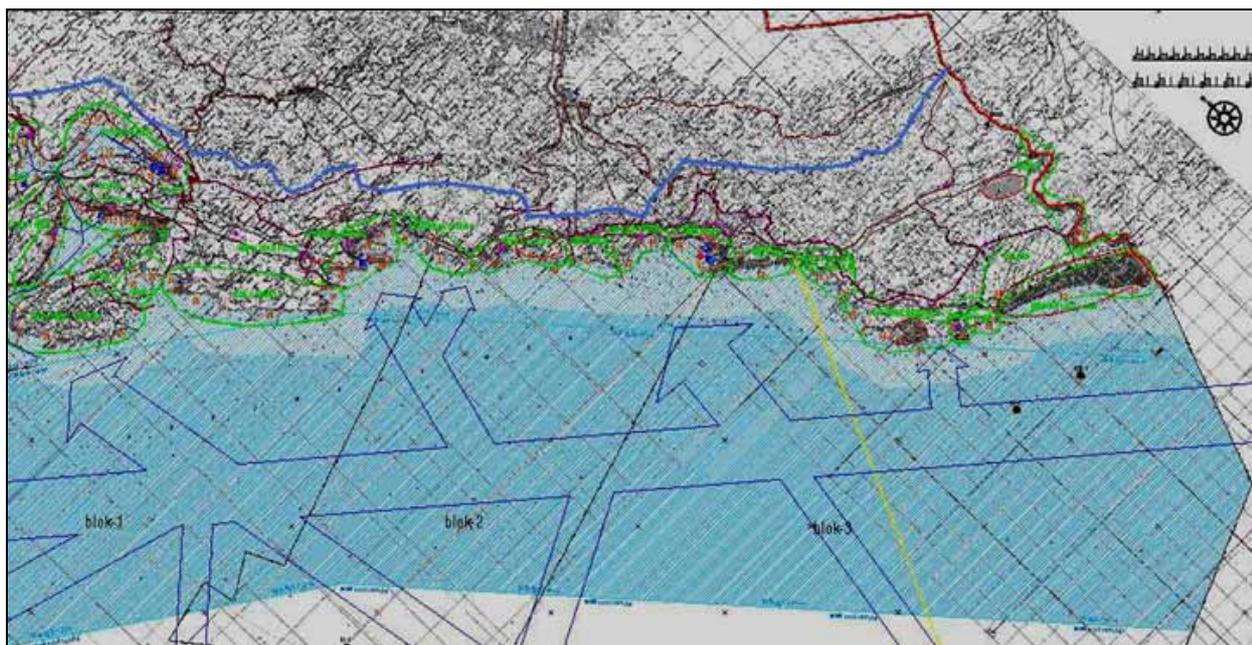
The number of „seasonal” users of the space (tourists) has already reached the carrying capacities of natural beaches, or even overpassed them. In the next period, it is expected that the building capacities will grow in the coastal area. The industry and other generators of “pressure” on the marine area are not of a larger extent, and have recently been reduced due to the change in use of locations and capacities. The basic problem – the pressure on the sea and on the coast (primarily beaches) is discharging of waste-waters from the settlements and tourist facilities directly into the sea, or through large underwater outlets built in the previous period in the area of Budva, Bar and Ulcinj, which are in a very poor condition now. This is a key source of sea pollution today.

Tourist pressures on the coast caused the artificial remodelling of the area, threatening the natural landscape. The conflict on the marine and coastal part is created – tourist activities degrade the natural ambient of the sea and of the coast, which is the basic potential for tourism development. The marine aquatorium suffers from the pressure created by by-products of tourism activities on the coast, as well as from the intensified activities on the sea, such as mariculture, coastal traffic, ports, moorings, and recreational activities generating conflicts among each other.

## 2.4 Planning in the Coastal Area

In April 2007, the Spatial Plan for the Public Maritime Domain was adopted as a Special Purpose Plan by the Parliament of Montenegro. As defined by the Coastal Zone Law, this plan covers: a specific coastal zone – the public maritime domain, including the territorial sea, submarine zones, the sea bed and all relevant resources (app. 2,628 km<sup>2</sup>); the entire Montenegrin coastline, which with its 313 km or 90 km of air length is the shortest part of the Adriatic coast; and a part of dry land (app. 60 km<sup>2</sup>), defined according to the Law. The purpose of this plan is: substantial use of the area which represents the greatest and most important asset of the Republic of Montenegro; a realistic evaluation of natural and man-made resources of the Montenegrin part of the Adriatic; creation of a coastal development strategy; and a detailed definition of the purpose of the coastal area, which would enable the rational use of the space, as well as the protection and preservation of the coastal environment.

The area of the Public Maritime Domain covers a narrow coastal strip and a much wider sea area. However, during the past period, most of human activities were concentrated on the coastal land. A large number of users and various activities (ports and harbours, ferry traffic, yachting, surfing, water sports, fishing, aquaculture, offshore oil and gas exploration, salt-pans, ship-building and repairing zones, industrial and tax-free zones, tourist facilities, infrastructure) on both sea and land led to severe conflicts and urban and ecological problems. Due to inadequate and extensive urbanisation and development of tourist, industrial and other sites, the environment of the coastal land was degraded and the quality of natural resources and ambient deteriorated, representing a limiting factor for the further coastal area development.



**Figure 5: Spatial Plan for the Public Maritime Domain as a Special Purpose Plan**

By now, coastal issues have been defined by the National Spatial Plan, Spatial plans for 6 coastal municipalities and by the lower level municipal plans, but the sea was neglected. The preparation of the Spatial Plan for the Public Maritime Domain as a Special Purpose Plan implied the use of all strategic, developmental, planning and programming documents of the Republic, as well as of the municipalities situated within this area, and applying the concept of sustainable development, scientific technology and the planning mechanisms used for such specific purposes world-wide. It is necessary to stress that there is no experience in coastal area planning in Montenegro. Former evaluation of the coastal area was insufficient and fragmentary, and for the first time, a complex and integral research was carried out for the purpose of identification of all resources, potentials and limitations in the coastal zone. At the same time, this is the first spatial plan in Montenegro that takes into account the sea area of Montenegrin territorial waters. The time span of this plan as the long-term strategic document is the year 2020 – the aimed period by the end of which a revision (or an estimation) of the plan should be conducted.

While preparing spatial planning of an area such as the Public Maritime Domain in Montenegro, the specific characteristics that make this area unique and of special importance for the Republic were taken into consideration. Namely:

- Intensive human activities and interaction of physical, biological, socio-economic, cultural and other processes in this area;
- Interrelation of maritime, land and river system which make the zone of maritime domain ecologically sensitive area where changes in one natural system result in consequences to another natural system;
- Exceptionally attractive area for settlement and human activities;
- Unique characteristics and their multiple purpose, due to which it is necessary to ensure a public approach to and use of maritime domain of Montenegro; and
- Maritime domain undergoes a constant and dynamic process of morphological, scenery, ecological and other changes, such as: urbanisation, economic exploitation, coastal processes, natural disasters, climate change and sea level rise.

Since the coast within the maritime domain of Montenegro is a limiting factor due its unique characteristics (the needs and development potentials of economic activities and other human activities in the maritime domain are larger than the spatial capacity allows), the planning was guided by the following principles:

- To extent a public access to the maritime domain;
- The area encompassed by maritime domain should mainly be used for the activities of public importance, as well as of particular importance for the Republic;
- The area within the maritime domain should be designated only for economic activities, which cannot be performed in the locations outside of the maritime domain (nautical tourism, ports, mariculture, etc.);
- In defining the area for human activities development within the maritime domain, the priority should be given to economic activities representing the strategic economic development of the Republic and Local Administrations, and exposing the maritime domain resources to a minimum risk;
- To recognise the need to preserve the integrity of the coastal system and its implication of limited use of coastal resources;
- To develop integrated management strategies that allow for a multiple use of coastal resources in which the activities are complementary, for the sake of a more efficient spatial protection;
- Due to the complexity and sensitivity of the natural system, as well as to the constant pressure of human activities in the maritime domain, it is necessary to eliminate all economic and other activities that pollute, degrade and perturb natural and man-made assets and ecological balance;
- To ensure the use of maritime domain in accordance with its natural capacities, as well as a long-term protection of the coastal area in relation to direct economic interests;
- To involve the local population in the planning process, so as to ensure the efficient use and protection of the coastal zone; and
- To envisage the necessity of applying an integrated approach to the management of this area so as to ensure protection and security of the maritime domain.

## **2.5 Estimation of and Comments on Advantages and Shortcomings**

Throughout the whole coastal zone, the problems are basically generated by over-concentration of population and activities along the coastline. The result is a saturation of certain zones, and the linear development along the coast, which endangers the rational use and effective development of the area. The state of the public maritime domain is currently better than before, but this area is overloaded with problems, such as: sea water pollution; disarranged coastal infrastructure; distortion of the public regime for the use of coastal parts; and the lack of planning documentation for the key development zones, or the lack of complete solutions for the coast in the current urban plans.

The aquatorium and the associated coastline are the recipients of negative influence of the activities on land, so the conflict in different land uses on the coast, as well as the problem of marine pollution is pronounced in certain areas. In that sense, the priority is to eliminate or reduce the negative influence from the hinterland, as well as to define the land use in accordance with the carrying capacity of the area through defining precisely bathing areas, docks, and coastal infrastructure. Also, it is necessary to determine the sea use of the aquatorium, and at least eliminate certain activities from the zones in which they are creating conflicts. Based on the Sea-use Plan, the regime of the sea use should be set up.

### 3. Integrated Coastal Area Management

#### 3.1 Concept of Integrated Coastal Area Management (ICAM)

*ICAM is a dynamic, continuous and flexible process of resource management and represents the foundation for the sustainable development in coastal areas. It is a multidisciplinary approach to resolving issues, participation of all the relevant bodies and integration of relevant sectors, institutions and administrative levels.*

Intensive activities are taking place in coastal zones, generating land-based pollution, degradation of coastal and marine ecosystems and excessive utilisation of natural resources. Ecological problems are caused by intensive development of industry, tourism, agriculture and forestry, marine transport, fishery, exploitation of mineral resources, construction of the coastal infrastructure and discharging of waste-waters into the sea.

Construction of various facilities and entire cities on the coast caused permanent changes in the coastal landscape, such as: degradation of coastal ecosystems; occupation of parts of the coastal area that could have been used more properly; a limited public access to the coast; construction of facilities at the very coast; coastal erosion and loss of beaches. Coastal towns are the main polluters of the coastal sea with drainage system discharging waste-water directly into the sea, and emitting noise and dangerous gases.

Besides occupying the most precious parts of the coast, industrial development causes negative impacts on the coastal and marine ecosystems and generates solid waste materials that are often regarded as very dangerous. Intensive tourist activity pressures construction of the basic and supporting infrastructure on the very coast, causes degradation of coastal values being of importance for tourism development. Natural landscapes are now degraded by the construction of large hotel complexes located at the most attractive locations. Although marine transport is a necessary economic branch in all countries having access to the sea, it is also the greatest polluter and a global problem. Fishery, as well as exploitation of other sea organisms and mineral resources also jeopardises the natural balance of coastal ecosystems.

Since the above problems are common for all coastal countries, the international community decided to tackle these issues in an integrated way and to set up the standards that will be common for all the countries. The efforts of international community to apply common protection standards to the coastal countries are intensive and strong so as to ensure a maximum protection of the coastal and sea resources.

#### 3.2 Montenegrin Coastal Area

The coastal region in Montenegro represents a morphological unit encompassing the area from the sea to the peaks of coastal mountain chains (the slopes of Orjen – Lovcen – Rumija descending to the sea and with a plateau at the foot of the mountain). Although this region has not been recognised as the administrative unit, it is defined by spatial plans as a special planning (ambience) and functional-development unit including six coastal municipalities. Besides, the regional units in Montenegro play also a practical role in relation to organisation of certain state bodies and services, such as water and electricity supply, traffic and other infrastructure systems.

Defining of the coastal area in accordance with the guidelines of the Barcelona Convention, and which should cover the land and marine space, has not been done yet in Montenegro. The first

attempt to define the coastal area has been made by the preparation of the Draft National Integrated Coastal Area Management (ICAM) Strategy for Montenegro. The institution, which would be responsible for the implementation of the strategy, should also be defined.

This Strategy is of particular importance for Montenegro, because according to the Law on Public Maritime Domain from 1992, the zone of the public maritime domain is defined as the area of specific importance for Montenegro. This Law recognises the importance and the exceptional value of this area, which covers a narrow landline, and territorial sea of the Republic of Montenegro, providing a framework for a special regime of protection, use and improvement of this important resource.

For defining the land border of the coastal area, a combination of criteria including the natural (ecological) features and the existing administrative division to six coastal municipalities was used. Considering the orographic difference between the coastal and continental part of Montenegro, it would have been acceptable and easy to define the coastal area following the borders of the watershed and the coastal mountain chain. Nevertheless, such an approach would then mean that the coastal area includes parts of the territories occupied by continental municipalities and the National Park of Lovcen. In such a case, the stakeholders who neither have any significant influence nor are interested in coastal area management should be included in the process.

If the administrative borders would be followed, the slopes of mountain chains would not be included in the coastal area. This, however, would not be of particular importance, because there are no settlements or activities there. Also, to include the area of the Municipality of Bar (covering the slopes of the mountain Rumija, descending to the Skadar Lake and making part of the lake) in the coastal area would not be acceptable, because it would then require inclusion of other municipalities that have access to the Skadar Lake.



Taking into account all the above-mentioned options, the most rational way of defining the land border of the coastal area would be the combination of the two approaches. According to the Draft National Strategy for ICAM:

- the sea border of the coastal area is defined by territorial waters; and
- the land border make the administrative boundaries of coastal municipalities towards the hinterland, except for the area that is enclosed by the “Lake Skadar” National Park boundary in the Municipality of Bar.

### **3.2 Potentials of the Coastal Area of Montenegro**

Owing to the central position of the coastal area of Montenegro in the northern Mediterranean, this area connects the Central Balkans and parts of Eastern and Central Europe with the Mediterranean Sea. The East Adriatic Coast provides the opportunity for the development of the Montenegrin nautical tourism.

The coastal region of Montenegro is also a contact point with the area of a virgin nature of the mountain range and the area of a “wild beauty” of the continental region of Montenegro, enabling considerable advances in making the current tourist offer more comprehensive. High-quality natural beaches, with the capacity for approximately 300,000 swimmers and the potential for expanding the attractive bathing spots, provide a basis for upgrading the tourist offer. Attractive scenery, rich biodiversity and non-polluted land and aquatorium classify the coastal area of Montenegro among the most preserved regions of the Mediterranean. On the other hand, the overall appearance of the region is being greatly enriched by the cultural diversity of a long tradition, as well as by preserved cultural and historical monuments and sites (including six protected urban sites).

Development of new building facilities and reconstruction of the existing ones accounts for evident development potential. The existing and introduction of new agricultural machines provide for a significant increased production of quality products, including the traditional ones.

A wide experience in spatial planning and management from the former period, as well as the presence of technical and administrative institutions, with the declared sustainable development policy of the state, form the basis for the improvement of management practices. On the other hand, the growing interest of foreign investors in this area opens up financial opportunities for sustainable development. Taking into account all of the above-mentioned, the coastal area of Montenegro has all predispositions to become a prestigious Mediterranean region.

### **3.4 Limits of the Coastal Area of Montenegro**

Contrary to the recognised potentials of the coastal area of Montenegro, there are some constraints sometimes having a direct negative impact on these potentials or aggravating the development and integrated management of the area. The physical barrier of the mountain range impedes the communication with the inland requiring large investments in the development of new relations with the surroundings. Road relief and the low quality of the roads in the area further aggravate integration of the region. The main problem is the lack of space for new developments. Extremely dense building and activity concentration on the coastline is also apparent with the evident saturation of developments and human activities.

The lack of infrastructure, especially of hydrotechnical system, is not only a threshold of further development, but is also a large constraint to achieving a satisfactory development level. The lack of natural resources is also evident, along with the limited range of natural raw materials necessary for economic development. Further to the point, there is a limitation of relying solely

upon one economic sector (i.e. tourism), which is yet another risk. There are no other economic sectors, or they have disappeared, like seamanship.

Depopulation of the country, followed by the neglecting of agriculture has left the area without permanent residents to carry out future development. Negative management and spatial development practice have significantly impaired its quality in the last 20 years, where the danger exists to critically exploit the area if such a trend continues to be pursued.

Pollution of some of the parts of the area being adjacent to the industrial facilities without sewage systems at the coastal zone limits the possibilities of its sound valorisation. Disorganisation and natural and cultural heritage negligence, as well as disorder in their protection and preservation, have developed the practice of illegal activities and interventions, which have caused such conscience development that appears to be a limitation for establishing order.

Developed in the conditions of owners' and entrepreneurs' freedoms, is an ambition of imposing private interest over public, which creates the disadvantageous environment for integrated management, which is further limited by the inadequate system of data collection on processes relevant for spatial management and bad communication among the stakeholders. Finally, incompleteness of a transition process results in incomplete regulatory system that aggravates the activities of integrated coastal management.

### 3.5 Integrated Coastal Area Management in Montenegro

The coastal zone of Montenegro is an area of special importance for the Republic of Montenegro. To enable the rational use of resources and preservation of coastal zone environment, it is particularly important for the Republic of Montenegro to implement, as soon as possible, the Integrated Coastal Area Management (ICAM) Strategy through the legal, institutional and financial reorganisation. Though there still exists a need to exercise such reorganisation, there are more national and international initiatives that create a basis for ICAM in Montenegro and ensure its faster and more efficient implementation.

At the international level, this primarily implies signing of Stabilisation and Accession Agreement between Montenegro and the EU, ratification of the Barcelona Convention from 1995 and full-fledged membership in the Mediterranean Action Plan (MAP) to be expected by the end of 2007. Such international framework will enable Montenegro to create preconditions of sustainable development implementation in the coastal zone through adjustments and alignment of its legal and institutional solutions through ICAM.

At the national level, there are more bases found to enable ICAM implementation. In 1992, the Republic of Montenegro recognised, by adopting the **Coastal Zone Law**, special significance and exceptional values of coastal zone and ensured frameworks for a special regime for preservation, use and upgrade of this significant resource. The Public Maritime Domain that this law tackles encompasses a narrow land stripe to the boundary defined on the land (the stripe varies along the coast within the range of few meters up to few kilometres in several zones) and the territorial sea aquatorium containing both living and non-living world.

Pursuant to the Coastal Zone Law from 1992, the **Public Enterprise for Coastal Zone Management (ICZM) of Montenegro (JP Morsko Dobro)** has been formed by a special decision of the Parliament of the Republic of Montenegro with the task to exercise maritime domain management, protection, development and upgrade of maritime domain use, sign agreements on maritime domain use, and build and maintain infrastructure facilities within



maritime domain requirements. The Ministry for Economic Development exercises administrative supervision of the enterprise.

As ICZM implies a high level of horizontal integration of actual sectors (resources), and vertical integration from local to republic level, it is necessary for Montenegro to ensure institutional, legal and financial frameworks for ICZM implementation. The 1992 Coastal Zone Law represents a legal basis, and the existence of Public Enterprise represents institutional and financial basis. Nevertheless, it is necessary to adjust and strengthen these frameworks to ensure adequate implementation of ICZM.

Given the value of maritime domain in terms of natural and man-made resources, which are under constant pressure of urban and economic development, maritime domain, as a specific and unique zone, represents a limiting factor to development. Therefore, the Parliament of Montenegro adopted a **Spatial Plan for Maritime Domain as a Special Purpose Area**, which provides the guidelines for development and protection of

this area, for sustainable use and for protection of maritime domain of Montenegro, i.e. ensures a maximum use with a minimum degradation of natural and man-made resources.

The adoption of the Spatial Plan for Maritime Domain as a Special Purpose Area is the first step that Montenegro has taken towards the integrated view of the zone that encompasses both land and sea area of the entire region. Bearing in mind the international standards for coastal zone management, this Spatial Plan represents a basis for drafting of the National Strategy for Integrated Coastal Area Management in Montenegro, which is an ongoing process.

Drafting of the **National Strategy for Integrated Coastal Area Management (NS ICAM)** began in 2005, through the Project – Integrated Coastal Zone Management, which had been financed by the *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH*. The National Strategy supports the national and local authorities in their efforts to reach the level of sustainable management of coastal zone of Montenegro. It was based on international recommendations, as well as on principles of the Mediterranean Strategy for Sustainable Development and European Commission relevant documents, as well as on the guidelines and priority tasks from the National Strategy for Sustainable Development (NSSD). In addition, the Strategy is based on official plan directions, sectoral strategies and declared policies with the aim of ensuring alignment in realisation of such documents.

Whereas Integrated Coastal Area Management (ICAM) represents one of 24 priority areas from the National Strategy for Sustainable Development (NSSD), the National Strategy for Integrated Coastal Area Management (NS ICAM) elaborates in detail the action plan for the implementation of tasks and measures within the domain of sustainable development of the

coastal zone of Montenegro. Therefore, NS ICAM will ensure a more efficient implementation of priority tasks and measures within the domain of ICAM provided in Action Plan NSSD of Montenegro.

NS ICAM elaborates in detail the following elements that are relevant for the management and development of coastal zones:

- Defining the spatial area of the coastal zone of Montenegro where the NS ICAM will be implemented;
- Defining priority measures and activities;
- Support of the introduction of principles in all the relevant sector policies, programmes and projects that influence the coastal zone;
- Reduction of overlapping of institutional competencies and liabilities, as well as harmonisation of sectoral laws;
- Contribution to co-ordinated implementation of actual programmes, plans and strategies, which are significant for the coastal zone;
- Support of Montenegro's integration into wider Mediterranean (Barcelona Convention) and European political and development frameworks;
- Tracking the ICAM initiatives impact in terms of balancing socio-economic development and environmental protection;
- Disposal of human and financial resources that are to be used in implementation of mid-term and long-term initiatives of NS ICAM;
- Introduction, development and implementation of new methodologies and instruments for ICAM;
- Providing support to the coastal municipalities in implementation of such methodologies and instruments and drafting their local plans within ICAM;
- Forwarding best practices to both national and local level, in particular through participation in MAP regional programme on information exchange on ICAM (MAP ICAM Clearing House); and
- Ensuring the conditions for funding from national and foreign sources.

NS ICAM identifies 10 major issues and it recognises a challenge of integrated management of coastal zones for each of them. For each of 10 challenges, there are strategic goals defined. For each of 19 strategic goals there are objectives identified, as well as measures, activities and deadlines for their accomplishment. In addition, there are indicators given for tracking the realisation of goals, as well as the proposal of entities that might be involved in the realisation of activities.

The challenges of Integrated Coastal Area Management (ICAM) in Montenegro are the following:

1. Ensuring the legal, institutional and personnel framework to serve the ICAM requirements;
2. Protection and sustainable management of natural resources;
3. Achieving rational organisation and area furnishing and enhancing the use of it;
4. Sustainable tourism as a trigger of the overall coastal zone development;
5. Efficient and integrated transport-logistic system;
6. Protection, preservation and valorisation of natural and cultural heritage;
7. Reduction and /or elimination of pollution of the coastal zone;
8. Ensuring high level of security of people and tangible goods from natural disasters;

9. Deepening knowledge and understanding of the significance and the development potentials of the coastal zone; and
10. Ensuring realisation of strategic long-term sustainable development orientations.

Implementation of this strategy has been envisaged to be based on co-ordination and co-operation of all relevant and involved subjects (stakeholders) at the state level, as well as those from the civil sector, which are: all relevant Ministries and bodies in their capacities; institutions and agencies at the national and regional level; coastal municipalities and their bodies; coastal small and mid-size enterprises; relevant NGOs and other associations from the civil sector; international organisations; and financial agencies. Through modulation of its plan and development documents and programmes of all the relevant subjects in NS ICAM implementation process, the realisation of measures and activities within the deadlines is expected.

Having formed the Co-ordinating body for ICAM, co-ordination and permanent tracking of implementation of this Strategy will be ensured, and according to the report on level of realisation of measures and activities, periodical audit of action plan will be done.

## 4. Links to International Policy

### 4.1 International Regulatory Framework for ICAM

In 1992, in Rio de Janeiro, the UN Conference on Environment Protection and Development, the so-called World Summit was held and the Declaration on Environment Protection and Sustainable Development was adopted. The Declaration represented a global consensus on harmonising development and environment protection. More significant contribution of the World Summit was given to adoption of the “Agenda 21”. “Agenda 21” was a comprehensive plan and a set of recommendations for environment protection and sustainable development in the 21<sup>st</sup> century. It has launched new international relations based on integration and co-operation with a goal to achieve strategic outputs.

Chapter 17 of the “Agenda 21” that relates to oceans protection, protection of all the seas, coastal areas protection and the protection of all living and non-living world in them, defines Integrated Coastal Area Management (ICAM) as a continuous and flexible process of resources management representing the foundation for sustainable development of coastal areas.

Chapter 17 of the “Agenda 21” further recommends all the countries with coastal areas to adopt integrated management and sustainable development of coastal areas within their national jurisdiction, as well as to take all the necessary measures to establish, or where there is, to strengthen, adequate co-ordination mechanisms (institutions) for integrated management and sustainable development of coastal areas and resources, at local and national levels. In the process of ICAM implementation, countries with coastal areas should integrate and collaborate on international and regional level.

### 4.2 Regularly Framework for ICAM in the Mediterranean

The Mediterranean had been given the reputation of the most polluted sea in the world in 1960s. The main causes of pollution are faecal waste-waters, industrial waste-water and waste-water from agriculture fields. At the beginning of 1970s, the countries that have access to the sea sent the request to the United Nations Environmental Programme (UNEP) for taking necessary measures and for the development of a programme that would protect the Mediterranean from further degradation. This is how the Mediterranean Action Plan (MAP) as the Regional Seas Programme, and in 1976, in Barcelona, the Declaration on the Protection of the Mediterranean from the Land-based Pollution with related Protocols, were adopted. Through this, the protection of the Mediterranean became internationally recognised.

After the adoption of the Declaration on Sustainable Development, in Rio de Janeiro, in 1992, and the “Agenda 21”, UNEP launched the second phase of MAP with which the protection measures against pollution were harmonised with the concept of sustainable development. In 1995, the Barcelona Convention was revised and expanded to coastal area, for which, according to the Rio Declaration and the “Agenda 21”, the Integrated Coastal Area Management was the only way of establishing sustainable development in coastal areas. This Convention came into force in 2004.

In the meantime, in the scope of MAP, several guidelines and initiatives for better introducing of the ICAM concept were defined at the national level. ICAM guidelines, with special focus on the Mediterranean basin, were published in 1995 by the Priority Actions Programme Regional Activity Centre (PAP/RAC). The White Paper: Coastal Zone Management in the Mediterranean, prepared also by PAP/RAC, provides a strategic vision for ICAM and CAMP projects, proposing

recommendations for ICAM implementation at the regional, national and local level. The document also emphasises that ICAM has to become a standard approach to solving the issues in coastal areas through integration of development and environment protection. Launching of the Coastal Area Management Programme (CAMP) projects by PAP/RAC, help to identify and apply methodology and mechanisms related to ICAM and are appropriate for the CAMP area.

The Mediterranean Commission on Sustainable Development (MCSD) recommends that “Harmonised institutional, regulatory and programme framework point out the necessity for improvement of mechanisms for institutional co-operation, introducing or improving legal and regulatory tools at national and regional levels, access to information and public participation (especially in decision making), establishing incentive measures for development and adopting the ICAM approach, including pilot projects (e.g. CAMP) and development of public-private partnership”.

The Mediterranean Strategy for Sustainable Development (MSSD) treats coastal areas as priorities with problems such as degradation of protected coastal areas, pollution from the land and sea, intensive fishery, etc. Also, in coastal area, there are certain problems specific not only for coasts, such as: urban expansion control, maintenance of quality in agriculture, better water resources management, etc.

The Protocol on Integrated Coastal Zone Management in the Mediterranean will, after its adoption and coming into force, represent a unique regional regulatory tool for the ICZM process. This Protocol includes principles of the ICZM, institutional measures, recommendations for new tools and measures regarding international collaboration. Preparation of the Protocol is now in the phase of drafting.

The Protocol provides guidelines for: defining the coastal area, principles and elements of ICZM, co-ordination among institutions, protection and sustainable use of coastal area, preserving special coastal ecosystems, coastal erosion, protection of cultural heritage, public participation, training, collaboration and scientific researches. The Protocol anticipates the tools for the ICZM, such as: inventories and networks of co-operation, MSSD and the Mediterranean Strategy for ICAM, designs of National Strategies, plans and programmes for ICAM, EIA and SEA, mechanisms related to ownership issues, and economic and financial tools. The Protocol also provides the tools related to cross-border co-operation, natural disasters, scientific and technical assistance, exchange of experiences and information, etc.

In the Protocol, there is also the definition of Integrated Coastal Area Management, namely: “Integrated coastal area management is a dynamic process of sustainable management and use of coastal areas, and simultaneously the process which includes sensitivity of coastal ecosystems and landscapes, diversity in activities and in use of space, their inter-correlation, naval orientation for certain activities and their purposes as well as the impact on sea and land”.

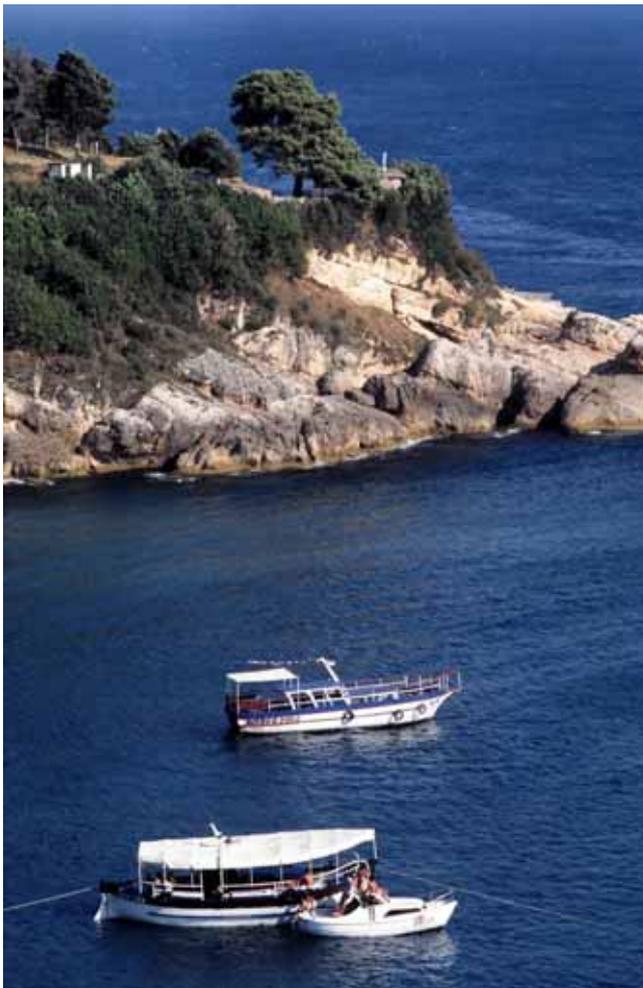
### **4.3 Regular Framework for ICAM within the EU**

In the EU countries, it is obvious that there is degradation of coastal resources both in ecological and economic sense. Since 1996, at the European Commission level, activities started with the goal to identify problems, and find appropriate measures for the protection and sustainable management of coastal areas. In the period from 1996 until 1999, the EU member countries implemented a Demonstration Programme on ICAM. The programme consisted of 35 demonstration projects and 6 thematic studies, and had the following goals: provision of technical information on sustainable management of coastal areas; ensuring discussion on a wider level among various stakeholders in the planning field; and management and use of

coastal area. The result of the Demonstration Programme was the consensus related to ICAM measures in Europe contained in the ICZM Recommendation (The 2002 ICZM) published in 2002. They were not legally effective but they should be used as a basis for the development of National Strategies for ICAM in the member states.

In order to assist the implementation of recommendations in the member states, the Expert Group was formed at EU level, a series of forums and meetings were held and periodical reports drawn up. In 2006, the International Ocean Institute published a report on Estimation on ICAM in the EU, whose main goal was to apply ICAM Recommendations from 2002, as well as to identify challenges and priority issues in ICAM in the EU member states. This document defined eight strategic principles for planning and management in coastal areas. The most important conclusions of the Report were that, according to the 2002 Recommendations, none of 24 EU member states had adopted the National Strategy for ICAM, while in seven countries strategies were in the procedure of adoption. In six countries, documents related to spatial planning, whose integral part was ICAM, were adopted, while in 11 countries, the design of National Strategies for ICAM was under way.

The EU Marine Strategy was adopted in 2005 aiming to: protect marine ecosystems; to progressively reduce marine pollution; and to ensure sustainable use of marine services and products, applying good governance principles. This strategy introduces management of regional spatial plans that have to be adopted in the period of five years prior to the adoption of the National Strategy. These plans include an assessment of the current situation and human



impact, a series of coherent environmental objectives, a programme to achieve these objectives, and a monitoring and evaluation programme.

The EU approved the Green Paper on Marine Policy, as part of the Lisbon agenda. The Green Paper aims to stimulate the growth and creation of new jobs in coastal regions. This policy needs to present a new way of increasing economic and social benefits of the marine activities. Taking into account demographic changes in coastal regions, where a significant percent of population is living, and a key role of the coastal and marine tourism, this policy emphasises the necessity for drafting the ICAM strategy, along with a careful selection of marine projects that would be financed from the EU funds. This initiative is based on the inter-sectoral approach to decision making related to marine policy and would be implemented at the appropriate administrative levels. Consultations regarding this document will last until June 30, 2007.

## 5. Conclusions and Recommendations

Although the planning system in Montenegro during the previous period was a developed, comprehensive and an integrated one, it was noticed that there was a lack of plans or adequate solutions for the coastal and marine area issues. Therefore, the Sea-use Plan for Boka Kotorska Bay represents a Pilot Project for Montenegro. Following the enforcement of the **Spatial Plan for Maritime Domain as a Special Purpose Area**, which has the regional character in Montenegro, the Sea-use Plan will represent the programme for a further detailed development of marine area, and will become a prototype document for the rest of the coast and the sea of Montenegro.

The Montenegrin spatial planning system is still in transition from a socialist to a market-oriented system, so that the basic act – the Planning Law, had not foreseen the development of Sea-use plans. Therefore, it is necessary to use this opportunity to introduce these new types of plans (the Sea-use Plans) in Montenegro through this project. Based on the results obtained, adequate changes in legislation should be proposed by which the Sea-use plans would get the appropriate place in the planning system.

Although the Montenegrin Spatial plans integrated different sectors, they were only applied to the basic land use, or to physical changes in space. The problem was, and still is, realisation of these plans on different levels of competences and by different stakeholders, at either the local or the state level. Therefore, it is important today to achieve a better co-ordination among all relevant stakeholders in the coastal area. In that sense, the National Strategy for Integrated Coastal Zone Management has a similar role the Sea-use Plan will have in the hierarchy of the plans.

Today, it is necessary to adopt the formal documents on marine spatial planning and integrated coastal zone management. It is, however, also necessary to amend the existing legislation related to the planning and management of the coastal zone, with clear provisions to define the role of such documents in the system, as well as the responsibility of the stakeholders for the realisation of such documents.

Both documents, the Sea-use Plan and ICAM Strategy, need to be based on the best practices, norms and standards proposed by the relevant international organisations, primarily the EU with whose regulation Montenegro is harmonising with. Also, the involvement of all stakeholders through the transparent and democratic process of drafting and developing of plans, should ensure the motivation of those stakeholders for the realisation of planned measures.

In particular, after the adoption of the ICAM Strategy, it will be necessary to adapt the legislation and to reorganise the state authority in order to ensure co-ordination in the field of coastal and marine area management. At the same time, while working on the Sea-use Plan for Boka Kotorska Bay, it is necessary to work on changing the laws dealing with spatial planning, management and coastal zone use. Changing and amending the Spatial Planning Law, the Coastal Zone Law can implement these systemic changes in Montenegro, and the Law on land intended for building.

The coastal area of Montenegro, including the territorial waters, comprises the following zones that are regulated by legislation:

- **Coastal area of Montenegro**, as defined by the ICAM Strategy the adoption of which is expected by the end of 2007, is an area within the administrative borders of the coastal municipalities (except part of the Municipality of Bar). This area represents a unique

morphological unit with the slopes of the coastal mountains facing the sea and low lands in their bottom, including the territorial sea of Montenegro. This area is the widest zone in the sense of the coastal area.

- A specific zone is the **Public Maritime Domain** (the so called *Morsko Dobro*), which encompasses the area of the territorial sea and a narrow coastal strip that makes a functional unit with the sea.
- In the marine part of Montenegro, the **internal and territorial waters** have been defined in accordance with the international (UNCLOS) and national regulations.

The coastal area of Montenegro is under jurisdiction of many stakeholders. The jurisdiction over the governance is divided between the State and local authorities. In general, it can be said that the jurisdiction over the activities in the Public Maritime Domain and the activities on the sea, is mostly on the State level. The jurisdiction over the landward part of the Public Maritime Domain is mainly on the State level, with jurisdiction partly on the local level. The landward part of the coastal area outside of the Public Maritime Domain is mostly under the jurisdiction of the local authorities.

The division of jurisdiction among several sectors, and between the state and local level, causes overlapping in work and reduces efficiency of coastal zone management and development. Although the coastal area can be considered a single functional unit, and although there are several regional institutions in Montenegro, there is no systemic solution for the formal constitution of the coastal area as a separate coastal region.

Besides the regional institutions (the Regional Water Supply Company, P.E. for Coastal Zone Management), there are specific sectors within the Ministries that are dealing with the coastal area (infrastructure). During the ICAM Strategy preparation, a Co-ordination Body was formed to organise and monitor work on the Strategy.

The ICAM Strategy recommends that in order to co-ordinate realisation of the Strategy, the Co-ordination Body should continue working also after the adoption of the Strategy. The Co-ordination Body is composed of representatives of the relevant Ministries, coastal municipalities, republic and municipal institutions, and NGO representatives. The realisation of the ICAM Strategy means the realisation of plans, projects and tasks on two levels. Therefore, it is necessary to create, along with the Co-ordination Body, which will act as a decision-making body, a new institution or to authorise the existing one to manage the database and to carry out the operational tasks relating to ICAM. Since most of ICAM tasks are related to coastal planning and development, and taking into account the former experience of P.E. for Coastal Zone Management, this institution should be appointed the operative body for ICAM in Montenegro.

