

Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem

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INSTITUTIONAL AND LEGAL FRAMEWORK FOR INTEGRATED COASTAL ZONE MANAGEMENT OF MONTENEGRO

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1. Introduction

The coastal area of Montenegro is characterized by a high development potential and the complex ratio between human activities and the natural environment with a strong pressure on natural resources. In order to preserve the development potential of coastal area, primarily through the preservation of the resource base, it is necessary to ensure integrated planning and coastal zone management (ICZM). The concept of ICZM has already been incorporated into a number of policy and strategic documents in Montenegro. In the context of establishing a basis for further strengthening of institutional and legislative framework, particularly important is the fact that the Law on Ratification of the Protocol on Integrated Coastal Zone Management in the Mediterranean (hereinafter referred to as the Protocol on ICZM) was adopted in 2011.

During 2008, the detailed analysis of the harmonization of requirements of the Protocol with the former legislative and institutional framework in Montenegro was made. In addition, it was updated in detail in 2010. Also, a number of studies was made, which among other things, analyzed the existing legislative and/or institutional framework from the perspective of coastal zone management.

Taking into account the conclusions and recommendations of both studies realized in the framework of this analysis of the national legislative and institutional framework, a brief overview of the status and needs of the existing system was made with a view to develop the appropriate management mechanisms and creating a favorable environment for the sustainable development of the coast. The conclusions and recommendations given in this analysis will constitute the backbone of the future National Strategy of Integrated Coastal Zone Management of Montenegro (NS ICZM MNE).

The overview of the status of the legislative framework has been prepared in relation to the provisions of the Protocol on ICZM (according to the

table in Annex I), or according to the following structure of its key and specific requirements:

1. Sustainable use of resources of the coastal area

- Use of specific instruments and measures:
 - Strategic instruments;
 - Specific instruments;
 - Land and fiscal instruments;
- Prevention of damages and compensation for damages:
 - Measures of environmental protection and remediation, particularly in the following sectors: agriculture, industry, fisheries, aquaculture, tourism, maritime activities;
 - Inclusion of principles of the environmental protection in coastal zone management, coastal zone or national legal instruments;
 - Prevention and reduction of damage in natural hazard.

2. Protection of natural and cultural heritage

- Protection of coastal ecosystems and application of ecosystem approaches:
 - Preservation of the integrity of coastal ecosystems;
 - Implementation of measures to protect specific and vulnerable ecosystems;
 - Establishment of coastal setback;
- Preservation of areas:
 - The application of conservation measures of landscapes through legislation, planning and management;
- Preservation of cultural heritage:
 - Application of appropriate measures for the protection of cultural, in particular archaeological and historical resources;
 - The protection of underwater cultural sites.

3. Monitoring of coastal processes

- Establishment of coastal observatory.

4. Encouraging public participation

- Appropriate and timely public involvement.

5. Access to information

These requirements of the Protocol on ICZM can be summarized in three main groups of requirements:

- To achieve the effect of the natural and cultural values, including the preservation of the integrity of coastal ecosystems;
- Regulation and harmonization of coastal activities to ensure environmental protection and sustainable use of coastal resources;
- Introduction and application of management mechanisms and instruments for sustainable planning, usage and monitoring of the areas and ensuring public participation.

The issue of establishing the institutional coordination is one of the key requirements of the Protocol on ICZM. The existing institutional system is particularly discussed in relation to Article 7 of the Protocol which establishes the obligation of providing institutional coordination through appropriate bodies or mechanisms to avoid sectoral and to facilitate comprehensive-integrated approaches in the management of coastal area. The provisions of Article 7 point 2 are particularly relevant given that the same stipulate obligations to the competent national, regional and local authorities in coastal area, to the extent that it is

possible, working together to strengthen the coherence and effectiveness of the coastal strategies, plans and programs.

Therefore, the existing management structure of the importance of the coastal area of Montenegro is discussed, taking into account:

- Coordination between authorities at national and local level, as well as coordination between the various authorities responsible for marine and terrestrial part of the coastal area;
- Inter-sectoral and intra-sectoral coordination in order to achieve the coherence and effectiveness of the coastal strategies, plans and programs, as well as other initiatives that are important for integrated coastal zone management and sustainable valorization of resources in coastal area.

Based on the results of conducted analyzes, a coordination mechanism has been proposed that aims to improve the effectiveness of the management of the coastal zone of Montenegro at the level of policy and the implementation of specific measures of integrated coastal zone management.

2. State of the legislative and institutional framework of importance for integrated coastal zone management of Montenegro

Generally, there is a favorable strategic framework for sustainable development and integrated management of the coastal zone of Montenegro. Although the integrated coastal zone management is a relatively new policy, the concept of its implementation is based on a number of existing policies and strategic documents in Montenegro. Significant progress has been made in recent years by adopting new laws (primarily as a result of compliance with the requirements of the EU), improving the system of spatial planning, as well as the ratification of the Protocol on ICZM.

The organization of the institutional system in Montenegro indicates that the special importance is paid to the coastal area. Namely, the whole area of the coastal zone (as the most significant part of the coastal area) has, since 1992, been managed by the Public Enterprise for Coastal Zone Management Authority. According to the new draft Law on Coastal Zone, the Public Company will be restructured into the Agency for Coastal Zone Management. At the same time, by redefining of systematization and internal organization of the Ministry of Sustainable Development and Tourism, the proposal has been considered for integrating the policy of the Integrated Coastal Zone Management into the competence of the Department of Sustainable Development and Integrated Coastal Zone Management.

However, the current institutional framework that is relevant to coastal zone management in Montenegro can be viewed as a complex, both in terms of levels of government (national and local) and in terms of sectoral competence (numerous ministries and administrative authorities that they coordinate as well as secretariats and local agencies). This system emphasizes the need for efficient coordination of mechanisms and strong

capacities of existing institutions, as prerequisites for successful results in achieving sustainable development in coastal area. At the same time, such a complex system, with the acceptance of sustainable development as the preferred development concept poses the risk that instead of a true integration of sustainability requirements into development policies and practical implementation of integrated management remains only in the domain of declarative orientation. This is especially important for coastal areas where short-term economic benefits may get precedence over the long-term requirements for sustainability. In this sense, there is a lack of experience in integrated coastal zone management and sustainable use of instruments for resolving conflicts expressed in the different uses of land and the sea. It is also notable the lack of indicators to measure trends in achieving sustainability goals. Also, the limited capacities and weaknesses, manifested in cooperation and coordination between different parts of the administration and social actors, slow down the implementation of new legislation, policies and strategies relevant to the sustainable development of coastal area and obstacles to the practical application of integrated approach for coastal zone management.

Therefore, despite the high level of commitment to sustainable development, the need is evident for further capacity building, training and raising awareness about the importance of integrated coastal zone management in Montenegro.

2.1. Assessment of compliance of national legislation with the key provisions of the Protocol on ICZM

A large number of laws are regulating the issues of importance for coastal zone management. One part of the law is in the process of amendments, while the second part has been recently adopted in the process of harmonization of national legislation with the EU acquis. For the purposes of the NS ICZM MNE, the extensive analysis of all relevant laws and regulations has been prepared. The complete list of analyzed regulations is enclosed in Annex II. The main laws, related to coastal zone management in Montenegro, were the following: the Law on Spatial Planning and Construction ('Official Gazette of Montenegro', No. 51/08, 40/10, 34/11, 47/11, 35 / 13, 39/132), the draft of the Law on marine resources, the Law on environment ('Official Gazette of the Republic of Montenegro', No. 48/08, 40/10, 40/112), the Law on Strategic Assessment of Environmental Impact ('Official Gazette of the Republic Montenegro', No. 80/05, 73/10 of 10.12.2010, 40/11, 59/11), the Law on the Assessment of Environmental Impact ('Official Gazette of the Republic of Montenegro', No. 80 / 05, 40/10, 73/10, 40/11, 27/13), the Law on Environmental Protection ('Official Gazette of Montenegro', No. 51/08, 21/09, 40/11, 62/13).

The issue of the coastal areas is a fundamental issue that is important to be defined by the national legislation. The adoption of the Law on Ratification of the Protocol on ICZM ('Official Gazette of Montenegro, No. 16/2011'), the provision was taken down from Article 1, point 1 of the Protocol establishing the geographical area of its application in a way that is also defined by the coastal area of the sea which makes the outer limits of the territorial waters of the country and the border to the mainland, which is defined by the competent coastal units, as defined by the Contracting Parties to the Barcelona Convention.

The latest amendments to the Law on Spatial Planning and Construction ('Official Gazette of Montenegro', No. 51/08, 40/10, 34/11, 47/11, 35/13, 39/13) recognized, in terms of spatial planning, the importance of an integrated approach to planning of coastal area considering that Article 21, *inter alia*, found that the spatial plan for special purposes referred to the coastal area as a territory of several local self-governments with common natural, regional or other characteristics that were of particular importance for Montenegro and which require special regime regulation and usage.

In this way, the coastal area has been recognized as a territory that belongs to the space of six coastal municipalities: Herceg Novi, Kotor, Tivat, Budva, Bar and Ulcinj. Also, the task for the development of the Spatial Plan for Special Purpose of the Coastal Zones (SPSPCZ) of Montenegro determined the scope of this plan on land designated with administrative boundaries of coastal municipalities (except for the area covered by the boundary of the National Park 'Skadar Lake' in the municipality of Bar and the National Park 'Lovcen' in the municipality of Budva), measuring 1,591 km², and at the sea, with maritime zone to the outer limit of the territorial sea area of about 2,540 km². In addition to the recognition of the coastal area in the spatial planning sense, the geographical coverage of coastal area in accordance with the requirements of the Protocol, as well as the aforementioned spatial planning coverage was not included in national legislation. In this context, it is important to note that the draft of the Law on Coastal Zone, established by the Government of Montenegro at its meeting of 13 December 2013, introduced the concept of 'sea shore' which referred to the most valuable, narrow part of the mainland part of the coastal zone, which in itself did not include the area of the sea (which would be important in terms of the integrity of terrestrial and marine part of the coastal area). This proposal did not define or partially defined the concepts and methods of determining the coastal line and coastal area. Therefore, when it is about the legal norms of the geographical area and application of the Protocol on ICZM in the coastal region of Montenegro, it is necessary to prescribe and

determine the coastline, among other things, to determine the line of set back for construction, in accordance with Article 8, paragraph 2, point a) of the Protocol on ICZM.

Furthermore, the new draft of the Law on Spatial Planning and Construction, determined by the Government of Montenegro at its meeting of 30 January 2014 in Article 29 a) emphasized the obligation of drawing the coastline, the sea shore line and the border line of marine resources in spatial plans. In the explanation to this Law, in the part related to Article 29 a) it is emphasized that it is about *'planning operationalization of solutions of the Law on Marine Resources, which establish these concepts and definitions'*. In line with this, it is necessary to point out the fact that the explanation of the method for determining the coastline in the Law on Marine Resources is not included.

It can be concluded that the Montenegrin legislation is in a relatively large extent harmonized with the requirements of the Protocol on ICZM. However, certain important provisions relevant to the management of coastal area have not been transposed into national legislation yet. In addition to the transposition into the national legal framework, their application should be supported even with the creation of practical instructions and guidelines for implementation.

2.1.1.

Protection of natural and cultural heritage

The preservation of coastal ecosystems, is stipulated in the Law on Nature Protection, as follows: Article 21 (protection of the sea and seabed), Article 37 (definition of protected natural areas), article 49 (categorization of protected natural areas), Article 54 (establishment of protection zones in the protected nature area), Article 45 (determining the list of strictly protected and protected wild species of plants, animals and fungi). Also, the relevant provisions of the Law, governing the management of protected areas, are set in (Article 62 and Article 65-67), primarily in

terms of the establishment and management of protected areas on land and the sea.

Furthermore, the set of regulations (the Law on Environmental Protection – 'Official Gazette of Montenegro', No. 51/08, 21/09, 40/11, 62/13, the Law on Forests – 'Official Gazette of Montenegro' No. 74/10, the Law on marine fisheries and mariculture – 'Official Gazette of Montenegro', No. 56 /, 40/11, Draft Law on Marine Resources) recommended the application of the ecosystem approach, as well as the preservation of some specific ecosystems, first of all wetlands, marine habitats, forests, dunes and islands, and the protection of landscapes. The Law on Spatial Planning and Construction of Facilities (Article 5) stipulates that the space planning is based on the principles of rational use and protection of natural resources, as well as protection and improvement of the environment. The Rulebook on the detailed content and form of the planning document, the criteria uses of the land, the elements of urban regulation and unique graphic symbols (hereinafter referred to as the Rulebook), provides, *inter alia*, in Article 9 that plans contain guidelines for the protection of natural and landscape values and cultural heritage, but without prescribing obligations related to specific topics of nature protection. Obligations from the regulations are repeated in the planning documents, at least declaratively, typically without systematic detailed elaboration on specific ecosystems and valuable areas, which for them do not exist at all. Also, a harmonized expert basis is not taken into consideration. Given that with the existing regulations the management structure with valuable and protected parts of nature has been established over a narrow area of the coastal zone, it can be concluded that the existing system of management of protected areas does not allow the effective management of protected areas in the coastal zone. The auditing of protected natural areas has not been performed (most protected natural areas located in the coverage zone of the coastal zone established by the Decision on the protection of natural objects dating from 1968) and determined their boundaries.

Specifically, the integrity of coastal ecosystems has not been provided (on land and at the sea), especially those that are partially inside the boundary of the coastal zone, and partly in the wider area of the coastal areas. Also, the integrated management of valuable ecosystems and protected areas in the marine and terrestrial part of the coastal zone has not been provided (onshore and offshore).

The planning documents do not contain plans of regions, except SPSPCZ which is still in the process of drafting. The question is to which extent the plans objectively identify natural and landscape values and in particular to which extent they comply with specific planning solutions. The most common consequence is that planning decisions differently treat the similar situations, so the situation in the area varies from case to case. This problem is more pronounced outside the existing protected areas. In addition, analysis of the situation in the area shows the numerous situations of non-compliance of the principle of region planning, even when it comes to legal interventions in the area. The situation is not good even in suburbs where the urban solutions do not take sufficiently into account the criteria for the protection of valuable region elements and their incorporation into planning decisions.

The preservation of cultural heritage is regulated by the Law on Protection of Cultural Heritage ('Official Gazette of Montenegro', No. 49/10 of 13.08.2010) and, especially important for coastal areas, the Convention on the Protection of the Underwater Cultural Heritage. However, when it comes to underwater cultural heritage, it can be stated that the Law lacks specific provisions on *in situ* protection of the cultural heritage of coastal area, which is the first choice prior to any intervention.

2.1.2.

Regulation and harmonization of coastal activities

Sustainable use of resources

The Protocol on ICZM defines the integration into the national legislation and practice of specific

instruments which should ensure the rational use of space of coastal area (Article 8). This primarily relates to the introduction of the instrument setback of the construction of at least 100 meters from the coastline. The existing Rulebook in Article 81 stipulates that the new accommodation units and similar facilities in tourist areas (including camps and golf courses) outside the village must be constructed at a distance of at least 100 m from the coastline. However, the obligations in terms of construction in areas of other purposes have not been elaborated and have not been defined in which cases the observance of this provision is mandatory, and where the adaptation is possible. The instrument of adaptation is very important and requires special elaboration, especially from the perspective of exceptions for projects of public interest. At the same time, it is important to emphasize that projects of public interest should comply with the ecosystem approach and other integrated management objectives. Facilities of general interest in the manner defined by the existing Law on Spatial Planning and Construction are mainly related to projects of public services and are not in accordance with the relevant specific requirements of the Protocol.

In addition to construction setback of 100 m of coastline, the ICZM Protocol requires limiting of the scattered construction and avoiding coastal urbanization. The Rulebook in Article 77 and Article 79 establishes the criteria and quantitative indicators of rational use of space for urban and rural areas, way of application for the various planning documents, as well as the obligations of harmonization that apply to all construction areas, with no clear limit for coastal construction. Although the Rulebook is in force since 2010, there has no practical application of the above provisions in a planning document. Also, the situation in the area and analyzes within the Coastal Area Management Program (of Montenegro (hereinafter referred to as CAMP MNE) show that the irrational use of space is one of the most important problems in the coastal area of Montenegro, stressing the need for implementation of the instruments which will provide quality land settlements, particularly in

terms of the existence of a system of quality public spaces and public facilities.

The Protocol on ICZM provides the determination of the areas outside of protected natural areas, where construction is limited, i.e. the determination of the so-called open areas. The Law on Spatial Planning and Construction and the Rulebook do not deal with this provision of the Protocol in terms of defining specific commitments for its implementation. At the same time, the analysis of vulnerabilities within CAMP MNE reveal significant conflicts in defining the purpose of coastal activities and the vulnerability of space, where more defined conflicts because of their special values should be part of a system of open spaces as required by the Protocol and proposed in the CAMP analysis.

The harmonization of coastal activities in the coastal area in order to facilitate responsible and sustainable valorization is contained in national legislation through the principles of the Law on Spatial Planning and Construction (Article 5), emphasizing the concept of harmonization of development. However, it is quite a broad term that can encompass only part of the aforementioned obligation. Giving primacy of public services and activities, with respect to the usage and location, require the immediate proximity of the sea is not legally regulated by existing laws. The proposed Law on Coastal Resources emphasizes its general use, and the principle of protection that is based on the priority of public services. Although there are no specific legal provisions, nor the accompanying systemic solutions, which would favor the activities of this type, they are being generally, especially of commercial ones, taken care of at the physical plans, defining spatial conditions for their implementation. However, an open question is how the selection of these sites is compatible with other requirements of the Protocol, or the vulnerability of space.

Specific instruments, which limit the activities as in coastal areas, are related to the ban on movement of vehicles and vessels in the narrow coastal area, as well as enabling free access to the sea and the coast. The restriction of movement of vehicles and

anchoring of vessels is regulated by the Draft Law on Marine Resources (Article 34), but without establishing appropriate penal provisions. Next, by Article 6 of the Rulebook on conditions, that must be met by decorated and constructed swimming sites ('Official Gazette of Montenegro', No. 20/08, 20/09, 25/09, 4/10, 61/10, 26/11), prescribes the obligation of providing access path to the sea. However, by Article 2, it was found that access for guests outside the hotel is mainly limited at the hotel's swimming sites. Such a provision is directly contrary to the requirements of the Protocol on ICZM and it is necessary to be harmonized.

In addition to the use of space, the responsible use of other natural resources is the responsibility, partially treated in several laws, in the form of principles, general principles, commitment to a balanced distribution of use of resources of the coastal areas and sporadic obligation to satisfy the conditions prescribed by the laws governing the environment and assessment of environmental impacts. It is primarily about the provisions of the following regulations: the Law on Marine Fisheries and Mariculture ('Official Gazette of Montenegro', No. 56/09, 40/11), Article 1 and Article 5-7 of the Law on Geological Research ('Official Gazette of Montenegro', No. 28/11'), Section 4-5, Article 9-10, Article 16-17, Article 26, the Draft Law on Regional Water Supply of the Montenegrin coast, Article 5 and Article 10 of the Law on Agriculture and Rural Development ('Official Gazette of Montenegro', No. 56/09), Article 3 and Article 16 of the Law on Tourism ('Official Gazette of Montenegro', No. 61/10), Article 4.

Prevention of harm to the environment and proper recovery in case of damage, including the prevention and reduction of natural hazards

Environmental protection, including pollution reduction, is declaratively contained in the regulations governing economic activities (tourism, agriculture, geological exploration, exploration and exploitation of natural resources of the continental belt, port activities), without specifying, in the necessary extent, the measures, which require the

elimination and/or mitigation of the negative impacts on the environment. Therefore, it can be assessed that the provisions of the applicable legislation, regulating the activities in the coastal zone, remain at the level of recognizing the sensitivity of the environment without elaboration of instruments, marks the sensitivity of marine and coastal ecosystems and instruments for preventing and/or elimination of their pollution in terms of preventive actions in the realization of economic activities in coastal and maritime economy.

Despite the principle of prevention of pollution, contained, directly or indirectly, in a number of regulations, if they are sporadic and defined instruments related to pollution reduction, in most cases, they are based on the action in the context of repair of damage. Namely, the pollution prevention and internalization of environmental costs are not developed to a level that allows efficient implementation of standards, starting from pollution charges that correspond to actual costs.

Also, general declarative obligations for preservation of the environment are contained in the Law on Spatial Planning and Construction and are repeated in the planning documents, as a rule, with no systematic detailed elaboration. Something more specific provisions are found in Articles 46-49 of the Draft Law on Coastal Zone where the principles and measures for the protection of the Coastal Zone are specifically stated, while Article 11 and Article 22, in particular, has emphasized the protection of marine resources as a component of the Coastal Zone Management Plan.

Prevention and reduction of damage from natural hazards

From the standpoint of prevention and reduction of damage from natural hazards, it is important that the Law on Ratification of the UN Framework Convention on Climate Change and Environmental Law ('Official Gazette of Montenegro', No. 48/08, 40/10, 40/11) prescribes the obligation to implement measures to adapt and to mitigate the impacts of climate change in coastal area coverage. Certain plans and strategies, such as the Second

National Communication to the Secretariat of the UN Framework Convention on Climate Change and the National Strategy for Emergencies, stipulate measures for prevention and reduction of damage with natural hazards, and the Protocol on ICZM provides the basis for the implementation of appropriate measures to minimize damage of natural hazards after the adoption of appropriate policies and plans such as NSICZM MNE.

Based on the analysis of national legislation, it can be assessed that the regulations are insufficient and from the aspect of prescribing the remedial measures of the consequences of action of natural hazards (e.g. the impact of climate change, flooding, erosion, seismic hazard), in particular in the following sectors: agriculture, industry, fisheries, aquaculture, tourism, maritime activities. Also, the shortcomings can be noted in the context of records and monitoring procedures which cause damage to the environment of the coastal area in terms of assessing the level of caused damage and on that basis the allocated compensations for damages caused by the environment, including the prevention and reduction of damage with natural hazards.

2.1.3.

Application of management instruments and measures

Strategic and specific instruments

Key instruments, whose implementation allows the protection of the environment, carrying out the economic activities, are strategic environmental impact assessment (SEA) and environmental impact assessment (EIA) whose implementation is defined by special regulations or the Law on Strategic Assessment of Environmental Impact ('Official Gazette of the Republic of Montenegro', No. 80/05, 73/10 of 10.12.2010, 40/11, 59/11) and the Law on Assessment of Environmental Impact ('Official Gazette of the Republic of Montenegro', No. 80/05, 40/10, 73 / 10, 40/11, 27/13).

Also, Article 31 and Article 42 of the Law on Spatial Planning and Construction, regulate the integration of SEA into the process of planning documents. The SEA is conducted out for all categories of planning documents, including local planning documents, which is not appropriate depending upon the size of the project and the nature of the impact. The methodology for the development of SEA is often very formal, general (non-spatial sub-allocations due to the sensitivity and the characteristics of the planned interventions), and without quality criteria (where possible and quantified indicators) for argument evaluation of environmental impacts.

In addition to the Law on the Assessment of Environmental Impact, the use of the EIA instrument is regulated by the Regulation Amending the Regulation on projects for which an assessment of environmental impact is performed ('Official Gazette of Montenegro', No. 47/13). This regulation defines the projects for which the EIA is mandatory (List I) and projects that may require EIA (List II).

However, this Regulation and other related legal documents did not recognize the specific impact of certain projects on the coastal area considering the typical environmental vulnerability and sensitivity of the area. Such an approach would be particularly important to eliminate or mitigate the alarming trend of growth of anthropogenic pressures on the environment of the coastal areas, confirmed and analyzed within CAMP MNE.

In line with it, and taking into account the positive comparative experiences (e.g. in Croatia), some examples of projects may be given that have or may have a significant impact on the environment of the coastal areas, especially the inter-relationships between its marine and terrestrial part. This especially applies to waterways, exploitation of all kinds of architectural-construction stone¹, as well as

¹ According to the Regulation on List I, only quarries and mines are listed, whose area exceeds 25 hectares, or the List II mines below 25 ha. It is about large surface mines, while real problem make separate small mines that devastate the area, and at the same time do not distinguish between architectural ('ornamental') and building stone.

technical construction stone, sea salt exploitation, exploitation of gravel and sand², filling the sea³), marine fish farms and mariculture breeding site.⁴

The List II contains some projects of urban development, some projects for tourism and recreation (including cottage settlements and touristic resorts, marinas, golf courses), as well as industrial complexes and shipyards. The application of the assessment of environmental impact on this basis should be further considered taking into account the analysis of the vulnerability of coastal area, implemented within CAMP MNE which reveals the significant anthropogenic pressures on the coastal area, due to increased urbanization, especially in the narrow coastal area.

Land and fiscal instruments

The coastal zone management involves, among other things, the application of appropriate **instruments and agricultural policy measures**, directly related to planning. In the special laws of Montenegro, there are certain elements of the land policy, especially taxes. Also, certain elements are contained in the regulations in the area of utility services. However, the obligation of urban-allotment has not been established which could be easily seen in the area. It may be necessary to evaluate the precise definition of the instruments of

² On the List II, there is the exploitation of mineral resources.

³ List II contains activities in the marine environment that may have an impact on the marine ecosystem, coastal works to combat erosion and maritime works in coastal areas which, through the construction, change the appearance of the coast (dams, harbor pier, port dykes and other sea defense works, excluding activities for the maintenance and reconstruction of such facilities), but without specifying the work to cover the sea in order to increase the mainland area of the narrow coastal belt.

⁴ The List I includes, among others: fish-farms with an annual production of more than 100 t in the narrow coastal area; or fish farms outside the narrow coastal areas, at a distance of 1 nm from the coastline, with an annual production of more than 700 t; fish farms at a distance greater than 1 nm from the coast and an annual production of more than 3,500 t; shellfish farms in the narrow coastal area with an annual production of more than 400 t. Regulation is given with formulation according to which the intensive farming of fish and shellfish is placed at the List II without a definition of what is quantification of intensive farming.

land and tax policies that, among other things, minimize the problem of the distribution injustice, which is often the result of planning decisions (different uses of the land bring very different profitability and that is why many landowners feel like losers and they compromise the participatory process).

An essential element for the introduction and implementation of land policy measures is to define the notion of construction land, as well as the conditions and criteria for the planning of construction areas. Also, it is inevitably the existence of maintained and regularly updated database of land cadastre.

Monitoring of coastal processes

Analyzed regulations do not contain provisions that would allow a comprehensive and thorough monitoring of coastal processes, i.e. the establishment of coastal observatories. Instead, incomplete monitoring of the environment and insufficiently complete and comprehensive system of environmental monitoring in coastal areas has been defined.

The Law on Spatial Planning and Construction of facilities stipulates procedures and documents for monitoring the situation in the area. The specific and quantifiable indicators for monitoring of the situation in the area have recently been introduced. The need for a register of planning documents has been highlighted, and in particular the database within the information system on the area that contains the applicable limits of construction areas and all applicable planning documents, as well as a unique view of area of evaluation. In line with it, it is significant that the current draft of amendments to the Law on Spatial Planning and Construction (Article 54a) stipulates the introduction of a central registry of planning documents.

The Environmental Protection Law ('Official Gazette of Montenegro', No. 48/08, 40/10, 40/11), in Article 19, stipulates the obligation of producing a report on the state of the environment on the basis of national lists of environmental indicators. Next,

Articles from 32-34 of the Law on Environment, stipulate that the state shall provide a continuous control and monitoring of the environment, or monitoring in accordance with this and special laws. Monitoring is an integral part of the Information System for Environment. The Government brings Monitoring Program proposed by the Agency for Environmental Protection, for a period of one year. Monitoring program includes monitoring of certain segments of the environment and areas adopted pursuant to special regulations. Monitoring involves tracking a large number of segments of the environment and natural factors that are important for monitoring of coastal processes. The Regulation on the National List of Environmental Indicators ('Official Gazette of Montenegro' No. 19/13) defines that the National list of indicators includes indicators on the state of biodiversity, inland waters, the sea, land, air, climate change, as well as indicators related to the impact of economic activity on the environment: production of waste, agriculture, fisheries, energy, transport and tourism.

Taking into account the analysis of the results of implementation of the environmental monitoring program in the context of the implementation of CAMP vulnerability analysis and pollution of coastal areas, it can be observed that the same is characterized by certain disadvantages, and that it is necessary to work on further harmonization of regulations. In this sense, it is necessary to further harmonize the broad set of relevant regulations in the field of environmental protection of marine and coastal areas, protection and water management, control of pollution from sources on the land and the sea, and primarily with the requirements of the Framework Directive on the strategy of the sea, the Directive on the quality of bathing water, the Water Framework Directive and the requirements of the Barcelona Convention.

Public participation and access to information

In the national legislation, there is the basic framework for public participation which is being implemented. However, it is important to state that the Laws establish the right to inform, which does

not correspond to the principle of participation. In fact, it is necessary to harmonize all the provisions that speak about the participation of the public (except the Law on the Assessment of Environmental Impact and the Law on Strategic Assessment of Environmental Impact) in a way that the deadlines should be precisely defined, while public rights and procedure during the public hearing, as well as the way of timely informing the public (newspapers, internet, etc..) are ensured. Also, it is necessary to define clearly the role of the public concerned and the public in relation to the decision-making process. Therefore, the issue of public involvement, especially in the process of developing the spatial plans, largely depends on the competence and engagement of the plan developer and the customer plan. Also, it is important that the absence of regulations often compromise the participatory process, especially in the development of local planning documents in order to ensure better protection of the principle of fair distribution (urban zoning).

2.2. Assessment of existing institutional organization in relation to key provisions of the Protocol on ICZM

As mentioned previously, a large number of ministries, state authorities, institutions and local self-governments have competences of importance for performing integrated coastal zone management in Montenegro. A comprehensive review of the division of competences between the individual departments, administrative bodies, institutions and local self-governments relevant for integrated coastal zone management, is provided in Appendix III of this analysis. The Ministry of Sustainable Development and Tourism, which is in charge of the protection of the environment, planning and management, construction, tourism and sustainable development, should be set aside. As a result of the activities, implemented within CAMP MNE, the establishment of special

departments was proposed which should be in charge of the implementation of the policy of integrated coastal zone management of Montenegro (Department of Sustainable Development and Integrated Coastal Zone Management). In addition, the Ministry of Agriculture and Rural Development, Ministry of Transport and Maritime Affairs and the Ministry of Culture should be singled out.

From the state administration bodies, independent administrative bodies and commercial companies (and/or pre-public companies) that have competences or perform tasks of importance for integrated management of the coastal zone, the following are significant: Public Enterprise for Coastal Zone Management Authority, or future Agency for Coastal Zone Management, Agency for Environmental Protection of Montenegro, Institute of Seismology and Hydrometeorology of Montenegro, Center for Ecotoxicological Research of Montenegro, the Port Authority, as well as units of the University of Montenegro: Institute of Marine Biology and Biotechnology Faculty.

The new Draft Law on Coastal Zone, which is currently in the approval of the Parliament of Montenegro, defines that the Government will manage the coastal zone and establish the Agency for Coastal Zone Management, which is the existing Public Enterprise for Coastal Zone Management Authority. The proposed Law stipulates that coastal zone management plan and annual program of Coastal Zone Management Agency propose, while and Government adopts, among other things, the guidelines and priorities for the protection, promotion and use of marine resources, program monitoring and other natural processes in the coastal zone, and forms cooperation and partnerships with local self-governments, civil sector, residents, business owners and other users of the coastal zone. It is important to point out that, in addition to managing of marine zone, the obligation of the Agency is to provide support in the coordination of integrated coastal zone management.

In order to ensure the protection of marine resources, the Agency shall organize the service of protection of marine resources that ensures the protection of natural resources and specific coastal ecosystems in the coastal zone. It is particularly important that Protection Service participates with the competent inspection authorities in performing inspections of marine resources. The proposed legal solution that transforms the Public Enterprise into the Agency with concentrated powers, as well as efforts yet to be invested in the implementation of such established legal obligations, are certainly needed and aim to simplify the implementation planning process, monitoring and coastal zone management as the most valuable part of the coastal areas. However, with the fact that the analysis of previous work of PC Coastal Management Authority expressed need for a more effective cooperation between the companies and other institutions, especially with local self-governments, it is not clear how the coastal zone management will be organized in the context of integrated coastal zone management in segments which require a pronounced inter-sectoral and vertical coordination. This applies in particular to the organization of the management of protected coastal ecosystems that transcend spatial coverage of the coastal zone. A particular challenge will be the provision of the conditions for research and monitoring of coastal processes and the elimination of existing shortcomings in terms of space management, and maintenance and use of marine resources. This challenge is particularly pronounced in those cases where the application of provision is not relevant, laid down by the Law on Coastal Zone, or when the cause is the unsustainability of some coastal sectoral strategies, plans and programs. Also, with the proposed organization of the future Agency, the concepts of efficient performance of inspection activities and the division of competences, which is one of the key functions of coastal zone management, have not been clearly defined yet.

The local self-governments have an important role in the integrated management of coastal zone. The competences of local self-governments are related

to integrated coastal zone management and accomplished through the work of the various bodies including the Secretariat for the development (and in some municipalities, Development Agencies), Secretariats of Planning, Urbanism and Construction, Secretariats for Utilities and Public Utilities (water supply, waste, sewerage etc.), and many other organs and bodies. Almost all municipalities in the coastal area have a sector for the environment or personnel (one person or more than one) that is in charge of environmental issues. At the local level, utility inspection has its operations. With this regard, in applying the mechanisms of inter-sectoral coordination and governance in the implementation of specific strategies, action plans and programs of importance to the coastal area, the importance of ensuring the participation of local self-governments, institutions and bodies at the local level is evident.

Within the above-mentioned bodies and institutions, in terms of management of the marine part of the coastal areas, in particular, the importance of institutions in the field of safety and security at the sea and protection of the marine environment, as outlined below in performing the maritime missions, should be emphasized. It is necessary to point out that the system of coordination of these activities in the marine part of the coastal area is not at a satisfactory level of efficiency, as well as that there are no effective coordination mechanisms on management of activities in the marine and terrestrial part of the coastal area.

2.2.1. ***Existing coordination mechanisms***

When it is about inter-sectoral horizontal coordination, it can be said that in the past there were examples of unclear and overlapping competences and inefficient operation. In addition to the weaknesses in inter-sectoral coordination and integration, problems are expressed in the vertical (from local to national levels) coordination. Low capacities and lack of experience and knowledge for the application of an integrated

management approach are also characteristic of the existing institutional system, and this is particularly evident at the local level.

The complete cooperation (vertical or horizontal) is necessary in order to ensure coherent action of all stakeholders due to the limited application of mechanisms, enabling the overcoming of sectoral approaches in the implementation of specific strategies, programs and action plans. In the context of identifying the ways to mitigate the lack of effective coordination between administrative bodies at national and local level, as well as regarding the approval of various activities that require the establishment of a co-decision procedure, there are several bodies that should be mentioned, since their functioning provide the necessary inter-sectoral and/or complete institutional coordination:

- i. Coordinating body for the preparation and monitoring of tourist season was formed in 2009, in order to increase the quality of services in the tourism sector. In 2010, it was renamed into the Coordinating Team for preparation and monitoring of tourist season, with the aim of strengthening the capacity and improving the tourist offer and resources of Montenegro. Further reform was carried out by establishing the Council for the monitoring of tourism development, preparation and monitoring of tourist season in 2013. Council is chaired by Prime Minister of Montenegro, while a deputy chairman is the Minister of Sustainable Development and Tourism. The members are representatives of relevant ministries and government bodies, the tourist industry, vocational high schools and universities in the field of tourism, the media and experts in the field of tourism. In the framework of the Council, the Coordinating Body was formed which is responsible for the implementation of all recommendations made by the Council and eight working groups: for preparation of the tourist season; for development of new or improvement of existing accommodation facilities; for diversification of the tourism offer,

season extension and balanced regional development; to combat the grey economy; to increase the number of qualified personnel in the tourism sector; for linking of tourism and agriculture; for the transport connection and border crossings; for the improvement and further development of the brand Montenegro. The Council and its working bodies have been formed with the aim to provide the further development of tourism as one of the most promising branches of the Montenegrin economy in accordance with the Master Plan for Tourism Development, Economic Policy of the Government and the projection of the World Council of Travel and Tourism Council (WTTC) that Montenegro remains one of the fastest growing tourist destinations in the world in the next 10 years. In order to strengthen the multifunctionality of tourism, it is particularly important to enable further strengthening of coordination mechanisms within the stated institutional organization of the Council for monitoring the tourism development, preparation and monitoring of tourist season and strengthening the multifunctionality of tourism.

- ii. The National Council for Sustainable Development and Climate Change of Montenegro was established as a Council for Sustainable Development in 2002, after the World Summit on Sustainable Development in Johannesburg as an advisory body to the Government of Montenegro. Giving advice and recommendations which affect the policy in the field of sustainable development is recognized as its main role. In the original composition, it had 45 members, representatives of different social structures. With the reform from 2008, the number of members was reduced to 23. Furthermore, in 2013, the competence of the National Council was extended to issues of climate change, and now its composition has a president and 20 members: the Minister of Sustainable Development and Tourism; Minister of Economy; Minister of Labour and Social Welfare; Minister of Agriculture and Rural

Development; Minister of Transport and Maritime Affairs; one representative of the Ministry of Sustainable Development and Tourism; one representative of the Ministry of Finance; Director of the Institute of Hydrometeorology and Seismology; three presidents of local self-governments; one representative of the University, licensed in Montenegro; three representatives of Montenegrin Union of Employers; one representative from trade union organizations; two representatives of non-governmental organizations (for sustainable development and climate change); two independent experts (for sustainable development and climate change). From its establishment until 2013, the National Council was chaired by Prime Minister of Montenegro, and since December 2013, the State President has chaired by this advisory body of the Government of Montenegro.

Among others, the tasks of the National Council include:

- provision of guidelines for improving the future development of Montenegro in accordance with the principles of sustainable development, with particular emphasis on the areas that need to be improved;
- monitoring of the development and implementation of national policies in the field of climate change, other planning documents, policy development of Montenegro in terms of consistency with the policies of climate change, in order to implement measures to mitigate climate change, or the reduction of GHG emissions and adaptation to the adverse effects of climate change;
- providing recommendations for:
 - revision of the National Strategy for Sustainable Development and other planning documents,
 - initiate change in legislation, policies, measures and indicators of sustainable development, in line with European and the United Nations standards,

- the application of the European strategic framework for sustainable development in line with the energy-climate package of EU measures,
- the adoption and implementation of other planning documents and their compliance with the National Strategy for Sustainable Development of Montenegro and other relevant documents in the field of climate change, efficient use of resources, social responsibility, green economy and sustainable consumption and production.

The composition and function of the National Council allow its operation in the context of:

- strengthening inter-sectoral coordination between departments in the Government of Montenegro in order to achieve compliance of public policies with the policy of sustainable development;
- encourage cooperation between the competent national and local authorities in order to achieve compliance of public policies with the policy of sustainable development at the local action;
- initiate a stronger involvement of the business sector in the implementation of public policies; and
- participation of NGOs in the formation and harmonization of public policies with the goals of sustainable development.

Despite the complexity and integrity of the structure and function that provide the horizontal and vertical coordination, the operations of the National Council has not provided the desired level of harmonization of sectoral policies, plans and programs with goals and measures for sustainable development, implementation and coordination of programs and projects for sustainable development at the national and local level so far. Insufficient professional and technical capacities for implementation the decisions of the National Council, the lack of scientific-research components and insufficient financial support

for the implementation of sustainable development policies significantly influenced the lack of organized and politically supported process of eliminating or mitigation of unsustainable development trends in Montenegro.

- iii. The Working Group for the establishment of an integrated control system, monitoring and protection of the sea was formed pursuant to Conclusion of the Government of Montenegro from 2011, in order to mitigate the fragmentation and overlapping of competences in terms of safety and security at the sea. Within the functioning of the Working Group, the important activities were carried out in the past, such as: the establishment of an integrated system for monitoring and control of the sea, the implementation of VTMISS (system for monitoring and control of ships) and the purchase of equipment for the protection of sea pollution, purchase of patrol boats for border police, the establishment of a satellite system for monitoring of fishing vessels, development of standard operating procedures for maritime missions (SOP), the ratification of the part of Convention of the International maritime Organization, preparation of regulations related to safety, security and protection of the sea from pollution from vessels, cooperation with foreign Coast Guards, preparation and conduct of joint exercises at the sea and regional cooperation. The work of this working group is coordinated by the Ministry of Defense, while work involved the representatives of other relevant departments of the Government, representatives of the competent authorities, public and professional institutions are involved in the activities. The development of the Standard Operating Procedures (SOP) is one of the most important tasks of the Working Group. SOP contains the detailed written instructions to achieve uniformity during their execution. As all maritime missions involve several state institutions, the application of SOP aims to improve coordination, operational efficiency, cost-effectiveness and safety of all participants
- iv. The Steering Committee for the Implementation of Integrated Coastal Zone Management of Montenegro (CAMP CG) and the development of the National Strategy for Integrated Coastal Zone Management of Montenegro: Institutional structure of CAMP project includes the national component and a component that deals with the implementation and coordination of the project at the level of the Mediterranean Action Plan (MAP) and its Regional Activity Centers and programs (PAP/RAC, SPA/RAC, CP/RAC and MEDPOL). The organizational structure at national level involves political oversight and coordination of the project through the Management and Advisory Committee. The representatives of relevant ministries, PC Coastal Zone Management Authority and coastal municipalities are at the Steering Committee, while the representatives of professional institutions at the national level and the professional services of local self-governments in coastal area are members of the Advisory Committee.
- v. At the level of implementation of certain projects, the certain administrative - coordinating bodies are often established, with the ambition to provide a coordinated inter-sectoral monitoring of the project activities (e.g. the implementation of developing National communications to the Secretariat of the UN Framework Convention on Climate Change Strategy and Action Plan for the Conservation of Biodiversity, making the National Action plan for the management of persistent organic pollutants, etc.). However, the practice shows that the same do not continue to operate at the level of monitoring and implementation of the project results (including even the implementation of specific strategies, programs and action plans). That aspect will be the

biggest challenge for the Board of CAMP in order to ensure its functioning through monitoring the implementation of ICZM NS MNE and the overall integrated coastal zone management.

- vi. From the aspect of a wider participation of the local self-governments in inter-sectorally organized institutional coordination of the various public services, the mechanisms are important which are available within the Union of Municipalities of Montenegro as a national association of local self-governments in Montenegro. The mission of the Association of Municipalities of Montenegro is to contribute to the democratization and decentralization of local self-government through the provision of services to its members, representing their interests and establish cooperation with state authorities, other national associations and international organizations. The activities that are of primary importance for the Union include also those of importance for coastal area, such as: improvement and development of municipal and residential areas, planning, construction, and development of transport, road maintenance, economic and non-economic activities.

2.2.2.

Assessment of key shortcomings in terms of the existing system of management and monitoring of coastal areas

In addition to establishing of the organizational structure of the system of coastal zone management, it is also important to evaluate the results of its functioning, particularly in terms of a clear identification of needs and opportunities and preparation of plans and programs of coastal management, based on it. In this context, specific problems are singled out that are particularly important from the perspective of the effective functioning of coastal zone management:

- It has not been envisaged to establish a unified information system for monitoring the state

and processes in the coastal zone. The existing legal regulation provides the establishment of several separate databases without precisely determined ways of their connection and management with the aim of enabling, among other things, uninterrupted monitoring and improvement of the coastal areas of Montenegro.

- The establishment of an integrated information system on the environment (the competence of the Agency for Environment Protection of Montenegro) has not been fully completed within which the particular place should be placed to the database on the environmental status of the coastal area, *inter alia* because of:
 - Lack of financial and technical capacities that would ensure the comprehensive understanding of trends impact of pollution from land and the sea, and overall anthropogenic impacts on extremely vulnerable and valuable coastal region of Montenegro. In addition, the lack of national reference laboratories, lack of continuous funding for Monitoring programme, mismatch or unsatisfactory degree of harmonization of national legislation with international requirements, and significantly overlapping of competences of institutions, preventing of quality environmental monitoring of coastal areas based on the use of indicators (including indicators ECAP), monitoring trends of anthropogenic impacts, and impacts of natural and anthropogenic hazards.
 - Lack of records and monitoring procedures which cause damage to the environment of the coastal areas in terms of assessing the level of damage caused and on this basis secured compensation for damage caused by the environment, including the prevention and reduction of damage with natural hazards.
 - Reporting on the consequences of the implementation of interventions, which has not been established, that have been

approved in accordance with a previously agreed environmental impact assessment or on the consequences of the implementation of plans and programs in accordance with the accepted reports on strategic assessment of environmental impact. Lack of monitoring measures defined in the studies of environmental impact assessment, or reports on strategic assessment of environmental impact, as well as the lack of information on the impacts of implemented projects, plans and programs makes the creation of a new policy on a sustainable basis difficult.

- The systematic monitoring programs are not set in place for natural and other processes in the coastal zone (competence of the future Coastal Zone Management Authority), which include the elimination of damage from natural hazards (especially monitoring programs and mitigation of erosion impact and climate change in coastal areas), as well as the application of development indicators of economic activities in the function of sustainable use of coastal areas and reduction of pressure up to the border reception capacities.
- The lack of monitoring in the area of coastal areas using quantified indicators. Specifically, a database on the situation in the area (competence of the Directorate for spatial planning) has not been established. A unique map of the coastal zone and a unique map of the construction areas are the key elements that should be part of the monitoring system in the space.
- From the aspect of coordination in the development, adoption, and implementation of the planning documents, it is important to note that the coordination is usually of a formal nature, not a framework for active cooperation of all stakeholders. The coordination is often reduced to one-way communication through the submission of opinions, but not to agreement through which the planning solutions will be harmonized. Also, the coordinating role of the system of spatial planning in relation to other departments is not sufficiently emphasized and legally defined, especially in situations of existence of conflicting requirements of different sectors for the same area.
- Poor capacities for development and implementing of strategic assessment of environmental impact, as well as cases of their inadequate implementation, particularly in planning and decision-making on development activities, affecting the coastal zone. In line with this, the harmonization of the existing regulations, programs and plans with the identified needs in terms of adapting the coastal and maritime economy for sensitive nature of coastal areas and the need for protection of marine resources from pollution.
- The approaches and mechanisms for the implementation of the cumulative impact assessment of coastal area have not been applied or have not been sufficiently applied (e.g. the application of the bearing capacity of the environment, the cumulative assessment of the environmental impact in spatial plans, sensitivity, convenience, attractiveness, etc.).
- The existing system of management of the protected areas does not allow the effective management of protected areas in the coastal zone. The integrity of coastal ecosystems has not been ensured (on land, on sea, both on land and sea), especially those that are partially inside the boundaries of the coastal zone, and partly in the wider area of the coastal zone. Integrated management of the valuable ecosystems and protected areas of the nature and in marine and coastal belt has not been provided. Also, the investment in the implementation of technical and scientific research and projects of importance for the improvement of the protection of the natural heritage of coastal areas is not sufficient.
- In terms of regulation of the coastal activities, the special importance has the fact that, the application of laws on the protection of nature,

issued by the Agency for Environmental Protection, is expected.

- In the process of making plan documents, the participation of the public has been ensured. The question of quality public participation, which largely depends on the competence and engagement of plan developers, has been singled out.
- The monitoring of activities has not been established yet, related to the protection of the underwater cultural heritage, as well as the implementation of protection measures for underwater cultural heritage, as well as the cultural heritage of the mainland coastal areas, within development and planning documents.

3. Key needs for establishment of Integrated Coastal Zone Management

3.1. The needs in the legislative framework

Protocol on ICZM is based on the fact that the planning and management of the coastal zone as an irreplaceable ecological, economic and social resource, is for the purpose of conservation and sustainable development, a priority for the countries of the Mediterranean and beyond, especially due to the increase of primarily anthropogenic impacts on these areas. All countries that have ratified the Protocol are obliged through its regulations to prepare coastal strategies, plans and programs to enable the implementation of the objectives and principles established by the Protocol.

As previously stated in this analysis, a significant number of Protocol's requests has already been included in the legislative framework of Montenegro, but there are some important provisions that have not yet been adequately transposed into national legislation. At the same time, it should be noted that one of the key principles in the implementation of the Protocol is the obligation of achieving results. Just transferring requirements of the Protocol into national legislation is not in itself sufficient, if these requirements are not developed by an appropriate application of mechanisms that can monitor and evaluate their implementation. Therefore, the practical application of by-laws, which define criteria or mandatory indicators for monitoring progress, is often more important than just legal solutions.

In this context, looking at the existing national legislation of importance for integrated coastal zone management of Montenegro, it can be said that it is necessary to provide for amendments to the

regulations and/or support in the implementation of regulations in order to eliminate the key deficiencies in accordance with the analysis presented in item 2.1. It should be emphasized that the field of spatial planning is extremely important, because the spatial plans are basic instruments for the implementation of the Protocol. Therefore, the largest number of key recommendations relates to the Law on Spatial Planning and Construction as a framework law for transposition of important instruments of the Protocol on ICZM.

In relation to all shortcomings of national legislation the following needs and related recommendations are identified as key ones:

1. While the coastal area is identified in the spatial planning sense, the lack of key national legislation is not recognizing the coastal areas as well as areas of special national interest for which are prescribed the criteria and guidelines for use. Hence, the first step can, through the Law on Spatial Planning and Construction, confirm the essential principles set by the Protocol, maybe by a separate chapter devoted to the coastal area as an area of special interest for Montenegro. Further amendments to the Law on Spatial Planning and Construction should be:
 - To establish that the coastal area is of particular interest and importance for Montenegro and that it covers all six coastal municipalities (Herceg Novi, Kotor, Tivat, Budva, Bar and Ulcinj) in their administrative scope, with the exception of the coverage of the National Park "Skadar Lake" in the Municipality of Bar and the National Park "Lovcen" in Budva, including the territorial sea. That particular area should be confirmed as the geographical area for application of the Protocol.

- Identify zones for non-construction, requirements for determination, usage modes and exceptions to the application (including projects of public interest). In the cases of exemption for projects of public interest it should be based on the application of appropriate criteria (combined application of anthropogenic criteria and evaluation of natural basis) in accordance with the ecosystem approach and other integrated management objectives.
- It is especially important to consider the criteria for determining the inherited rights, also in the context of determining the coastal detachment. In this connection it is important to precisely specify the time horizon for implementation of regulatory plans. It would be important to determine the magnitude and spatial extent of the individual types of regulatory plans.
- Identify (other) criteria of sustainable development - prevention of coastal construction and establishment of open space to ensure the preservation of specific coastal ecosystems, coastal engineering, natural resources and cultural heritage.
- In addition to recently performed harmonization of the law that points out that the coastal zone is defined by making a spatial plan, the possibility of defining the same characteristics as the regional plan should be considered .
- Strongly emphasize the principles of integration and coordination, particularly through a more precise definition of the procedure when specific sectoral legislation, strategies and plans are not harmonized with each other.

In order to ensure clear application of the above-mentioned elements, their detailed analysis should find its place in the relevant by-laws. Further instructions for implementation should be made for certain elements. As an example, in determining the criteria of sustainable development criteria should be

included for defining urban and rural areas, clearly defined category of land use that is considered construction land (including the way that displays them, or the kind of planning documents that can determine urbanized area), the method of calculation and application of some specific indicators for the use of space, etc.

It is particularly important that the criteria of making the content of the Spatial Plan for Special Purpose for Coastal Region of Montenegro (PPPNOP CG) are analyzed in detail (through existing Ordinance or any other by-law) in a way that, among other things, defines the following elements:

- scale 1:50,000 and 1:5,000 (now under this Law 1:25,000, 1:2,500 and 1:1,000);
- category of land use (option between the general and detailed land use under the current Regulation);
- obligation to define zones of construction site in the suburbs on a map of land use of PPPNOP CG;
- defining the possibilities for expansion of the construction zone of mixed-use development in municipalities with criteria (according to Article 77 of the Regulations);
- obligation to define the system of open areas on the basis of vulnerability analysis, or analysis of the carrying capacity;
- obligation to define zones of coastal detachment on the map 1: 5,000;
- obligations of the analysis and evaluation of areas along the shore;
- elaboration of PPPNOP CG through the state location study.

2. As for protection of environment through the Law on Environmental protection it is necessary to:

- enable the effective management of protected areas in the coastal zone;
- ensure the integrity of coastal ecosystems (land, sea, and land and sea), especially those that are partially inside the boundary of the coastal zone, and partly in the wider area of coastal areas;

-
- provide integrated management of valuable ecosystems and protected areas in the marine and land part of the coastal area.

Also, by the regulations in the field of culture it is primarily needed to establish a basis for in situ protection of the cultural heritage of coastal areas, which represents the first choice prior to any intervention.

For starters protection it is necessary to strengthen the implementation of the Landscape Convention. Also, it is desirable to prescribe (Law on Spatial Planning and Construction, or by-laws) the creation of a single official presentation of the coastal area evaluation.

3. Establish the terms of use of the coastal zone which allow free access to the sea to everyone. At the same time, to exclude a provision from the Ordinance on the conditions of beaches that excludes the public from the hotel beaches. With regard to the proposed structure of the Law on Coastal Management it seems that it would be more operational to put terms related to the Agency in special ordinance. Likewise, the definition of swimming areas rather than in the Law on Coastal Zone Management should be included in the corresponding by-law. As for the Law on Coastal Management a definition of the coastline should be added as well as the method of determining the institution responsible for the coastline.
4. It is necessary to improve the regulations in terms of prevention of damage to the environment and the internalisation of environmental costs related to the valorization of the resources of the coastal areas, as well as prevention and reduction of damages caused by natural hazard (especially climate change and erosion).
5. The measures of environmental protection to be incorporated into the existing sectoral laws primarily through those that require elimination and/or mitigation of negative impacts on the

environment and the internalization of environmental costs in the context of carrying out economic activities.

In order to eliminate or mitigate the alarming trend of growth of anthropogenic pressures on the environment of the coastal area, in the Regulation on projects, for which an assessment of the environmental impact should be considered, the specificities are recognized of the impact of certain projects on the coastal region considering the characteristic sensitivity of the environment of the area. In this context, some examples of projects should be considered that have or may have a significant impact on the environment of the coastal area, especially on the inter-relationships between its marine and land part (e.g. Waterways, exploitation of all types of architectural and building stone, as well as technical construction stone, exploitation of sea salt, exploitation of gravel and sand, marine fish farms and mariculture). Also, in the context of high human pressure on the coastal area due to increased urbanization, the same approach should further consider the implementation of projects of urban development, individual projects for tourism and recreation, as well as industrial complexes and shipyards.

6. With reference to the deficiencies in the preparation of the Report on Strategic Environmental Assessment and the integration of recommendations in the spatial planning documents, particularly in strategic documents, it is suggested (based on existing practices in Montenegro, as well as on international best practices) to elaborate guidelines for the practical application of the principles of integrated coastal management in the implementation of strategic assessment of environmental impact. Also, it is suggested to create a number of pilot projects for "exemplary" strategic assessment of environmental impact for the selected plans and programs in the coastal zone, which will then be presented through workshops to professionals.

It is necessary to examine the justifiability of strategic impact assessment for all categories of planning documents, including local planning documents, for which it is not appropriate to consider the size of the project and the nature of the impact.

7. To define more precisely the instruments of land and tax policies that will minimize the problem of expressed demand for conversion of agricultural and forest land in coastal areas, and with them the problems of associated distribution injustice that is often the result of planning decisions. Also, it is recommended to go on with the implementation of the Land policy study which should develop optimal opportunities and ways to apply adequate instruments of land and tax policy to be incorporated into the legal system.
8. In order to ensure monitoring of the situation in the coastal area, a special rule should determine the content and method of keeping information system. The same should include:
 - complete information on the environmental state of the coastal area;
 - the scope and importance of the valuable parts of nature, including display of coastal values and beaches;
 - information on the use and purpose of space (and not just a register of planning documents, as required by the current draft Law on Spatial Planning and Construction Art. 54 point 3), including:
 - display of the building area (preferably in digital form with the possibility of overlap orthophoto footage);
 - display of built-up areas;
 - display of borders with all applicable planning documents.

Given that the current regulations provide guidance for specific databases relating to the state of the environment, situation in the area and monitoring of coastal processes, it is necessary to ensure their compatibility and connectivity so as to ensure the smooth functioning of the overall information system of

importance for monitoring and improvement of the coastal area of Montenegro in accordance with the requirements of the Protocol on ICZM.

9. In the existing laws regulating public participation in decision-plans (Law on Local Self-Government and Law on Spatial Planning and Construction) the role of the public concerned and procedures during the public hearing should be more clearly defined. Also, it is important to incorporate provisions to emphasize the rights of the public in the decision-making process. Finally, it would be useful to elaborate a general code of good practice for citizen participation in the decision making process.
10. One of the most important applications of the ICZM Protocol is the National Strategy for integrated coastal zone management and the related Plan of coastal zone management. Although the process of drafting the National Strategy and Plan for Integrated Coastal Zone Management of Montenegro has already started, it is important that the obligation of making, monitoring and regular updating is incorporated in the existing legislative framework of Montenegro.

Taking into account the EU accession process and related liabilities, in particular with regard to the future adoption of the Strategy of the sea, the adoption of a unified strategy for marine and land part of the coastal area can be considered (future), as, for example, an approach that is now being implemented in Croatia.

Subject to further amendments to the Law on Spatial Planning and Construction or any special by-laws may be determining the legal obligation to adopt the National Strategy for Integrated Coastal Zone Management of Montenegro.

3.2. The needs in the institutional framework

As previously stated current analysis and strategic documents emphasize that the institutional arrangement of importance for coastal zone management is complicated both in terms of levels of administration and in terms of sectoral competence (numerous ministries and administrative authorities that are coordinated by them, and local secretariats and agencies). The complexity of the institutional organization is further complicated by fragmented and insufficiently differentiated jurisdiction among individual institutions, with pronounced overlapping of jurisdiction, as well as undefined individual jurisdiction. Fragmented governance and sectoral approaches that characterize current practice of management have their roots in existing regulations and poor inter-sectoral (horizontal) and vertical (from local to national level) coordination. There is lack of a coherent action of all stakeholders and distinctive system of administration that does not follow the appropriate structures and mechanisms of coordination and integration of importance for the implementation of ICZM policy. Implementation mechanisms are missing (e.g., Joint consultative bodies or joint decision-making procedures), which enable inter-sectoral organized institutional coordination, coordination between administrative bodies at national and local levels, as well as inter-sectoral coordination, in terms of the implementation of coastal strategies, plans and programs as well as in extending various activities. At the same time the capacity of existing institutions for integrated management is limited in terms of human, technical and financial resources, as well as the knowledge and practical experience, which is particularly true at the local level. To meet the requirements of the Protocol it is necessary to strengthen the capacity of institutions and improve the structure of coastal zone management, starting with the existing capacity and establishing significantly better coordination at all levels. At the

same time it is important to specify that the process of development and implementation of spatial and other plans and programs can be used to test the applied approach of integrated coastal zone management. The consultations with stakeholders that took place during the implementation of CAMP Montenegro confirmed that the perceived weaknesses of existing structures made it difficult to formulate and implement appropriate responses for efficient management of severe development pressures in the coastal area.

In this connection it is necessary to ensure the strengthening of existing and development of new institutional capacities to address all of disadvantages that were separated in point 2.2.2. From the point of especially significant strengthening coordination mechanisms on integrated coastal management following purposes are particularly important:

- i. The establishment of a coherent and comprehensive system of decision-making at the level of decision-making on coastal zone management as an area of special interest for Montenegro;
- ii. The establishment of a comprehensive database for the coastal zone, as a basis for drawing up and implementing plans and programs of protection and use of coastal areas should enable the linking of environmental monitoring (state of the marine ecosystem, biodiversity and environmental segments), the use of space in coastal areas and regime use and coastal zone management. In this connection it is particularly important to establish clearly the content and method of keeping information system, as well as competence in the matter of monitoring and the related data collection and storage, so as to enable the mutual compatibility and connectivity of individual databases.

The optimum would be to establish a unified information system to facilitate monitoring of situation and exchange of information on the coastal area. However, given the existing institutional and legal framework structure is

realistic, two databases exist: a database on monitoring the state of the environment and the database on monitoring the situation in the area. According to the existing, legally defined responsibilities, information system with a database on the state of the environment is maintained by the Agency for Environmental Protection of Montenegro, while a database on the situation in the area is to be established in the Directorate responsible for spatial planning in the Ministry of Sustainable Development and Tourism, with its direct connect to the database of the Real Estate Management. In order to provide full information system for the coastal region of Montenegro and at the same time taking into account the provisions of the Draft Law on Coastal Zone Management, monitoring of coastal processes should be in charge of the future Agency for the coastal zone, but they would certainly be permanently stored in the two previously mentioned bases, depending on the type of data. Also, it is necessary that these two databases are compatible and connected in a way to ensure the smooth functioning of the overall information system with the aim of guaranteeing the importance of monitoring and improvement of the coastal area of Montenegro.

With regard to this, particularly important will be to provide for a software implementation of the compliance component of environmental monitoring of marine resources, coastal areas and coastal processes, and associated data exchange between the future Agency for coastal zone management with the Agency for Environmental Protection. The same applies to the exchange of information on the regime of use and coastal zone management of the future Agency for coastal zone management and the Directorate for Urban Planning. Thereby, the fact should be taken into account that the whole database on state of the environment and the state of Coastal Area is established and managed by the Agency for Environmental Protection of Montenegro and the Directorate for Urban Planning. To that end, it is necessary

to solve the problems in the functioning of the existing environmental state monitoring by the Agency for Environmental Protection of Montenegro, especially accentuating the importance of the need to complete integration of all segments of the environment in the environmental monitoring of the coastal areas.

From the point of responsibility of the future Agency for coastal zone management and with regard to the monitoring of natural and other processes in the coastal zone it will be required to cooperate and exchange information with other relevant institutions, primarily with the Department of Hydrometeorology and Seismology of Montenegro, as well as scientific institutions: Institute for Marine Biology and the Biotechnical Faculty.

- iii. Ensuring the integrity of coastal ecosystems (land, sea, and land and sea) and the establishment of an integrated, efficient and indivisible management system of valuable ecosystems and protected areas, particularly those that are partly inside the boundary of the coastal zone, and partly in a wider coverage of coastal areas, as well as the establishment of integrated management of proposed protected areas in the sea;
- iv. Strengthening the effectiveness of the legislation on the protection of nature made by the Agency for Environmental Protection of Montenegro in implementation of plans, programs and projects relating to the use of natural resources of coastal areas;
- v. The establishment of an inter-sectoral dialogue aimed at harmonization of plans and programs, as well as monitoring the impact of the project on the environment as established by previously approved reports on strategic assessment of environmental impact and environmental impact assessment on the environment;
- vi. The establishment of inter-sectoral dialogue in the framework of establishing a system monitoring program and eliminating damage to

the environment, including natural hazards (especially in terms of monitoring and mitigation of erosion and climate change in the coastal area);

- vii. Capacity building of specific knowledge and skills, administrative and technical capacity in the implementation of Integrated Coastal Zone Management of Montenegro, in particular the future Agency for coastal zone management, local government and the Ministry of Sustainable Development and Tourism;
- viii. Strengthening the capacity of all sectors on the role of spatial planning and in particular

regional plans that are not only physical planning documents, but are also shared documents of sustainable valorization which is also a shared responsibility;

- ix. Strengthening capacities for the implementation of strategic assessment of the environmental and environmental impact;
- x. Encouraging more intensive and effective public participation in the elaboration of a general code of good practice for citizen participation in the decision making process.

4. Proposal of Coordination Mechanisms in setting up the Institutional Framework for Integrated Coastal Zone Management in Montenegro

Starting from the fact that the application of the mechanisms of integrated coastal zone management requires specific knowledge and skills, administrative and technical capacity, as well as the overall coordination at the level of policy-making and implementation of integrated coastal zone management, it is necessary to establish appropriate mechanisms at two levels:

- Decision-making level; and
- Professional-administrative level of action.

In this way, the support will be provided at decision-making level in the implementation of policies and programs of integrated coastal zone management, as cross-sectoral framework of acting, and put necessary professional competences into function. Such an approach, actually, enables comprehensive cross-sectoral and inter-sectoral compliance of the programs, policies and projects with principles and objectives of integrated coastal zone management policy (hereinafter referred to as: ICZM Policy).

As potential scenarios for establishing coordination mechanisms for ICZM the following have been recognized:

- Keeping the existing situation;
- Real scenario;
- Optimal scenario.

4.1.

Real scenario:

Decision-making level

Establishment of the ICZM Council, which is formed by the Government, can be assessed as optimal for decision-making level. This body should ensure efficient inter-ministerial coordination on policy level and on the level of implementation of ICZM policy, or setting up and implementation of institutional coordination mechanisms, vertically

and horizontally organized, between competent authorities and institutions on both national and local level, as one of key requirements of the ICZM Protocol. In this way, numerous weaknesses identified in this coastal zone situation analysis in terms of the need for establishment of institutional framework for integrated coastal zone management in Montenegro, will be eliminated. With regard to that, the ICZM Council should have the following tasks:

- Mitigating or overcoming problems caused by the fact that indented institutional organization, compounded with scattered and insufficiently differentiated competences among specific departments, is not followed by appropriate coordination and integration structures and mechanisms important for the implementation of ICZM policy.

This function should be achieved by strengthening:

- Institutional coordination mechanisms and enabling smooth flow of information in the process of public policy making and defining guidelines for proposal of legal acts important for coastal area;
- Cross-sectoral coordination on the national level between ministries in the Government in charge of specific ICZM issues;
- Coordination between ministries (and indirectly institutions) in charge of maritime and land part of coastal area;
- Support to integrated execution of maritime missions;
- Cross-sectoral coordination between local self-governments and vertical coordination between national level and local self governments;
- Coordination between PE CZM as national institution and the local level;

as well as enabling the following through the ICZM Council structure:

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- Multidisciplinary approach at defining the content and participation in development of plans, programs and public policies;
 - Appropriate representation of all actors important for coastal area (representatives of the government, or key ministries), representatives of six coastal municipalities and representatives of civil and private sector.
 - Providing political support and advisory actions:
 - Within the implementation of the National Strategy for ICZM;
 - Within functioning of the ICZM institutional system;
 - By adopting recommendations, guidelines and key decisions with regard to the implementation of the integrated coastal zone management policy, particularly in terms of:
 - Amendments of existing regulations, adopting new regulation important for integrated coastal zone management and their efficient enforcement;
 - Compliance of sectoral policies with the National Strategy for ICZM and elimination of fragmented, sectoral planning of development (as a consequence of dominance of partial interests and unreal expectations);
 - Improvement of coastal zone management in accordance with the National Strategy for ICZM;
 - Adjustment of spatial-planning documentation with the ICZM Protocol requirements and mutual adjustment of spatial-planning documents in relation to ICZM Protocol requirements;
 - Defining tax and land policy measures in function of coastal zone space management;
 - Regulating coastal activities and their compliance with sustainability requirements, particularly in terms of: application of specific ICZM instruments (environmental impact assessment, strategic environmental impact assessment, carrying capacity of environment, vulnerability, benefits, attractiveness, etc.);
 - Ensuring supervision over compliance of development of key sectors (particularly tourism) and purpose space planning;
 - Ensuring supervision over the implementation of development plans and programs in accordance with the carrying capacity of environment, its vulnerability and objectives of sustainable development;
 - Ensuring supervision of the process of sectoral policy integration.
 - Providing support, incitement and assistance in securing funds for the implementation programs and activities contributing to integrated sustainable development of coastal areas;
 - Within the implementation of professional and executive affairs, particularly in the context of setting up information system, functioning of coastal observatory, execution of professional and executive affairs in terms of landscape protection, natural value areas and protected areas and cultural heritage;
 - Upon initiating and implementing programs and project activities important for setting up scientific-expert basis for coastal zone management in Montenegro;
 - Within strengthening capacities of existing institutions vital for the implementation of legislation and strategy for integrated coastal zone management;
 - In initiating education programs and raising awareness of integrated coastal zone management process.
- In accordance with mentioned proposal, functions, competence and level of obligation to adhere to opinions, proposal and decisions, which adoption is under the competence of the Council, its establishment and functioning need to be laid down by a separate legal act of the Government and later on elaborated through Act on internal organization of the Council (e.g. Decision on Establishment of the Council, which defines its scope of actions, Rules of Procedure of the Council, etc.). Thus, in order to establish necessary capacities of the Council and its responsibility it is necessary to set a normative basis, which will define competences of this body.
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With the aim of strengthening cross-sectoral functions, cooperation and coordination particularly with the Council for Privatization and Capital Projects, Spatial Planning Council, Coordination body for preparation and monitoring of tourist seasons, as well as the Working Group (body) to be/in charge of maritime missions, is assessed as necessary.

Taking into account the complexity of existing institutional framework in Montenegro, possibilities of integrating Council for ICZM into existing institutional organization have been considered. Therefore, the following is assessed:

- Particularly relevant is functioning of the National Council for Sustainable Development and Climate Change from the aspect of its composition and function in the context of providing support to: strengthening cross-sectoral coordination between the ministries in the Government of Montenegro with the view of achieving compliance of public policies with sustainable development policy, encouraging cooperation among competent national and local bodies with the aim of achieving compliance of public policies with sustainable development policy at the local level, initiating a more intense participation of business sector in the implementation of public policies, and participation of non-governmental sector in shaping and harmonization of public policies with objectives of sustainable development.
- Composition and functioning of the National Council for Sustainable Development and Climate Change as compatible with proposed functions and coordination mechanisms in functioning of the Council for ICZM.

With regard to that, it is suggested to expand the scope of competence of the National Council for Sustainable Development and Climate Change so that it can function as the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change. The existing composition of the National Council for Sustainable Development and Climate Change should be expanded to include representatives at the level of

key decision-makers in the ministries, administration bodies and institutions relevant for ICZM, local self-governments in the coastal area of Montenegro, so that the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change functions in the following composition (underlined text refers to newly added members):

- The President of the National Council is the President of Montenegro.
- Members of the National Council are:
 - Minister of Sustainable Development and Tourism;
 - Minister of Economy;
 - Minister of Labor and Social Welfare;
 - Minister of Agriculture and Rural Development;
 - Minister of Transport and Maritime Affairs;
 - Minister of Culture;
 - Two representatives of the Ministry of Sustainable Development and Tourism (one in charge of integrated coastal zone management);
 - One representative of the Ministry of Finance;
 - Director of the Institute for Hydrometeorology and Seismology;
 - Director of Public Enterprise for Coastal Zone Management (future Coastal Zone Management Agency);
 - Six representatives of local self-governments (three of which are presidents of local self-governments in coastal areas of Montenegro);
 - One representative of universities licensed in Montenegro;
 - Three representatives of association of employers registered in Montenegro;
 - One representative of the most important investors in coastal area;
 - One representative of banking sector;
 - One representative of trade union organizations;
 - Three representatives of non-governmental organizations (for sustainable development, integrated coastal zone management and climate change);

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- Three independent experts (for sustainable development, integrated coastal zone management and climate change).

In this way, it is proposed to expand the existing composition of the National Council for Sustainable Development and Climate Change with 10 new members in order to enable its proper functioning in the context of proposed functions of the Council for Integrated Coastal Zone Management of Montenegro.

Members from local self-governments, non-governmental organizations, corporate banks and investors would be appointed for the period of one year on rotating basis, while other members of the Council are selected for the period of three years. In this way, the goal is to trigger pro-active actions and wider participation of social groups important for ICZM.

This proposal is in accordance with the objectives of actions and expected results of the work of Steering Committee established as inter-ministerial body within CAMP Montenegro project and the process of development of the National Strategy for ICZM. Particularly relevant is the expected result defined in the Platform for Action of the Steering Committee, which refers to consideration and approval of proposal for setting up permanent Steering Committee for Integrated Coastal Zone Management in Montenegro upon completion of the CAMP project and development of NS ICZM Montenegro.

The proposal of the composition and function of the Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change adheres to the conclusion of the first Steering Committee's meeting held in July 2012, which, due to the significance of coastal zone management issue (and related drafting of the Special Purpose Spatial Plan of the Coastal Zone), requested raising the importance of Steering Committee on higher level by involving the Prime Minister and relevant ministries into its work, as is the case with certain countries in the Mediterranean, even wider.

This proposal of decision making is in accordance with the basic recommendations outlined in the Study on institutional framework for sustainable coordination of integrated coastal zone

management in Montenegro carried out within the SHAPE project. Forming of the body and its competences needs to be specified by adopting NS ICZM, which adoption would require adoption of above-mentioned legal act of the Government, i.e. decision on Establishment of the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change.

In addition to provisions of the ICZM Protocol (Article 7, item 1, indent 1), the legal basis for setting up the coordination body for ICZM is contained in the existing national legislation. The Constitution of Montenegro, Law on State Administration, Decree of the Government of Montenegro ('Official Gazette of Montenegro', no. 80/08), Decree on State Administration Organization and Operations and Rules of Procedure of the Government of Montenegro prescribe the competences and responsibilities of the Government, as authority of executive power, minister and other administration authorities. The Rules of Procedure of the Government defined that the government can, for the purpose of considering issues and giving proposals and opinion in relation to exercising the constitutional functions of the Government, form a council or other advisory body, which tasks, composition and method of work is laid down in the act on its establishment (Article 27, paragraph 1). In addition, the decree on State Administration Organization and Operations (Article 53) stipulates that the Ministry may form a Council, as an expert-advisory body of the Minister to consider issues within the competences of a specific Ministry. The Minister forms the Council amongst distinguished and eminent scientific and expert persons.

4.2.

Real scenario: Professional-administrative level of action

4.2.1.

Ministry of Sustainable Development and Tourism

As mentioned in the point 2.2., as the result of the activities carried out within CAMP Montenegro, it is

proposed to form a separate department, which should be in charge of the implementation of integrated coastal zone management policy. With regard to that, it is proposed to form a separate unit for the implementation of integrated coastal zone management within state authority in charge of sustainable development, environment protection and spatial planning. It would mean that within the existing organization of the state administration, this Department should be formed in the Ministry of Sustainable Development and Tourism.

In order to ensure cross-sectoral character of actions in accordance with the basic objectives of integrated coastal zone management, it is necessary that this Department is positioned outside the organizational units that are responsible for the implementation of sector-specific policies, such as departments of: spatial planning, construction, tourism, environment protection and that it operates under the supervision of the Minister. Such a position enables the implementation of objectives, measures, actions, instruments and mechanisms of ICZM, which are, by their nature, cross-sectoral and require cross-sectoral cooperation and strengthening of inter-sectoral coordination. At the same time, supervision by the Minister enables a more intensive political support and efficiency in the implementation of complex cross-sectoral coordination mechanisms.

Two options are assessed as opportune:

- a) setting up of independent Department for integrated coastal zone management; or
- b) alternative to the rationalization of institutional organization according to which, Department for integrated coastal zone management may be integrated with the existing unit with similar organizational and program structure.

According to the systematization of the Ministry of Sustainable Development and Tourism, the alternative option would mean the integration of the Department for support to the National Council for Sustainable Development and Climate Change with the proposed Department for integrated coastal zone management. The new organizational

unit would function as the Department for Sustainable Development and Integrated Coastal Zone Management. Within integrated coastal zone management, as the main functions of the Department the following are proposed:

- Professional and administrative support to the work of the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change, including the support in achievement of cooperation between the National Council and other coordination and professional bodies on national and local level, relevant for the implementation of the integrated coastal zone management policy;
- Implementation and reporting on the implementation of the National Strategy for ICZM in Montenegro;
- Monitoring the compliance of national legislation and institutional framework with the requirements of the Protocol on ICZM, and with regard to this, the initiation of alignment and effective implementation of regulations and institutional organizations in areas and sectors of importance for integrated coastal zone management. For the application of the requirements of integrated coastal zone management sectors in which key problems have been identified in the implementation of ICZM from the aspect of cross-sectoral and inter-sectoral coordination (see points 2.2.2 and 3.2) should be taken into account as priority: coastal area spatial management, regulation of coastal activities (tourism, agriculture and rural development, fishery, maritime and land transport, maritime economy, exploitation of mineral resources), protection of landscape, nature protected areas and cultural heritage.
- Initiation of program and project activities, giving priority to the needs of sectors mentioned in the previous point with the aim of strengthening:
 - Scientific-research basis for the implementation of integrated coastal zone management;

- Expert knowledge and skills for the application of cross-sectoral and inter-sectoral ICZM mechanisms;
 - Capacities of existing institutions of vital importance for the implementation of legislation and strategies for integrated coastal zone management;
 - Awareness and education of wider social groups on integrated coastal zone management; and
 - Promoting the code of good practice among administration authorities, subjects in the economy and non-governmental organizations in accordance with the requirements of ICZM Protocol.
- Reporting on the implementation of the Convention for the Protection of Coastal Region on the Mediterranean (Barcelona Convention) and its Protocols, including the Protocol on Integrated Coastal Zone Management (ICZM Protocol), and the implementation of cooperation with Mediterranean Action Plan in the framework of the United Nations Environment Programme (UNEP/MAP), its regional centers, including the Regional Centre for Priority Actions Programme (PAP/RAC).
 - International cooperation with the relevant international, European and regional organizations and bodies active in the field of protection of the marine environment and coastal areas and the sustainable development of coastal areas.
 - Participation in securing financial resources for the implementation of the integrated coastal zone management policy.

In performing above-mentioned functions it is necessary that the Department for integrated coastal zone management establishes coordination mechanisms of cooperation with the relevant ministries, professional and scientific institutions, and local self-government bodies. In that way, it is strived to achieve compliance of public policies with the integrated coastal zone management policy, encourage cooperation among relevant national and local bodies in order to achieve compliance of

public policies with the integrated coastal zone management policy.

With regard to that end, it is proposed to form the Coordination body for integrated coastal zone management with the status of the working group of the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change. The presidency over the working group on semi-annual basis have the appointed representatives of local self-governments in coastal region (appointed representatives of secretariats relevant for integrated coastal zone management) and future Coastal Zone Management Agency. As the member of the working group can only be appointed representative of the ministry, institution and local self-government with appropriate professional references, which are determined by the specific document on Working group operating.

The composition of the Working group of the 'Coordination Body for Integrated Coastal Zone Management' is proposed following the composition of the Advisory Committee established for professional support in the work of the Steering Committee established during the implementation of CAMP Montenegro and the process of development of ICZM Strategy. In other words, the Advisory Committee will be transformed into this working group. Representatives of all institutions relevant for ICZM are involved in the work of the Working group with the aim of providing comprehensive advisory support to the work of the ICZM Council (composed of a narrow group of representatives of bodies relevant for ICZM).

It is proposed that the Working group of the 'Coordination Body for Integrated Coastal Zone Management' consists of:

- Chairman: in turns, representatives of local self-governments and future Coastal Zone Management Agency;
- Co-Chairman: representative of the Department for sustainable development and integrated coastal zone management in the Ministry of Sustainable Development and Tourism;

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- **Members:**
 - Five representatives of the Ministry of Sustainable Development and Tourism on the level of policy implementation in area of spatial planning, construction, tourism, environment protection and utility infrastructure;
 - Representative of the Coastal Zone management Agency (who is concurrently the chairman in the period when the Agency takes over the presidency);
 - One representative, respectively, from the ministries in charge of economy, agriculture and rural development, maritime affairs and transport;
 - Representative of the Environment Protection Agency of Montenegro;
 - Representative of the Institute for Hydrometeorology and Seismology;
 - Representative of Cultural Heritage Administration;
 - Representative of the Centre for Ecotoxicological testing of Montenegro;
 - Representative of the Institute of Marine Biology;
 - Six representatives of municipalities: Herceg Novi, Kotor, Tivat, Budva, Bar and Ulcinj (who is concurrently the chairmen of the Working group in the period when municipality he/she represents has the presidency);
 - Other members depending on the issue that is the subject of work of the Working group (e.g. PE National parks of Montenegro);
 - Secretary of the Working group is the representative of the organizational unit of the Coastal Zone Management Agency in charge of integrated coastal zone management, while the permanent secretariat for the support to the Working group is the Coastal Zone Management Agency in charge of integrated coastal zone management.
- Serves as an open "think-tank" forum for discussion on issues of integrated coastal zone management in Montenegro;
 - Considers and assesses material referring to integrated coastal zone management, which is sent to the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change.
- Issues referring to functioning of coastal observatory, monitoring coastal processes, spatial planning in coastal zone and management of nature protected areas in the coastal area are of particular importance for coordination of actions of the Department for Integrated Coastal Zone Management and Working group of 'Coordination Body for Integrated Coastal Zone Management', in the context of necessity to ensure their integrity.
- As specified in the point 3.2, establishment of comprehensive database for the coastal area, as the basis for development and the implementation of plans and programs for protection and use of the coastal zone, should enable connecting of the environment protection monitoring system (which includes the status of marine ecosystem, biodiversity and segments of environment), space use in the coastal zone and management and use of the coastal zone. Mutual compatibility and connection of databases is a prerequisite for the functioning of entire information system important for monitoring and improvement of overall situation of the coastal area in Montenegro. It is necessary to clearly define the content and method of maintaining the information system, as well as the competences of institutions regarding the monitoring of situation and collection and updating the data related to it, in a way to enable mutual compatibility and connection of separate data bases.
- In data collection for the assessment of the coastal zone status, monitoring of the environment in marine and terrestrial parts of the coastal zone is included within the environment monitoring program. It is necessary that the Ministry of Sustainable Development and Tourism and

There are two main functions of the Working group:

Environmental Protection Agency of Montenegro resolve the problems listed above in the context of this analysis, which are predominantly related to the incompleteness of the existing monitoring programs of marine and coastal areas, its non-compliance with the requirements of the Framework Directive on the strategy about the sea, the Water Framework Directive, the Directive concerning the quality of bathing water and the Barcelona Convention, including the disintegrated monitoring program of surface and groundwater and water quality monitoring in swimming beaches and the lack of financial resources which jeopardize the implementation of the program to the extent necessary.

4.2.2.

Coastal Zone Management Agency

In accordance with the Law on Coastal Zone Management, Public Enterprise for Coastal Zone Management (PECZM) through public-private partnership model has developed sustainable management system (protection, arrangement and improvement) of coastal zone from which the budget for reinvesting in the coastal zone is formed. This enterprise has regional character and competence on entire area of coastal zone including the land and aquatorium (territorial sea). Operationally, PECZM works by plans and programs adopted by competent authorities who are obliged to cooperate on national and local level, and includes cross-sectoral coordination as well.

Taking into account that the new Proposal of the Law on Coastal Zone defines the competence of the Coastal Zone Management Agency in terms of technical support to coordination in integrated coastal zone management, this analysis contains recommendations important for the improvement of the role of the Agency in strengthening the integrated coastal zone management system in Montenegro.

At professional-administrative level of action the following proposals are particularly significant:

- Presidency over Working group 'Coordination Body for Integrated Coastal Zone' on rotating basis every six months among representatives of coastal municipalities and Coastal Zone Management Agency;
- Permanent secretariat to this working group provides organization unit of the Coastal Zone Management Agency in charge of integrated coastal zone management,

while for decision-making level it is important that the Director of the Coastal Zone Management Agency is the member of the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change.

4.3.

Alternative options for establishment of coordination mechanisms for ICZM

As an alternative to the real scenario, it is possible to consider the following options:

1. **Scenario "Maintaining the current status":** In this case the Council on ICZM, Department of the ICZM and the task force "Coordination body for integrated coastal zone management" would not be established and consequently there would not be institutional framework for implementation of ICZM policy.
2. **Optimal scenario:** In relation to the institutional framework proposed in the real scenario, the expertise and administrative level would be strengthened by establishing the Agency for coastal zone management. In this way, a complete coordination mechanism would be established in the coastal area, which is of special importance for eliminating the aforementioned weaknesses in the management of protected areas and monitoring and reporting of coastal processes.

ANNEX I:

Analyzing the compatibility of national legislation with requirements of the ICZM Protocol

PROTOCOL ON ICZM			Analyzed regulatory elements		
REQUIREMENTS	SPECIFIC REQUIREMENTS	(KEY) PROVISIONS	Regulatory provisions containing the key requirements of the Protocol	Efficiency assessment of the implementation of the regulatory provisions	Provisions of the Protocol not covered by the regulation
Protection of natural and cultural heritage	Protection of coastal ecosystems / application of the ecosystem approach	Preserving the integrity of coastal systems	Integrity of coastal ecosystems (5d); Preserving coastal ecosystems (5b, 8-1); Application of the ecosystem approach (6c)		
		Implementation of specific measures to protect vulnerable ecosystems	Preserving wetlands and estuaries (10-1)		
			Adopting measures for the preservation of marine species and habitats (10-2a)		
			Adopting measures for the preservation of coastal forests and woods (10-3)		
			Preserving and rehabilitating dunes (10-4)		
	Preserving the island environment (12)				
	Landscape preservation	Establishment of coastal setback	Establish set-back (8.2)		
			Implementation of measures aiming at preserving landscape through legislation, planning and management	Preserving coastal landscapes (5d, 8-1) Adopting specific instruments (11)	
	Preservation of cultural heritage	Implementation of appropriate measures to protect cultural heritage (in particular archaeological and historical resources)	Preserving cultural heritage (13-1)		
			<i>In situ</i> conservation (13-2)		
	Protection of underwater cultural heritage	Conserving underwater cultural heritage (13-3)			
Sustainable use of resources	Regulation of coastal activities	Traditional coastal activities requiring proximity to the sea	Respecting the principle of balance (5a, 6h) Regulating activities (9-2)		
			Addressing activities that require immediate proximity to the sea (6g, 9-1a)		
	Prohibition / restriction of certain activities	Providing for freedom of access to the sea and along the shore (8-3d)			
		Avoiding urban sprawl (6h; 8.3.b)			
		Open areas (8.3a). Establishing a coastal setback zone (8-2)			
	Responsible use of resources	Restricting movement of vehicles and vessels in fragile nat. areas, including beaches	Restricting movement of vehicles and vessels in fragile nat. areas, including beaches		
			Minimising use of natural resources (9-1b; 9.2.e)		
	Managing water resources and waste (9-1c; 5c)				

PROTOCOL ON ICZM				Analyzed regulatory elements		
REQUIREMENTS	SPECIFIC REQUIREMENTS	(KEY) PROVISIONS	Regulatory provisions containing the key requirements of the Protocol	Efficiency assessment of implementation of the regulatory provisions	Provisions of the Protocol not covered by the regulation	
	Preventing environmental damages and recovery of environment	Measures protecting environment, particularly in the following activities: agriculture, industry, fisheries, aquaculture, tourism, maritime activities	Adapting the coastal and maritime economy (9-1d)			
		National legal instruments secure the inclusion of environmental principles in the coastal zone management	Preventing damage to the environment and restoration (6j)			
			Environmental concerns are integrated into the rules for the management and use of the public maritime domain (8-3c)			
	Prevention and reduction of damages caused by natural hazards		Taking hazards into account in the implementation of ICZM (5e)			
			Anticipating coastal erosion (23-3)			
	Use of specific instrument and measures	Strategic / comprehensive instruments	Taking into account the sensitivity of the environment in studies of environmental impact assessment for projects (19-1)			
			Using strategic environmental assessment of coastal plans and programmes (19-2)			
			Environmental assessment and carrying capacity (19-3; 6b, 18-3)			
			Defining indicators of the development of economic activities (9-1e)			
			Promoting codes of good practice (9-1f)			
			Preliminary assessments (6i, 23-2)			
		Specific instruments	Vulnerability and hazard assessments (22)			
			Adopting prevention, mitigation and adaptation measures (22, 23-1)			
	Fiscal and land policy instruments	Formulating land policy (20)				
		Economic, financial and fiscal instruments(21)				
Monitoring of coastal processes	Establishment of a coastal observatory	Mechanisms for monitoring and observation (16-1)				
		Preparing and updating inventories (16-1, 16-3)				
Encouraging public participation	Properly and timely public involvement	Declaration of the principle of participation (6d, 14-1)				
		Ensuring participation in the formulation and implementation of coastal strategies, plans and programmes (14-1)				
Access to information		Providing information on the Protocol (3-3)				
		Providing information on strategies, plans and programmes (14-2)				
		Providing information based on education and awareness-raising (15-1, 15-2)				
		Providing information on research (15-3, 16-4)				

ANNEX II:

National regulatory framework for the establishment of Integrated Coastal Zone Management in Montenegro

In addition to the Law on Public Administration ("Off. Gazette of Montenegro", no. 22/08, 42/11) and the Rulebook on internal organization and systematization of job positions, the activities carried out by the government departments and relevant institutions for integrated coastal zone management are determined by a large number of regulations. For the purposes of NSICZM, the following regulations were analyzed in terms of their compliance with requirements of the Protocol on ICZM:

- Draft law on Coastal Zone; Law on Coastal Zone ("Off. Gazette of Montenegro", no.14/92);
- Law on Spatial planning and Construction of Structures ("Off. Gazette of Montenegro", no. 51/08, 40/10, 34/11, 47/11, 35/13, 39/13); Draft Law on Amendments and to the Law on Planning and Construction of Structures, which is in parliamentary adoption procedure;
- Rulebook on detailed contents and format of planning documents, as well as on criteria for land use, elements of urban regulation, and the standardized graphical symbols;
- Rulebook on conditions arranged and constructed swimming beaches are required to meet ("OG of Montenegro", no. 20/08, 20/09, 25/09, 04/10, 61/10, 26/11);
- Draft Law on the Legalization of Informal Settlements, which is in parliamentary adoption procedure;
- Law on Environment ("Off. Gazette of Montenegro", no. 48/08, 40/10, 40/11);
- Law on Nature Protection ("Off. Gazette of Montenegro", no. 51/08, 21/09, 40/11, 62/13);
- Law on Protection of Cultural Heritage ("Off. Gazette of Montenegro", no. 49/10);
- Law on Environmental Impact Assessment ("Off. Gazette of Montenegro", no. 80/05, 40/10, 73/10, 40/11, 27/13);
- Regulation on amendments and supplements of the Regulation on Projects requiring an assessment of the environmental impact ("Off. Gazette of Montenegro", no. 47/2013);
- Rulebook on the content of documentation to be submitted along the request for decision on environmental impact assessment ("OG of Montenegro", no. 14/007);
- Rulebook on the content of the study on the Environmental Impact Assessment ("Off. Gazette of Montenegro", no. 80/05);
- Regulation on the National List of Environmental Indicators ("Off. Gazette of Montenegro", no.19/13);
- Law on Strategic Environmental Impact Assessment ("Off. Gazette of Montenegro", no. 80/05, 73/10, 40/11, 59/11);
- Law on State Property ("Off. Gazette of Montenegro", no. 21/09, 40/11);
- Law on Concessions ("Off. Gazette of Montenegro", no. 08/09);
- Law on Ports ("Off. Gazette of Montenegro" no.51/08, 40/11, 27/13);
- Law on Marine Fisheries and Mariculture ("Off. Gazette of Montenegro", no. 56/09, 40/11);
- Law of the Sea ("Off. Gazette of Montenegro", no. 17/07, 06/08, 40/11);
- Law on Agriculture and Rural Development ("Off. Gazette of Montenegro", no. 56/2009");

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- Law on Forests ("Off. Gazette of Montenegro", no. 74/2010);
 - Law on Tourism ("Off. Gazette of Montenegro", no. 61/10);
 - Draft Law on Tourism adopted at the Government's session on 6.02.2014.);
 - Draft Law on Regional Water Supply of the Montenegrin Coast;
 - Law of Geological Research ("Off. Gazette of Montenegro", no. 28/93, 27/94, 42/94, 26/07, 28/11);

- Law on Local Self-Government ("Off. Gazette of Montenegro", no. 42/03, 28/04, 75/05, 13/06, 88/09, 03/10 i 38/12);
- Law on Free Access to information ("Off. Gazette of Montenegro", no.44/12).

Regulations mentioned were analyzed in relation to the requirements of the Protocol on the application of ICZM, table in Annex I. The results of the analysis are presented in the form of Excel tables and present a separate supporting document to this analysis, while the key marks are contained in the individual chapters of this analysis.

ANNEX III:

Ministries, administration bodies and institutions with their competences important for integrated coastal zone management in Montenegro

The Constitution of Montenegro (“Official Gazette of Montenegro”, no. 1/07), Article 82, stipulates that the Parliament of Montenegro, is, among others, in charge of adopting laws (paragraph 1, item 2), as well as the development and spatial plan (paragraph 1, item 7). With regard to that, the role of the Parliament and relevant parliamentary committees and working bodies reflects in the adoption of the laws (*legislation role*) important for ICZM, as well as the Spatial Plan of Montenegro.

The Government of Montenegro (*executive power*) defines proposals of legal acts, Proposal of Spatial Plan of Montenegro, and adopts: secondary legislation (decrees, decisions and rulebooks), state location studies, reports on spatial planning, etc.

Local self-governments adopt development plans and programs, local documents (spatial plan, detail urban plan, local studies of location, etc.), spatial planning program at the local level and other affairs enabling economic development (utility affairs, environment protection, inspection services, finances, investments, etc.).

At state-level, the Law on State Administration (“Official Gazette of Montenegro”, no. 22/08 and 42/11) stipulates that the ministries are state bodies, which, on behalf of the Government, carry out policies within specific areas and take care of their implementation, perform administrative supervision, conduct second-instance administrative procedure as well as first-instance administrative procedure for the area of public good and function of national importance. All other issues of importance for the development of local communities and citizens are the responsibility of local authorities and local government bodies.

Administrations/Directorates (Human Resource Administration, Directorate for Prevention of Money Laundry and Terrorism Financing, Public Procurement Administration, Inspection Administration, Directorate for Young and Sports), Directorate for Public Data Protection, Institutes (Statistical office, Institute for Hydrometeorology and Seismology, Institute for Education, Institute for Intellectual Property, Institute for Metrology, State Archive) and Secretariats (Secretariat for Legislation, Secretariat for Development Projects) are independent administration bodies in charge of implementation of policies and performing specific administrative affairs, as well as Environment Protection Agency. Other administrations and directorates operate within specific ministries. Independent administration bodies act in capacity of legal entities.

Administration bodies and independent bodies can, within the scope of their competences, with certain fee, perform services to natural and legal persons. The pricelist of services is defined by independent body itself, while the Ministry determines fees for administration body operating within its jurisdiction.

Supervision over legality and effectiveness of the state administration bodies and independent state bodies is done by the ministries. In performing supervision the Ministry: suspends acts issued outside the administrative procedure when these are in conflict with the law and other regulations and recommends to the Government to rescind or nullify them; proposes the appointment and dismissal of the head of an independent administrative body under its supervision; requires reports and information on specific issues from the

scope of the administrative authority; provides professional advice, explanations, instructions and advice for the application of regulations within the competence of the administrative authority; provides an assessment of the situation concerning the performance report of independent administrative bodies; determines the specific tasks to the administrative authority; points to weaknesses and irregularities in the work of the administration and gives suggestions to overcome them; alerts the administrative body of the identified irregularities, initiates termination of the administration body under its supervision and performs other control operations and conduct of the administration body, in accordance with the regulations.

For ICZM, activities of a certain number of public enterprises is important, particularly those who went through or are in the process of reorganization. Namely, Article 13 of the Law on Improvement of Business Environment ('Official Gazette of Montenegro', No. 40/10) stipulates the obligation of reorganization of public enterprises in accordance with the Business Organization Law ('Official Gazette of the Republic of Montenegro', No. 6/02 and 'Official Gazette of Montenegro', no. 17/07, 80/08, 40/10, 73/10, 36/11 i 40/11) within three years since entering into force of this law, and Article 14 stipulates that by entering this law into force, the Law on Public Enterprises ('Official Gazette of Socialist Republic of Montenegro', no. 6/91) cease to be valid. In accordance with above-mentioned, reorganization of the following institutions important for ICZM in Montenegro has been initiated: Public Enterprise - Centre for Ecotoxicological Research of Montenegro, Public Enterprise for Coastal Zone Management and Public Enterprise 'National Parks of Montenegro'.

So far, the Centre for Ecotoxicological Research has been transformed into a limited liability company, while the Proposal of the Law on Coastal Zone is in parliamentary procedure, according to which Public Enterprise for Coastal Zone Management is transformed into Coastal Zone Management Agency. The process of reorganization of the Public

Enterprise 'National Parks of Montenegro' is in progress.

State administration bodies performing activities important for ICZM are the following:

Ministry of Sustainable Development and Tourism

The following is under the competence of this Ministry: environment protection, spatial planning and management, construction, tourism, sustainable development and integrated coastal zone management. Administration bodies, which are important for the area concerned, supervised by this Ministry are as follows: Institute for Hydrometeorology and Seismology, Environment Protection Agency and National Tourist Organization.

Institute for Hydrometeorology and Seismology performs tasks related to meteorology, climate, hydrology, monitoring of water, air and soil, seismic, hydrographic, or following specific tasks:

- monitoring and measuring of meteorological, hydrological, ecological and agro-meteorological parameters;
- analyzing, processing and archiving of measured and observed parameters;
- preparation of studies, analyzes and information on climate, soil conditions, air, surface and underground waters and coastal sea;
- forecasting and providing information in the field of meteorology, hydrology, ecology, agro-meteorology;
- establishment of the information system with a bank of climatological, hydrological, ecological and agro-meteorological research in collaboration with the competent government authority for the information society, the establishment and maintenance of meteorological, hydrological and agro-meteorological station for monitoring weather, water, air and soil;
- making and keeping a register of air pollutants;

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- making and keeping a register of springs, wells and water facilities;
 - testing of sediment in streams;
 - control and evaluation of the quality of surface and groundwater, precipitation, air and soil based on analyzes of physical-chemical, biochemical and radiological parameters;
 - providing data, information and studies required for maritime, air and road traffic, energy, water management, agriculture, construction, tourism, defense, security of persons and property, and other interested parties;
 - aerologic and radiosonde measurements of higher atmospheric layers, phenological observations;
 - indirect provision of air navigation;
 - exercising and keeping the standards of meteorological and hydrological instruments and calibration of instruments at meteorological and hydrological stations;
 - fulfillment of international obligations in the field of meteorology and hydrology and quality control of air, water, hydrographic and topographic measurements at sea and inland waterways;
 - establishment and maintenance of a database of official data from the field: hydrography, cartography, navigation, geology, geophysics (sea level fluctuation, waves, currents must, thermohaline, hydroacoustic and optical properties of the sea, etc.);
 - establishment and maintenance of hydrographic information system in cooperation with the competent government authority for the information society;
 - design, production, issuance and maintenance of official navigational charts, publications in accordance with the standards and recommendations of the International Hydrographic Organization (IHO) and the International Maritime Organization (IMO);
 - archiving and maintaining the original hydrographic-topographic survey;
 - preparation and distribution of navigational charts and editing publications in the field of hydrography;
 - the collection, processing and exchange of hydrographic and navigation notices to maintain up to date official navigational charts and publications, as well as the publication of the amendments of the data in the "*Oglas za pomorce*";
 - performing the tasks of the National Coordinator for collection, processing and dissemination of maritime safety information (MSI), in accordance with the recommendations of the International Hydrographic Organization (IHO) and the International Maritime Organization (IMO);
 - organizing a network of permanent and temporary station at sea and ashore to collect hydrographic data;
 - monitoring reliability of measurement methods in the field of hydrographic activities;
 - describe surveying and plotting a certain limit sovereignty from the jurisdiction of the zone at sea and on Lake Skadar, taking into account the rules governing the state border;
 - establishment, maintenance and development of modern technical infrastructure (seismic, geodynamic and accelerographic network stations);
 - continuous monitoring of seismic activity and kinematic processes in the Earth's crust through a process of automatic digital recording and processing of all relevant parameters of seismic activity created by modern tectonic processes on the territory of Montenegro and the wider region, as well as documenting the history of acceleration of the effect of strong earthquakes on the ground and on buildings;
 - creation and maintenance of complex digital database of all seismic, geodynamic and accelerograph data, as well as the creation and maintenance of Geographic Information System (GIS) in the field of seismicity of Montenegro;
 - urgent and routine quantification of all relevant parameters of focal points of earthquakes in

order to form professional documentation and inform the public, especially in case of stronger earthquakes;

- studying and documenting macro-seismic effects on buildings and ground;
- studying the structural composition of the earth's interior and the genesis of earthquakes;
- developing and implementing procedures of determining seismic hazard, producing seismic zoning of large parts of the territory of the country, as well as seismic micro-urban areas;
- preparation of studies, projects and studies on seismic parameters of locations required for buildings;
- participation in development and research projects in the field of seismology,

and other activities defined within its jurisdiction.

Environment Protection Agency of Montenegro

performs professional and related administrative affairs in the area of environment protection such as: issuing permits, performs monitoring of environment, establishes and maintains information system in the environment, performs analysis and report, performs the following specific tasks:

- organizing, planning and participation in environmental monitoring including proposing the national list of environmental indicators;
- participation in monitoring the collection of waste from ships;
- analysis of the environmental status, phenomena and events that may threaten the environment and proposing and taking measures for their prevention and elimination;
- reporting and coordination of reporting on the state of the environment, as well as phenomena and events of importance for the quality of the environment in accordance with the regulations;
- implementation of strategies and programs in the field of environmental protection;
- ensuring the application and enforcement of regulations on environmental protection;
- implementation of international agreements within its competence;

- preparation of technical basis for drafting legislation in the field of environmental protection;
- cooperation, communication and coordination with national and international organizations and institutions;
- management of information systems in the field of environment;
- keeping a register of polluters;
- conducting first instance administrative procedure in the following areas: air protection from pollution, climate change, ozone layer protection, protection from ionizing radiation and security of radioactive sources, non-ionizing radiation, chemicals, noise protection, genetically modified organisms, protection from accidents involving hazardous substances, waste management, strategic environmental assessment and evaluation of environmental impacts;
- integrated permits for the operation of facilities for which the special regulation must have an integrated permit;
- issuance of permits for collection, breeding, keeping and trading with wild animals;
- issuance of permits for picking, collecting, use, breeding, keeping and trading with wild plants and mushrooms;
- issuance of permits for scientific-educational research on protected areas, permits for actions and activities in speleological establishment;
- issuance of permits for trade and use of radioactive materials and sources of ionizing radiation;
- issuance of permits for the import and export of substances that deplete the ozone layer;
- issuance of permits for transboundary movement of waste;
- issuance of permits for installations for waste collection in ports;
- nature protection;
- proposing measures of state bodies and holders of protected objects in relation to the protection of natural objects;

- making a study of protection of natural resources;
 - project preparation for works on conservation and restoration of protected objects;
 - direct professional supervision of works on conservation and restoration of protected buildings and implementation of technical and other protective measures for the special protection of protected objects;
 - provide assistance to holders of protected objects in their maintenance and protection, particularly by providing expert opinions, pointing to the need for their conservation and performance expertise for the purpose of determining measures to reflect protected objects;
 - development of plans and programs for the protection and improvement of protected objects;
 - management of the Central Registry of protected objects on the territory of Montenegro;
 - improving the protection of nature in Montenegro;
 - providing expert opinion on the investment-technical documentation and spatial planning acts on nature protection measures, which these acts should contain;
 - professional development of staff who work in nature protection;
 - preparation and publication of technical publications addressing the issues of nature protection and publish the results of their work,
- as well as other affairs within its jurisdiction.

Public Enterprise for Coastal Zone Management:

This enterprise was formed by the Decision of the Parliament with mission to manage coastal zone, perform protection, regulation and improvement of coastal zone, concludes agreements on the use of coastal zone and performs construction and maintenance of infrastructure facilities for the need of coastal zone.

The Law on Ports established the obligation of the Public Enterprise to manage ports of local

importance, which, according to Decision on Classification of Ports by Importance, count seven. This role implies the competence of the public enterprise to manage other maritime infrastructure facilities which include piers, docks, moorings and berths.

The new proposal of the Law on Coastal Zone, which in the parliamentary procedure, defines that the Government establishes the Coastal Zone Management Agency in order to manage the coastal zone (Article 12), and the competences of the Agency (article 13) are to:

- protect and improve the use of marine resources;
- prepare a draft management plan for coastal zone;
- prepare a proposal for the annual program of coastal zone management;
- plan research of relevance to coastal zone management (quality of sea water for bathing, coastal erosion and other studies of relevance to coastal processes);
- manage protected natural areas that are located in the coastal zone in accordance with the law;
- ensure protection of specific coastal ecosystems (wetlands, estuaries, marine habitats, coastal forests and dunes);
- keep single Coastal database;
- conduct the procedure of giving the coastal zone into lease, in accordance with the law;
- take care of the construction, rehabilitation and maintenance of ports of local importance, docks, piers, moorings, beaches, promenades, slipways and other infrastructure for the needs of the coastal zone;
- adopt the plan of organization and use of swimming beach;
- adopt the plan of use of ports of local importance, docks, piers, moorings and anchorages;
- initiate the procedure for awarding the concession on port of local importance;

- submit initiative for registration of rights on coastal zone property to the competent authority for cadastre affairs;
- provide technical assistance in the coordination of integrated coastal zone management;
- perform other duties of coastal zone management in accordance with the law.

The Government establishes the Coastal Zone Management Agency in order to manage the coastal zone (Article 12). The Agency prepares:

- Proposal of Coastal Zone Management Plan;
- Proposal of Annual Coastal Zone Management Program;
- Organization and usage plan of swimming beach with service amenities;
- Plan of usage of ports of local importance, piers, docks and moorings according to previously obtained opinion of coastal municipalities. The Government adopts the Coastal Zone Management Plan and Annual Coastal Zone Management Program.

The Coastal Zone Management Plan contains in particular:

- situation assessment of coastal zone and the level of implementation of planning documents;
- objectives of protection and sustainable development;
- guidelines and priorities for the protection and conservation of coastal zone and development guidelines;
- measures for the protection, preservation, promotion and use of coastal zone;
- planned activities, taking into account the regime and the conditions of work and/or function of the coastal zone;
- forms of cooperation and partnerships with local governments, civil society, population, owners and users of real estate;
- monitoring program of natural and other processes in the coastal zone (monitoring);
- monitoring program of the quality of sea water at public beaches;

- activities on the promotion and valorisation of marine resources;
- tentative financial resources for the implementation of the management plan;
- implementation schedule, indicative timetable and those responsible for the implementation of the management plan;
- other elements of importance for coastal zone management.

With the aim of carrying out a five-year Management Plan, the Government adopts the Annual Coastal Zone Management Program, which contains in particular:

- activity program in coastal zone with sources of financing (infrastructure protection and maintenance program, infrastructure development, in accordance with annual utility activity management plan of the local self-government, etc.);
- the financial resource usage schedule;
- coastal zone lease plan;
- plan of cooperation with municipalities and non-governmental organizations;
- other activities in coastal zone management, in accordance with this law.

Coastal Zone Management Agency is established by the Government in the form of a legal entity, which exercises public authority in accordance with the law. The bodies of the Agency are the Council and Director of the Agency. The Council has seven members appointed and dismissed by the Government. Three members of the Council are appointed on the proposal of coastal municipalities. Among other criteria, it is defined that the member of the Agency can be a scientific worker with at least five years of experience in performing activities in environment protection area, spatial planning, coastal zone protection, tourism or maritime affairs.

The By-law of the Agency regulates in more detail the following: organization of the Agency, competences of the Council and the Agency, scope of work of the professional service, method of

adoption of general acts, method of adoption of Decision of the Council, salary for Director and other relevant issues. The Government gives approval on the By-law of the Agency. The resources of the Agency are provided from fees of coastal zone lease, concession fees and from other sources, in accordance with the law.

The Agency submits to the Government the report on the status of the coastal zone containing the data on: the implementation of the annual program of coastal zone management, lease of coastal zone, building infrastructure for coastal zone, maintenance of the coastal zone, protection of coastal zone, etc. The financial report contains financial indicators of operations of the Agency.

In order to ensure coastal zone protection, the Agency organizes the coastal zone protection service, which:

- records the construction of buildings and other irregularities contrary to law;
- records pollution from land or sea;
- submits proposals to initiate inspection procedures to relevant inspections and requires taking appropriate actions and measures, in accordance with the law;
- participates with the competent inspection authorities in the exercise of inspections of marine resources;
- ensures protection of natural resources and specific coastal ecosystems in the coastal zone;
- maintains order in the swimming beach areas, from the marine and terrestrial side, ports of local importance, docks, moorings and anchorages;
- orders lease holders of the coastal zone to remove irregularities and submits the Agency proposal for termination of lease contracts;
- cooperates with state authorities, local governments and legal entities with regard to the protection of coastal zone;
- performs other duties relevant to the protection of marine resources.

The state administration body in charge of affairs referring to coastal zone and environment protection performs the administrative supervision over the implementation of the law on Coastal Zone Management and regulations adopted thereof.

The inspectorial supervision performs relevant inspections and utility police, within their competences, in accordance with the law. In addition, the obligation of mutual informing on administrative measures and actions taken within the prescribed competences has been defined.

Dominant activity of the company **D.o.o. "CETI", Podgorica** is 71.20 Technical testing and analysis, which in particular includes:

- ecotoxicological testing and quality (physical and chemical analysis and testing of the radionuclide content) of all segments of the environment (air, water, soil, sediment, sea...);
- testing of food safety and the health safety of objects of general use (physical and chemical analysis and testing of the radionuclide content);
- dosimetric measurements, security and quality control (QA / QC);
- the flue gases – emissions;
- testing of the working environment (comfort-micro-climatic conditions, chemical and physical identification);
- preparation and drafting of acts on the assessment of professional risk of employees with proposal of measures for their removal;
- testing of fertilizers;
- pesticide testing;
- toxicological analysis of biological material;
- categorization of waste;
- testing of noise and vibration in the working environment;
- creation of toxicological studies, analyzes and programs for the state bodies, scientific research institutions, companies and other entities.

"CETI" d.o.o., Podgorica is a single-member company founded by the Government of

Montenegro, which makes all decisions relevant to the work of the Company, including the appointment and dismissal of members of the Board of Directors. Supervision of the Company's work is done by the Ministry responsible for the environment.

According to the new Draft Law on Coastal Zone, the Government establishes Coastal Zone Management Agency, adopts coastal zone management plan and annual coastal zone management program, appoints and dismisses the members of the Agency's Council, while administrative supervision over the implementation of the Law on Coastal Zone and regulations adopted thereof performs state administration body in charge of coastal zone affairs and environment protection.

Ministry of Transport and Maritime Affairs

This Ministry is, among others, responsible for maritime policy, development of ports of national importance and the safety and security of maritime traffic, setting up of indicators, prevention and undertaking emergency measures in case of sea pollution from vessels; Indicators of prevention and taking emergency measures in case of sea pollution from vessels. Significant organizational units within this department are:

- Directorate of Road Transport;
- Directorate for maritime traffic with the regional units – Harbour Master Office Bar and HMO Kotor;

Administrative bodies that operate within this department are:

- Department for Transport;
- Port Administration; and
- Maritime Security.

Harbor master offices, among others:

- monitor the implementation of regulations in area of navigation safety at the sea and propose measures for improvement, monitors the adoption and amendments of international regulations and initiates amendments to the law and other regulations, prepares plans, instructions and opinions related to inspection

supervision of implementation of laws and other regulations;

- secure the seaworthiness of the vessel, performs inspection supervision of maritime establishments, inspection of ports and navigation safety establishments and security protection of ports open for local and international traffic and performs other duties of inspection supervision in accordance with regulations and international agreements in maritime affairs and other regulations;
- establish priorities of inspection supervision, monitors the implementation of plans;
- entry and removal of vessels into and out of appropriate registries;
- perform inspection supervision over:
 - foreign and domestic ships and vessels in terms of their seaworthiness, safety of their driving and other facilities, devices, instruments, apparatus and equipment in accordance with specifications stated in their papers;
 - crew members of a ship or other vessel or floating vessel in terms of their number, competency and authority to perform certain duties and tasks in accordance with the shipping documents;
 - navigation, sailing in or conducting research or other activities of foreign trade, fishery, scientific-research, public or military ships, yacht, boats in terms of their innocent passage, and required approvals from relevant ministries for sailing in or performing specific works on the terrestrial sea and inner sea waters of Montenegro, ports or piers open for international or domestic maritime traffic in terms of their operational and other shores, piers, required depths, plant equipment or other facilities for the berthing, anchoring or protection of ships, as well as the loading and unloading of passengers and/or cargo;
 - waterways where the international or inter-state navigation regime is in force or national navigation regime in inner sea waters and terrestrial sea;

- construction of facilities built in inner sea waters and territorial sea and their shores, works on arrangement or construction of port in terms of its depth, width, radius of curvature and height of buildings above those waterways, whether the works on construction and maintenance of the waterway are performed in accordance with technical documentation or in case of anchorages, in terms of their technical capability and their impact on safety of navigation; etc.

Port Administration performs affairs, which, among others, refer to:

- ports of national importance;
- taking care of the construction, reconstruction, maintenance, management, protection and improvement of ports;
- supervision over the use of ports, providing port services and perform other activities in ports;
- control of the construction, reconstruction, maintenance and protection of port infrastructure and superstructure;
- providing conditions for the performance of maritime transport and port services in ports and anchorages;
- application of national legislation, international agreements and standards related to ports;
- preparation of port development plans adopted by the Government;
- ensuring that the operation of ports takes place in accordance with market principles;
- preparation of criteria for determining the amount of fee for the use of port infrastructure;
- preparation of the concession act, participation in concession award procedure and concluding the concession contract;
- approval of the amount of the fee for port services based on maximum amount determined for this fee;
- control of the execution of the concession contract;
- regulation and coordination of relations and activities between the concessionaires;

- keeping the Concession registry;
- ensuring fulfillment of the requirements established by international and national regulations governing the prevention of environmental pollution from ships, protection of the marine environment and coastal areas and civil liability for damage caused by pollution.

Maritime Safety Department performs tasks related to:

- safety of navigation in the coastal sea of Montenegro in connection with the maintenance of navigable waterways, placing aids to navigation on navigable waterways and the provision of their proper functioning, the performance of activities of radio service on maritime waterways for the purposes of maritime transport, collecting hydrographic, oceanographic and meteorological data and their broadcasting by radio;
- determining the seaworthiness of ships and other vessels floating structures;
- performance of technical expertise in maritime accidents occurred;
- organizing and conducting search and rescue at sea;
- prevention of pollution from ships and floating structures.

Ministry of Agriculture and Rural Development

This Ministry performs affairs, which, among other, refer to:

- measures of agricultural policy and rural development;
- proposing and constituting systematic solutions in agriculture and undertaking measures for their implementation;
- protection, utilization and improvement of agricultural land;
- plant production;
- livestock breeding;
- organic production;
- phytosanitary issues;

- veterinary;
- food safety;
- beekeeping;
- freshwater, marine fisheries and mariculture;
- forest management and forest lands and their protection;
- system solutions for the provision and use of water, water land and water-springs for water supply, system solutions for the provision and use of water, water land and water-springs for water supply, water pollution protection, regulation of water and watercourses and protection from the harmful effects of water.

Water Administration is administration body within the Ministry of Agriculture and Rural Development, which, among other, performs tasks related to:

- ensuring and implementing measures and works on regulation of waters and water courses, protection from harmful effect of waters and protection from water pollution;
- provision of water use, material from watercourses, water land and water facilities owned by the state, through concessions, leases, etc.;
- establishment and maintenance of water information system, water cadastre, registry of waters of importance for Montenegro and monitoring of natural and other phenomena in order to provide data for protection from the harmful effects of water, etc.

Ministry of Finance

This Ministry has competences important for ICZM considering that it manages and disposes with state property on behalf of the Government, and that it runs tax policy and relevant bodies of this authority, including:

- Property Administration;
- Real Estate Directorate;
- Tax Administration.

Property Administration among other, performs tasks related to:

- keeping records of state property in accordance with international accounting standards;

- keeping the register of state property;
- ensuring the purposeful use of state property;
- taking care of the property which under the force of law becomes state property;
- application and monitoring of the cadastral registration related to land parceling, demarcation and exchange of state property.

Real Estate Directorate, performs, among other, affairs related to:

- initiating regulation of legal-property rights;
- development of standards of geodetic works in the field of surveying, real estate cadastre and underground installations;
- photogrammetric recording from the air, research and publishing activities and other geodetic surveying and preparation of originals and reproductions of plans and maps;
- making of, renewal, amendment and control of the state survey, real estate cadastre and registration of property rights;
- execution and supervision of the construction and maintenance of water cadastre and underground facilities;
- cadastral classification and land;
- proposal of the base for separation of the tax from agricultural activities;
- geodetic and agronomic activities on land consolidation;
- production, maintenance and development of Geographic Information Systems (GIS) in cooperation with the competent government authority for the information society;
- National Spatial Data Infrastructure (NSDI);
- maintenance and development of software for digital geodetic plans and alphanumeric data of cadastres and control over such matters;
- control and monitoring of the changes in the space, and the implementation of the established changes in plans and cadastre;
- registration of changes in property rights.

Ministry of Interior Affairs and Ministry of Defense

In addition, competences of the Ministry of Interior Affairs, which vessels control maritime safety are also important for ICZM, as well as units of the Ministry of Defense in accordance with its competences and defense policy.

Ministry of Science

This Ministry performs administrative functions, among others, relating to:

- the implementation of programs of public interest that involve scientific-research institutions and researchers in the European research area and international scientific programs;
- training and mobility of researchers in Montenegro;
- regional cooperation and infrastructure connections in research;
- implementation of national and international research projects.

Ministry of Culture

This Ministry performs administrative functions, among others, relating to:

- the development of cultural and artistic creativity;
- protection, conservation, evaluation and presentation of cultural heritage;
- increasing public interest in culture;
- creation and implementation of development strategies and programs of culture;
- research in the culture, and so on.

Department for the Protection of Cultural Property

is a body within the Ministry of Culture, which performs tasks related to:

- research, study, documentation and recording of cultural property;
- collecting, processing, and storing documents on cultural goods;
- continuous monitoring of cultural assets and revaluation of their cultural values;

- issuing permits for archaeological and conservation research;
- research suspension and revocation of research;
- drafting and adoption studies of cultural property protection for the needs of state and local planning documents;
- cooperation with the preparatory work holders and processors of planning documents;
- examination and opinion on planning documents;
- approval for geological surveys in the vicinity of cultural goods, etc.

Ministry of Economy

This Ministry performs administrative affairs, among others, relating to:

- establishing proposals and implementation strategy for the development of Montenegro;
- preparation of the proposal and implementation of the strategy and policy of regional development of Montenegro;
- preparation and evaluation of development and investment projects that are of interest for Montenegro, which are under the jurisdiction of the Ministry, the coordination of activities in the implementation of regional development of Montenegro, cooperation with local governments and other stakeholders on regional development policy in the preparation and implementation of development programs and projects;
- participation in the preparation of strategic and operational documents for the use of pre-accession funds of the European Union and other international sources of funding for regional development;
- creating conditions for sustainable and balanced growth and development of Montenegrin economy and its competitiveness;
- production of electricity and gas, mining and quarrying (exploitation of energy resources, exploitation of other raw materials);

- policy implementation and coordination of the implementation of projects in the field of energy efficiency, performance of professional and administrative tasks in the field of energy efficiency, determining the directions and dynamics of energy development;
- concession system and award of concessions within the jurisdiction of the Ministry;
- exploitation of mineral and other raw materials;
- geological research;
- exploration and production of hydrocarbons, etc.

The Law on State Administration introduced a new solution regarding the work of inspection services, by consolidating them into the Directorate of Inspection, which is a body within the Ministry of Economy. Supervision and inspection activities are divided between the national and local levels. In the Administration, among others, the following inspection services of particular importance to coastal zone management are:

- urban planning and construction inspection (control of implementation of spatial plans that are adopted at national level);
- environmental inspections (responsible for the control of emissions, waste and protected areas);
- water management inspection (responsible for work on water infrastructure and water courses and water protection against land pollution);
- tourist inspection;
- sanitary inspection;
- inspection of fisheries;
- inspection for the protection of cultural heritage and cultural heritage; and others.

Overlap and transfer of competencies from one service to another are a common example of the practice. Harbor master office and inspection for safety of navigation are not the responsibility of the Board of Inspection.

Supervision over the legality and effectiveness of the legality of administrative acts for each administrative area within the jurisdiction of the Board for inspection activities is performed by the

ministries responsible for a particular administrative area. Supervision of the coordinated work of Directorate for inspection is performed by the Government, through the Ministry of Economy. At the level of local governments operate construction and utility inspection. As the coastal zone is defined as an area of special interest for the state, above-mentioned inspection authorities have special competence in this zone.

Responsibility of local governments related to integrated coastal zone management is accomplished through the work of the various bodies including the Secretariat for the development (and in some municipalities, development agencies), Secretariat for Planning, Urbanism and Construction, Secretariats for utilities and public utilities (water supply, waste, sewerage, etc.), and many other bodies. Almost all municipalities in the coastal area have a sector for the environment or personnel (one person or more than one) are responsible for environmental issues. At the local level there are spatial, construction and utility inspection. With regard to this, in applying the mechanisms of inter-sectoral coordination and governance in the implementation of specific strategies, action plans and programs of importance to the coastal area the importance of ensuring participation of local governments and institutions and bodies at the local level is evident.

From the aspect of a wider participation of local governments in cross-sectoral institutional coordination of the various public services mechanisms are important which are available within the Union of Municipalities of Montenegro as a national association of local communities in Montenegro. The mission of the Association of Municipalities of Montenegro is to provide services to its members, representing their interests and build a relationship of cooperation with state authorities, other national associations and international organizations, to contribute to the democratization and decentralization of local government. The Association activities are integrated coordination mechanisms in the framework of mutual co-operation of local

communities for the joint exercise of interests and coordination mechanisms of local communities directed to government bodies and other national and international entities (e.g., participation in the development of a number of strategies, programs and plans that are of importance to local communities and coordinated by the state administration bodies). In the areas that are of primary importance for the Association are those which are of importance for coastal areas, such as:

- improvement and development of municipal and residential areas;
- planning;
- construction;
- development of transport;
- road maintenance;
- economic and non-economic activity.