

Analysis of Mechanisms for the Protection of UNESCO Sites on the Example of the Natural and Cultural-Historical Area of Kotor

Possibilities of Implementation in Protected
Nature Sites in Montenegro and Italy

ABSTRACT

The aim of this paper is to critically review the defined protection mechanisms, threats and risks, as well as the proposed solutions in order to achieve the principles of sustainable development, through the analysis of the normative, spatial-planning and institutional discourse of the UNESCO site, the Natural and Cultural-Historical Area of Kotor. The compatibility of the protection mechanisms of UNESCO sites, as a paradigm of an integral approach, will be checked on protected natural heritage sites that do not have UNESCO status: Skadar Lake National Park (Montenegro) and Lama Balice Regional Nature Park (Puglia Region, Italy). Depending on the characteristics of the site, the level of protection and the context of public policies, strategic documents define measures for the preservation and improvement of recognized natural and/or cultural values, and indicate the necessity of an integral approach. Sustainable protective and management mechanisms are formed through intersectoral and integral action with consultation of the necessary base studies and international and national corrective instruments. The presentation of complex approaches in the treatment of natural and cultural heritage sites will point out numerous challenges in the preservation of fundamental values and give an overview of the scenarios of preservation and sustainable valorization of internationally, nationally and regionally protected assets in Montenegro and the Republic of Italy.

KEYWORDS

Cultural and natural heritage, integral protection,
Kotor, Skadar Lake, Lama Balice

THE NATURAL AND CULTURAL-HISTORICAL AREA OF KOTOR – CHALLENGES IN
THE IMPLEMENTATION OF UNESCO PROTECTION MECHANISMS

The management and sustainable use of natural and cultural heritage is an imperative and at the same time a challenge of modern policies. World cultural heritage management systems differ, with the aim of improving decision-making processes at the national, regional and local levels and contributing to the efficient integration of heritage and other sectors.¹ There are a number of issues that should be treated separately, in order to ensure the sustainable management of the cultural heritage system. Some of them are highlighted in the Resource Manual for Managing Cultural World Heritage from 2013.² What is interesting for analysis is the concept of the heritage management system, from 2009, which is part of the research project of ICCROM, the World Heritage Center and other advisory bodies. The main theme of this project was “*Better Defining Appropriate Management Systems for World Heritage Sites*” (2009).

Nine basic characteristics have been identified that represent the “lowest common denominators” of all heritage management systems. They are grouped into 3 *elements* (legal framework, institutional framework and resources (human, financial and intellectual)), 3 *processes* (planning, implementation and monitoring) and 3 *results* (achieved goals, results and improvement of the management system). Structured groups of elements provide checklists for analyzing the strengths and weaknesses of the existing management system, with a clear and logical structure for making recommendations in order to protect values, above all exceptional universal values.

Although the management plan is not explicitly mentioned in the World Heritage Convention, it recognizes the measures that states are obliged to implement. Monitoring is particularly emphasized through the submission of reports on the implementation of the Convention to the World Heritage Committee.³ Since 2005, the Operational Guidelines contain general instructions on the management of World Heritage sites, with the definition and objectives to be met through the management system. In short, each nominated property should have an appropriate management plan or other documented management system.⁴

The natural and cultural historical area of Kotor is an example of complex relationships, which ultimately define the state of the site, but also of perceived challenges at the national and international level in its management and preservation. It was inscribed on the UNESCO World Heritage List in 1979, after a devastating earthquake.⁵

1 Management planning of the UNESCO World Heritage Sites – Guidelines for the development, implementation and monitoring of management plans – with the examples of Adriatic WHSs (Coordinator of the Project Activity Jasminka Grgurević), Centre for Conservation and Archaeology of Montenegro, Kotor 2016, 20.

2 *Ibid.* 21.

3 UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. *Resource Manual: Managing cultural World Heritage*, World Heritage Centre, Paris 2013, 31–33.

4 *Ibid.* 34.

5 UNESCO Natural and Culturo-Historical Region of Kotor, <https://whc.unesco.org/en/list/125/>.

The boundaries of the Kotor Region include approx. 9,500 ha of land and approx. 2,500 ha of sea surface, in the territories of the municipalities: Kotor, Herceg Novi, Tivat and Cetinje, which makes a total area of approx. 12,000 ha. The boundaries of the protected environment cover an area of approx. 48,049 ha, of which approx. 38,058 ha is land and approx. 9,991 ha is sea. The protected environment of the Kotor area covers a wide area that extends over the territory of three municipalities: Kotor, Tivat and Herceg Novi and includes part of the water area of the Bay of Kotor surrounded by mountains at an altitude of almost 1500 m.⁶

The management, protection, preservation, use and presentation of the property are more closely defined by the Management Plan of the Natural and Cultural-Historical Area of Kotor, which was adopted by the Government of Montenegro in 2011. This document contains the management strategy of the Area for a period of 15 years, provides guidelines for its implementation, program of activities, mechanisms for achieving integrative protection, method of monitoring planned activities, etc.

In accordance with the recommendations that apply at the global level, the institutional frameworks for the protection of World Heritage sites are strengthened by legislation or practices that have been established over time at the national level. The institutional framework involves several organizations (state and local bodies and public institutions, research institutions, universities, professional organizations, non-governmental organizations and the like).⁷

In accordance with the legal norm from 2013, a management body, the Council for the Management of the Kotor Region, was formed with the task of promoting the significance of universal values, coordinating the development, revision, and implementation of the Management Plan, providing opinions on proposals, programs, projects, and planning documents that must be aligned with the Management Plan.

Furthermore, the Plan stipulates that the Council monitors the state of the Area and requests measures for its improvement, and prepares a Report on the Implementation of the Management Plan for the Government. The Council is headed by the Mayor of Kotor, while the members of the Council, in addition to representatives of the state and local administration, are representatives of the Montenegrin National Commission for UNESCO and non-governmental organizations that deal with the protection and preservation of Kotor. The tasks of protection and preservation of the area of Kotor, within their competences, are carried out by state administration bodies, bodies of the Municipality of Kotor and public services founded by the state or municipality. The protection and preservation of the protected environment of the Kotor Region, in addition to the previously mentioned entities, is also provided by the competent authorities of the neighboring municipalities.

The protection of cultural properties in the area of Kotor dates back to the mid-19th century and continues to this day. After the Second World War, the Institute for the

6 Law on the Protection of the Natural and Cultural-Historical Area of Kotor („Off. Gazette of Montenegro“, No. 056/13 of 06.12.2013, 013/18 of 28.02.2018, 067/19 of 11.12.2019).

7 UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. *Resource Manual: Managing Cultural World Heritage*, World Heritage Centre, Paris 2013, 70.

Protection of Cultural and Natural Monuments was institutionally organized in Cetinje, which later grew into the Institute for the Protection and Scientific Study of Cultural Monuments and Natural Rarities in Cetinje. This institution was in charge of monitoring the state of conservation in the Kotor Subdistrict until the middle of 1980, when the Municipal Institute for the Protection of Cultural Monuments was founded, with headquarters in Kotor. This institution represented a meeting place of numerous national and foreign experts, as well as UNESCO experts, gathered for the rehabilitation of the area of Kotor from the consequences caused by the earthquake from 15 April 1979. In accordance with the scope of work and the multi-layered heritage in this area, in 1992 this institution grew into the Regional Institute for the Protection of Cultural Monuments with headquarters in Kotor.⁸

With the reform of the culture system, in 2011, the Center for Conservation and Archeology and the Administration for the Protection of Cultural Assets of Montenegro, with regional organizational units in Kotor, were formed from the former Republic and Regional and Center for Archaeological Research.

Practices in the legislative approach to the treatment of UNESCO sites are aligned with the Convention on World Heritage. Provisions related to the preservation and management of cultural heritage are specifically defined and incorporated into national legislation and policy, including laws that have a particular impact on the preservation and management of cultural heritage, such as urban planning laws, environmental laws, management and use laws and the like.⁹

In the area of Kotor, since 2010, a new legislative framework for the preservation of cultural heritage has been applied – the Law on the Protection of Cultural Property from 2010 and the Law on the Protection of the Natural and Cultural-Historical Area of Kotor, enacted as *Lex specialis* in 2013. The mentioned laws have been amended and supplemented on several occasions since their adoption. Integrative protection of cultural heritage is recognized by the Law on the Protection of Cultural Property of Montenegro.¹⁰ It is ensured by planning documentation, which must be harmonized with the cultural heritage protection study. An important aspect of such a mechanism is the management plan, but also special studies, such as environmental protection and the like. Pursuant to the Law on the Protection of the Natural and Culturally Historical Area of Kotor,¹¹ integrative protection of the Kotor area is regulated by: Spatial Plan of Montenegro; Plan of General Regulation of Montenegro; Management Plan; Urban Project; Study of the Protection of Cultural Properties; Study of the Protection of Natural Resources. The current Law on

8 Study of the Protection of Cultural Properties for the Needs of the Spatial-Urban Plan of Kotor, Administration for the Protection of Cultural Properties of Montenegro, Cetinje 2017.

9 UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. *Resource Manual: Managing Cultural World Heritage*, World Heritage Centre, Paris 2013, 66.

10 Law on the Protection of Cultural Property („Off. Gazette of Montenegro“, No. 049/10 of 13.08.2010, 040/11 of 08.08.2011, 044/17 of 06.07.2017, 018/19 of 22.03.2019).

11 Law on the Protection of the Natural and Culturally Historical Area of Kotor („Off. Gazette of Montenegro“, No. 056/13 of 06.12.2013, 013/18 of 28.02.2018, 067/19 of 11.12.2019).

Fig. 1

The Boundaries of the Skadar Lake National Park, with inserted locations of rural architectural elements

(A. Dajković, 2022)

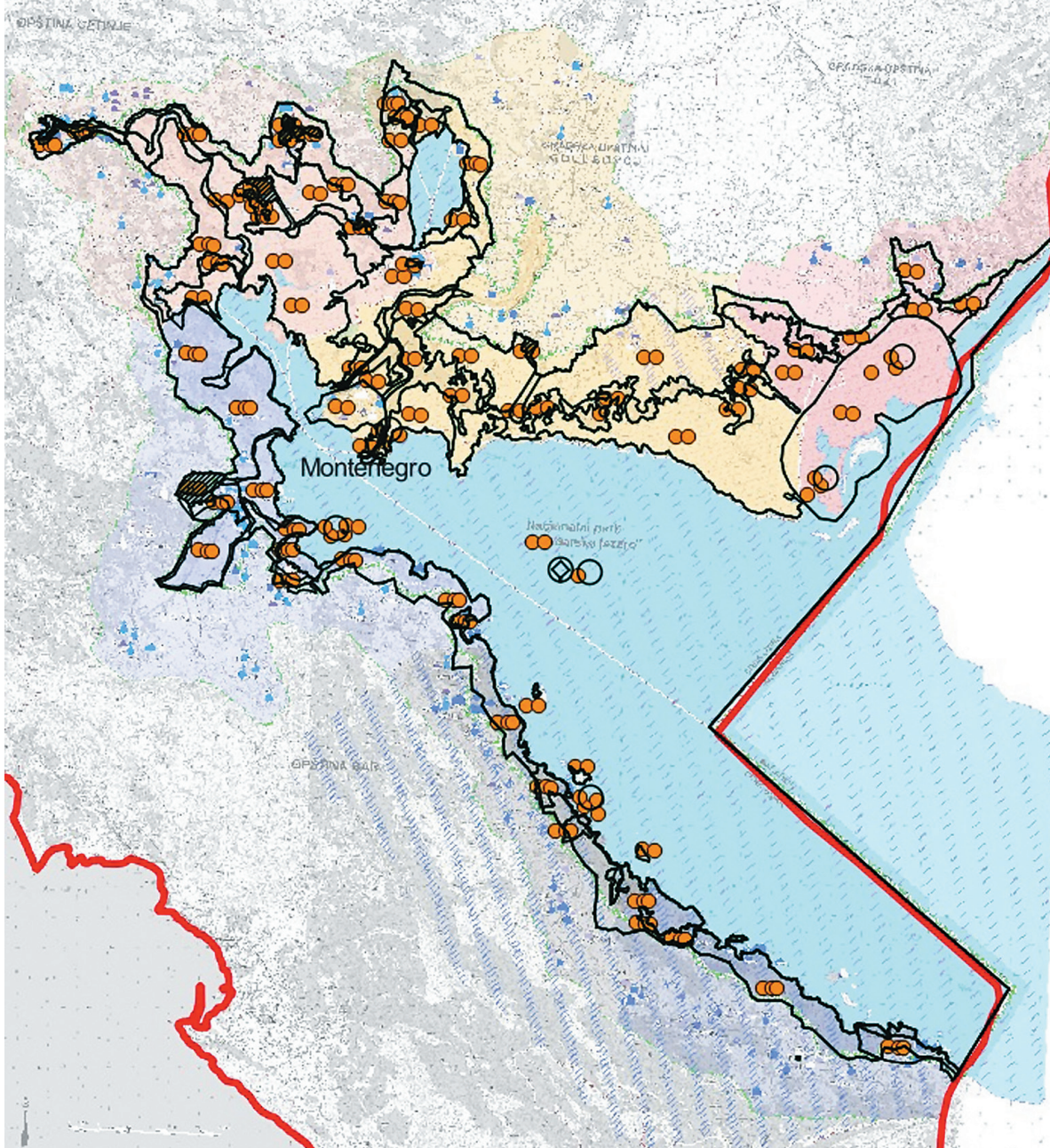


Fig. 2

The Boundaries of the Lama Balice Regional Nature Park and the entered locations of rural architectural elements

(A. Dajković, 2022)



Spatial Planning and Building Construction¹² and the previous Law on Spatial Planning and Building Construction,¹³ are the acts that prescribe the norms on the basis of which the spatial planning documentation of the Kotor area and its protected surroundings was made. The aspiration is to place cultural and natural heritage management policies within a wider physical and social context.¹⁴

The observed problems relate to non-compliance with existing legislation, inadequate planning parameters (density of built-up area, inappropriate values of new construction, etc.), insufficient ethical culture of planners and designers, inadequate management plan, but also lack of local community participation. Therefore, the challenges in the previous period are the result of the lack of an integrative approach, and the discrepancy between protection measures and accelerated development, conservation and new construction, where it was necessary to take into account the structures of the natural landscape from the planning stage with special sensibility, with the need for impact assessments / conducting studies visual impact in order to try to find better quality and adequate solutions for the attributes of exceptional universal value.

Since 2003, when the Natural and Cultural-Historical Area of Kotor was removed from the list of World Heritage in Danger, ICOMOS has regularly noted concerns about the state of preservation in the Committee's annual decisions. The decisive steps taken by the state to prevent the collapse of universal values were initiated after the 40th session of the World Heritage Committee. Due to the clear discrepancy between the planning approach and the approach to the protection of cultural assets, it was necessary to react urgently. At the same time, there are strong initiatives by investors for the construction of complexes, which are made possible by valid plans, and for which professional services justifiably express a certain dilemma or a decidedly negative attitude.

Therefore, an environment has been created where major construction activities supported by valid planning documents and the protection and preservation of cultural heritage are almost incompatible. At the same time, the moratorium on construction, which was proposed by earlier decisions of the Committee, is not in force.

In order to remedy the problematic issues present in the Natural and Cultural-Historical Area of Kotor, the Government of Montenegro, at the proposal of the Ministry of Culture, in February 2017, adopted the Action Plan for the implementation of decisions related to the area of Kotor adopted in Istanbul in July 2016 by the World Heritage Committee, with clearly defined topics, goals, deadlines, activity holders, partners and means.

In the same year, the Government adopted the document "Heritage Impact Assessment for the Natural and Cultural-Historical Area of Kotor", which was prepared by the Faculty of Architecture of the University of Montenegro.

Heritage Impact Assessment (HIA) is the process of identifying, evaluating, predicting and communicating the possible consequences of endangering the value of heritage,

12 „Off. Gazette of Montenegro“, No. 64/17.

13 „Off. Gazette of Montenegro“, No. 51/08, 34/11, 47/11, 35/13 and 33/14.

14 UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. *op. cit.* 14.

including primarily threats to the outstanding universal value identified at the time of inscription on the World Heritage List, which arise as a consequence of the proposed large-scale development policies – investment and infrastructure development projects, the focus of which does not include consideration of the preservation of heritage values, nor legislation regulating issues related to cultural heritage.¹⁵

In the HIA document for the area of Kotor, it was determined “that the current general legal regulation is satisfactory in principle and basically, but the procedures for its implementation are problematic, as well as that an unambiguous definition of the new relationship to spatial planning documentation is needed, in the service of protection and preservation of natural and cultural heritage.”¹⁶

The position of the expert team for the preparation of the HIA is that “this HIA should be viewed as a document in which fundamental recommendations are given based on the conclusions, i.e. measures to improve the system related to the policy of relation to space, legal and spatial planning regulations, but also to the processes, procedures and responsibility of participants in planning, designing, performing and exploiting various interventions that are or may be located in the area under protection.”

This document proposes that the area of the Natural and Cultural-Historical Area of Kotor be thoroughly revised and changed, i.e. most of the spatial planning documents be amended, which need to be completed with provisions, i.e. urban-technical conditions that enable adequate protection and preservation of outstanding universal value, all through the preservation of attributes that are their materialization (both individual examples of architecture, urban and rural structures, and cultural and natural landscape as an integral part of the protected area). The need for systematic application of generally appropriate legal regulations, with modifications aligned with the results, conclusions and measures established was also pointed out by this study. It was stressed that in the area of the buffer/protected/buffer zone, it is possible to implement the provisions of the existing spatial planning documents and issue acts for the construction of the valid spatial planning documentation, with the application of the procedures and procedures for the implementation of the heritage impact assessment (HIA). It was also proposed to create a single and unique spatial planning document for the area of the Natural and Cultural-Historical Area of Kotor with a buffer/protected zone, as a spatial plan of a special purpose area (with special characteristics) in which spatial planning and spatial arrangement would be solved integrally, without collision with development and other concepts in the area of the wider coastal area of Montenegro.¹⁷

A moratorium on construction was enacted in 2016, as well as the adoption of amendments to the Law on the Protection of the Natural and Cultural-Historical Area

15 International Association of Impact Assessment, www.iaia.org.

16 HIA of Kotor Bay = Assessment of the impact of past and future interventions within the natural and cultural-historical area of Kotor on the overall heritage. Podgorica; Cetinje: Faculty of Architecture, University of Montenegro; 2019, 15.

17 *Ibid.* 269, 237, 267.

of Kotor with a by-law in 2018, when Heritage Impact Assessments were introduced as a legal obligation.¹⁸

Before drafting the project assignment for the planning document, i.e. the urban project, it is foreseen that the chief city architect submits a request to the administrative body responsible for the protection of cultural assets on the need to carry out the procedure for the preparation of an Individual Assessment of the Impact on Heritage, based on ICOMOS guidelines. Although the Operational Guidelines require the use of an assessment of the impact of development projects on the attributes of exceptional universal values,¹⁹ due to a clearer procedure, the same is additionally standardized at the national level. The procedure for financing and responsibilities of the members of the management body, their appointment and dismissal, especially in relation to the contribution to the process, has also been specified.

On the other hand, the adopted Management Plan of Kotor proved to be insufficiently effective, as were the participants who were in charge of monitoring the implementation of the activities. The need to revise the document was confirmed by the HIA for the area of Kotor, which proposed a revision of the management plan in order to include specific planning, organizational and financial items, which should ensure the protection and preservation of the natural and cultural-historical area of Kotor.²⁰ Due to the necessity of changes to the existing Management Plan, the Council formed a team for its revision.

The Spatial Urban Plan, as the overarching local planning document initiated by the Assembly of the Municipality of Kotor in 2008, could have been adopted before 2020 (according to previous legislation by the Municipal Assembly). Additionally, during its development, it was possible to impose a construction moratorium (at both the local and national levels). One of the reasons for the delay in its formulation, emphasized during the Spatial Urban Plan (SUP) drafting process, was the necessity to produce a Protection Study for the SUP, completed in 2015, (as well as protection studies for cultural heritage for the Special Purpose Spatial Plan for the Coastal Area) which, following consultations, was approved in 2017. Given that the then-current version of the SUP could not meet professional requirements and conservation principles for an extended period, it was not institutionally advanced beyond the draft stage until the alteration of the professional team and its alignment with amended legal provisions in 2018. The modified and finalized SUP was enacted by the Government of Montenegro in 2020, following consultations with the World Heritage Committee, and during this period, a construction moratorium was in effect.

Important mechanisms for the integrative protection of natural and cultural heritage are the procedures for assessing the impact of projects on the environment. According to the Law on Strategic Environmental Assessment (SEA) and the Law on Environmental Impact Assessment (EIA), the impact assessment determines, describes and evaluates

18 Law on the Protection of the Natural and Cultural-Historical Area of Kotor („Off. Gazette of Montenegro“, No. 056/13 of 06.12.2013, 013/18 of 28.02.2018, 067/19 of 11.12.2019).

19 UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. *op. cit.* 34.

20 HIA of Kotor Bay, *op. cit.* 15.

in each individual case, possible direct and indirect impacts of the planned project on: population and human health, biodiversity, and especially on protected types of plants, animals and fungi and their habitats, soil, water, air, climate and landscape, material goods and cultural heritage, as well as mutual relations of all the mentioned elements. The assessment also includes the possible risk of major accidents or disasters, which are relevant to the project for which the impact assessment is carried out. The impact assessment is not mandatory for all projects, but the list of projects is determined by a separate Regulation, while there is also a list for which a decision on the need to conduct an environmental impact assessment is required. If the impact assessment procedure is carried out, then it is mandatory to prepare an Environmental Impact Assessment Elaboration²¹ in which the element of cultural heritage and the impact of the project on it is also processed.

In practice, it often happened that impact assessment commissions did not include members who were experts in the aspect of cultural heritage. Also, in the context of the recommendations that were defined during the UNESCO missions for the area of Kotor and Durmitor, there were often discussions about whether the environmental sector, i.e. the Environmental Protection Agency and the commission should deal with the impact on cultural heritage when there are other procedures of the Ministry of Culture and competent institutions for this area. The most recent case where the Agency turned to UNESCO for an opinion was the impact assessment procedures for quarry projects in the protection zone of the UNESCO area of Kotor. The design of the planned quarries has been stopped by the Environmental Protection Agency until an opinion is received.

However, the protected area of Kotor still does not have an adequate, up-to-date management plan that governs the management and protection of the area. Unfortunately, due to uncontrolled urbanization and devastation of the landscape, there remain major threats to the status and survival of this area on the World Heritage List. Despite the adoption of the Spatial Urban Plan, there are considerations regarding the reintroduction of a construction moratorium, as the previous one expired in 2020. It must also be emphasized that the comprehensive HIA for the entire protected area, as a control mechanism, must be revised and updated in accordance with the UNESCO guidelines, because only in this way can the real state of the protected area of Kotor be seen and the spatial planning and management policies of the area be harmonized.

SKADAR LAKE NATIONAL PARK AND LAMA BALICE REGIONAL NATURE PARK – POSSIBILITIES OF THE IMPLEMENTATION OF UNESCO PROTECTION MECHANISMS

Apart from cultural, natural heritage is an inseparable element of the World Heritage Convention. In order to analyze the system of protection and management of natural and cultural heritage and the potential of applying mechanisms for the

21 The content of the Elaboration is determined by Article 15 of the Law on Impact Assessment and a special regulation.

protection of UNESCO sites of natural and cultural heritage as adequate locations for their application, two nature parks in a wider regional scope were recognized, which contain a significant number of elements of rural cultural heritage, namely are Skadar Lake National Park, in Montenegro and Lama Balice, a regional park in the Republic of Italy.

The Skadar Lake National Park was founded in 1983, and its area covers approximately 40,000 ha. This park has had IBA status (Area of International Importance for the Habitat of Birds) since 1989, and since 1995 it has been included in the World List of Wetlands of International Importance – the Ramsar List.²² It covers the territory of the capital city of Podgorica, the municipality of Bar and the capital city of Cetinje. For this area, given the numerous preserved values, there are initiatives for nomination to the World Heritage List. The area of Skadar Lake has a protection status according to the Law on Nature Protection.²³ This law defines the procedures related to the integration of nature protection measures and mechanisms in the planning and implementation of activities of all sectors that may have an impact on nature. The mechanisms consist of several steps, the first of which is obtaining guidelines and conditions for nature protection, which must be obtained from the Agency for Nature and Environmental Protection before starting the preparation of documents. In this way, already in the first phase of planning, other sectors that use natural resources or space, have information about the natural values of the location, and the target species of plants, animals and fungi, geoheritage objects and areas within the limits of the spatial coverage of documents, data about protected areas with spatial schedule, including areas planned for protection, i.e. which are in the process of being placed under protection and data on ecological network areas and habitat types; data on established regimes, zones and measures for the protection and use of natural resources and goods. The law provides for the conditions under which activities, actions and activities can be implemented, as well as the nature protection guidelines that should be applied. In this way, already in the initial phase of planning the use of resources and/or space, preventive action is taken through the provision of official information on the basis of which the principles of nature protection should be integrated and respected by other sectors. For the adequate functioning of this mechanism, a GIS database on species and habitats is established, which additionally collects data on biodiversity.

In accordance with international conventions related to nature protection, numerous procedures and mechanisms of nature protection also apply to this area, through which the protection of a wider area can be ensured, bearing in mind that valuable natural and cultural heritage can be found within it.

22 UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. *Resource Manual: Managing Natural World Heritage*, World Heritage Centre, Paris 2012, 97. The Ramsar Convention aims to promote the conservation and sustainable use of wetlands and has a list of wetlands of international importance, selected according to a number of criteria related to being representative, unique or important for biodiversity. Ramsar has 159 contracting states and nearly 2,000 recognized sites.

23 Law on Nature Protection („Official Gazette of Montenegro“ 54/16).

The Lama Balice Regional Nature Park²⁴ has an area of 495.2 hectares and a length of about 37 km. It is a nature park that can be defined as ‘urban’, due to its proximity to the city centres of Bari and Bitonto.

For both cases, there is national institutional and “primary” legal protection. Strategic assessments of the impact on the environment and basic studies for cultural heritage were made for the purposes of drafting planning documents. Amendments to the Special Purpose Spatial Plan for the Skadar Lake National Park are underway, and the General Regulation Plan²⁵ is expected to be adopted in accordance with the law. The territorial plan of the Lama Balice Regional Nature Park²⁶ and the Puglia Regional Territorial Plan (PPTR)²⁷ are applied to the Lama Balice area, with guidelines aimed at preserving the regional natural and cultural identity.

Through the aforementioned planning documents, the rural cultural heritage, which is an integral element of both parks, does not have sufficiently clear visibility and protection, there is no uniquely viewed context and integrity of the assets. Therefore, with the aim of additional protection of primarily visual axes, landscapes and objects or complexes, it is necessary to consult support models of UNESCO protection mechanisms, as a contribution to existing capacities, through models that are applied to world heritage goods, through environmental and heritage impact assessments. Cultural heritage is generally the weakest component in environmental impact studies and assessments (EIA) (Bond et al., 2004; Fleming, 2008).²⁸ EIA often ignores the interaction between attributes and cumulative impacts.²⁹

The ICOMOS Heritage Impact Assessment Guidelines stipulate that where statutory environmental impact assessments are applied, the cultural heritage segment must be taken into account when an EIA applies to a World Heritage property. In this case, HIA as part of EIA uses a different methodology that clearly focuses on attributes of outstanding universal value. It should be displayed within the

24 Regional Law No. 15 of 05.06.2007.

25 Decision on the preparation of the general regulation plan of Montenegro („Official Gazette of Montenegro“, No. 052/20 of 03.06.2020) by the Law on Spatial Planning and Building Construction („Off. Gazette of Montenegro“, No. 64/17, 44/ 18 and 63/18) the competence of the State in the preparation and adoption of planning documents, namely the Spatial Plan of Montenegro and the General Regulation Plan of Montenegro is prescribed.

26 The territorial plan of the Lama Balice Regional Nature Park is an instrument for the implementation of the institutional purposes of the protected natural area, for the protection of natural and ecological, as well as historical, cultural, anthropological traditional values of the territory. <https://www.parcolamabalice.it/territorio/#content>.

27 Regional territorial plan (PPTR) is a landscape plan in accordance with Art. 135 and 143 of the Code, with special territorial planning functions in accordance with Art. 1 L.r. October 7, 2009, No. 20 “Rules for landscape planning“ https://www.sit.puglia.it/portal/portale_pianificazione_regionale/Piano%20Paesaggistico%20Territoriale.

28 A.P Roders, A.Bond, J.Teller. Determining effectiveness in heritage impact assessments, Calgary (2013) 1, 2.

29 *Ibid.*

Environmental Statement at the beginning of the document, and the full technical report of the HIA should be included as a technical appendix.³⁰

In order to protect the natural and cultural attributes of the rural heritage of the Skadar Lake National Park and the Lama Balice Regional Park, it is necessary to intensify the cooperation of the sector of spatial planning and preservation of natural and cultural heritage. It is important to consider the possibility of additional standardization of environmental impact assessments (EIA), as a systematic process of examining expected effects on the environment and additional specification of procedures for assessing the impact on cultural heritage, where the ICOMOS Manual for HIA can be used.³¹ This especially applies to the creation and innovation of existing plans, as well as to the assessment of not only the visual effect for infrastructure facilities and major interventions, but also interventions that can affect the unique natural and cultural landscape. It is necessary to carry out mapping,³² and consider the establishment of a sustainable model for monitoring the state of the site using modern tools, QGIS, sensors, drones and the like. Special attention should be paid to focused training and development of personnel and institutional capacities in the field of natural and cultural heritage protection, as well as to the participatory approach of the public, especially the local population. It is necessary to approach the revision and development of adequate management plans using the good practices of UNESCO sites.

CONCLUSION

Based on the presented analysis of the mechanisms on the example of the Natural and Cultural-Historical Area of Kotor, it can be seen that the state made an effort to draft and adopt the necessary and appropriate documents as mechanisms for the protection of UNESCO sites after the removal of this area from the List of World Heritage in Danger, and that is in the first *redu* management plan (2011), HIA heritage impact assessments (2018) introducing legal obligations. Continuing these efforts, the adoption of the Spatial Urban Plan of Kotor in 2020 stands as a testament to the ongoing commitment to safeguarding and managing the Natural and Cultural-Historical Area of Kotor. Due to the inconsistency between spatial planning and the protection of cultural heritage, there are serious changes that affect the exceptional universal value of the area, which is why it was inscribed on the World Cultural and Natural Heritage List. Harmonization of spatial and urban planning, with legal frameworks and international guidelines at multiple levels, is possible only in close cooperation of different disciplines and sectors, which together, with the involvement of relevant administrations and the community, would achieve adequate management of this natural and culturally histoHYPERLINK <https://www.iaia.org/>.

30 ICOMOS, *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*, International Council on Monuments and Site, Paris 2011, 4.

31 *Ibid.*

32 It is necessary to map rural archaeological and architectural elements as well as the cultural landscape, including dry wall boundaries, as well as an overview of the rural archaeological and architectural context through a unique assessment of the impact on values that are recognized or have the potential to be.

REFERENCES

- HIA of Kotor Bay = Assessment of the impact of past and future interventions within the natural and cultural-historical area of Kotor on the overall heritage. Podgorica; Cetinje: Faculty of Architecture, University of Montenegro, 2019.
- International Association of Impact Assessment, <https://www.iaia.org/>.
- Law on the Protection of Cultural Property ("Official Gazette of Montenegro", No. 049/10 of 13.08.2010, 040/11 of 08.08.2011, 044/17 of 06.07.2017, 018/19 of 22.03.2019).
- Law on the Protection of the Natural and Cultural-Historical Area of Kotor ("Official Gazette of Montenegro", No. 056/13 of 06.12.2013, 013/18 of 28.02.2018, 067/19 of 11.12.2019).
- Management planning of the UNESCO World Heritage Sites – Guidelines for the development, implementation and monitoring of management plans – with the examples of Adriatic WHSs: with the examples of Adriatic WHSs, Centre for Conservation and Archaeology of Montenegro, Kotor 2016.
- Study of the Protection of Cultural Assets for the Needs of the Spatial-Urban Plan of Kotor, Administration for the Protection of Cultural Assets of Montenegro, Cetinje 2017.
- Roders A. P., Bond A., Teller J., *Determining effectiveness in heritage impact assessments*, Calgary 2013.
- UNESCO World Heritage Centre, ICCROM, ICOMOS, & IUCN. Resource manual: Managing cultural World Heritage, World Heritage Centre, Paris (2013)
- UNESCO Natural and Culturo-Historical Region of Kotor, <https://whc.unesco.org/en/list/125/>.

ALEKSANDAR V. DAJKOVIĆ

Univerzitet u Bariju Aldo Moro, Italija

MILENA M. BATAKOVIĆ

Agencija za zaštitu životne sredine Crne Gore

ANALIZA MEHANIZAMA ZAŠTITE UNESCO LOKALITETA NA PRIMJERU
PRIRODNOG I KULTURNO-ISTORIJSKOG PODRUČJA KOTORA: MOGUĆNOSTI
PRIMJENE NA ZAŠTIĆENIM LOKALITETIMA PRIRODE U CRNOJ GORI I ITALIJI

Prirodno i kulturno historijsko područje Kotora primjer je kompleksnih odnosa, koji definišu stanje lokaliteta, ali i uočenih izazova na nacionalnom i međunarodnom nivou u toku postupaka upravljanja i očuvanja. Na UNESCO listu Svjetske baštine dobro je upisano 1979. godine, nakon razornog zemljotresa. Granice Područja Kotora obuhvataju cca 9.500 ha kopna i cca 2.500 ha morske površine, na teritorijama opština: Kotor, Herceg Novi, Tivat i Cetinje, što čini ukupnu površinu cca 12.000 ha. Zaštićena okolina Područja Kotora obuhvata široki obuhvat prostora koji se prostire na području tri opštine: Kotor, Tivat i Herceg Novi i obuhvata dio akvatorijuma Bokokotorskog

zaliva okruženog planinama na skoro 1500 m nadmorske visine. Upravljanje, zaštita, očuvanje, korišćenje i prezentacija dobra bliže su definisani Menadžment planom Prirodnog i kulturno-istorijskog područja Kotora, koji je usvojen od strane Vlade Crne Gore 2011. godine. Ovaj dokument sadrži strategiju upravljanja Područjem za period od 15 godina, daje smjernice za njenu realizaciju, program aktivnosti, mehanizme za ostvarivanje integrativne zaštite, način vršenja monitoringa planiranih aktivnosti i dr.

Uočeni problemi odnose se na neusklađenost sa postojećom legislativom, neadekvatne planske parametare (gustina izgrađenog prostora, neodgovarajuće vrijednosti nove gradnje i sl.), nedovoljnu etička kulturu planera i projektanata, neodgovarajući plan upravljanja, ali i nedostatak učešća lokalne zajednice. Dakle, izazovi u prethodnom periodu su rezultat nepostojanja integrativnog pristupa, i nesklada između mjera zaštite i ubrzanog razvoja, konzervacije i nove gradnje, gdje je još od faze planiranja sa posebnim senzibilitetom trebalo voditi računa o strukturama prirodnog pejzaža, uz potrebu procjena uticaja / sprovođenja studija vizuelnog uticaja kako bi se pokušalo doći do kvalitetnijih i za attribute izuzetne univerzalne vrijednosti adekvatnih rješenja. Od 2003. godine, kada je Prirodno i kulturno-istorijsko područje Kotora skinuto sa liste Svjetske baštine u opasnosti, ICOMOS u godišnjim odlukama Komiteta redovno konstatuje zabrinutost o stanju očuvanosti. Odlučni koraci države na sprječavanju urušavanja univerzalnih vrijednosti su započeti nakon 40. sjednice Komiteta za svjetsku baštinu. Zbog jasnog nesklada između planerskog i pristupa zaštite kulturnih dobara, moralo se urgentno reagovati. Istovremeno su prisutne snažna inicijative investitora za izgradnju kompleksa, koje omogućavaju važeći planovi, a za koje opravdano stručne službe iskazuju određenu dilemu ili decidno negativan stav.

Primeri, kao što su Nacionalni park Skadarsko jezero u Crnoj Gori, i Lama Balice, regionalni park u Republici Italiji pokazuju drugačiji pristup i odgovornost učesnika u upravljanju. Za oba slučaja postoji nacionalna insitucionalna i „primarna“ zakonska zaštita. Za potrebe izrade planskih dokumentata rađene su strateške procjene uticaja na životnu sredinu i bazne studije za kulturnu baštinu.