

POSITION PAPER
FOR THE ICZM STRATEGY FOR MONTENEGRO

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List of Abbreviations

CAMP	– Coastal Area Management Programme
CC	– Climate change
CEED	– Center for Entrepreneurship and Economic Development
EC	– European Commission
EP	– Energy policy
EPA	– Environmental Protection Agency
EU	– European Union
GDP	– Gross domestic product
GES	– Good environmental status
HMI	– Hydro-meteorological Institute
ICZM	– Integrated Coastal Zone Management
IMP	– Integrated Maritime Policy
MAP	– Mediterranean Action Plan
MARD	– Ministry of Agriculture and Rural Development
ME	– Ministry of Economy
MIA	– Ministry of Internal Affairs
MSA	– Maritime Safety Administration
MSDT	– Ministry of Sustainable Development and Tourism
MSP	– Marine Spatial Planning
MTMA	– Ministry of Transport and Maritime Affairs
NAP	– National Action Plan (for Reducing Pollution from Land-based Sources)
NSDS	– National Sustainable Development Strategy
PAP	– Priority Actions Programme
PE	– Public enterprise
REACH	– Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals
RENA	– Regional Environmental Network for Accession
SAP BIO	– Report on status, problems and preservation of coastal and marine biodiversity
SP MNE	– Spatial plan of Montenegro
SPSPA PMD	– Spatial plan for special purpose area Public Maritime Domain
TNA	– Technology needs assessment
UN	– United Nations
UNEP	– United Nations Environment Programme
UNESCO	– United Nations Educational, Scientific and Cultural Organization

Integrated coastal zone management (ICZM) denotes application of an integrated approach to managing coastal processes with the overall aim of attaining sustainable development.

Emergence of the concept is linked to the UN Conference on Environment and Development held in Rio de Janeiro in 1992 and the documents resulting from the summit (to the Agenda 21 in particular).

ICZM can be defined as a dynamic, multi-disciplinary and iterative process that promotes and enables sustainable management of the coastal area. It refers to the full cycle of data gathering, planning, decision making, management and monitoring the implementation of set measures and activities. ICZM is based on a well-informed participation and co-operation among all stakeholders in setting the goals for a given area and undertaking actions for fulfilling these goals. Through integrated management an attempt is made to balance environmental, economic, social and cultural goals over long term, within the limits set by natural environment. The word “integrated” in the ICZM concept refers to integrated formulation of goals and integration of instruments needed to reach the goals, as well as to integration of all relevant policies, sectors and administration/ governance levels. It also stands for integration of land and sea parts of a coastal area.

A very important aspect of ICZM, which should not be neglected under any circumstances, refers to the very term of “management” i.e. to development and application of appropriate management mechanisms. Specificities of ICZM strategies and their added value (in comparison with other strategies) should primarily be their focus on management mechanisms.

Management can be interpreted in a sense in which it is defined by Olsen¹ in the 2009 document (which discusses management as a horizontal theme highly significant for coastal areas): “*Management ... is the process by which human and material resources are harnessed to achieve a known goal within a known institutional structure*”. In this case, the goal is sustainable development of the coastal area. Purpose of ICZM strategies is to create enabling environment for such development in the long run.

With such an understanding of integrated coastal zone management, purpose of this Position Paper is to analyse existing conditions and expected changes in making and implementing coastal zone policies as well as to propose scope and role of the National ICZM Strategy and Plan based on the conducted analysis. Preparation of the National ICZM Strategy and Plan will be organised through the Coastal Area Management Programme (CAMP) as a process of synthesis and building up on the studies, recommendations and other CAMP results, with involvement of all the stakeholders and use of results of related process and other relevant materials and information. Drafting of the Position Paper is one of the preparatory activities for the formulation of the National Strategy and Plan.

Analysis of the context for adoption of the National ICZM Strategy and Plan is presented in chapters 2 and 3 of this Document and they address a wider framework for integrated

¹ Olsen, Stephen Bloye (2009), *Governance as a Cross-Cutting Theme in Human Dimensions Science: Methods for the Analysis of Governance Responses to Coastal Ecosystem Change*.

management (including basic data on the characteristics and significance of the coastal area, alongside with main requirements of the ICZM Protocol and relevant EU policies) and existing national regulations, strategies and plans for steering development and using resources in the coastal zone. Chapter 3 also contains assessments on adequacy of current policies in terms of sustainable development of the coastal area, their practical implementation and key characteristics of the institutional framework.

The main gaps (for integrated management) in the existing legal and strategic framework are systematised in chapter 4; at the same time, main needs that should be met the forthcoming period are identified and presented in this

chapter. Based on these considerations, guidelines pertaining to the position and role of the future National Strategy and ICZM Plan in the national system are provided. A model of the mechanism for coastal zone management and co-ordination is proposed in general, rough, terms (to be re-considered, changed as necessary and elaborated in greater detail in later stages of the process). Proposal of the possible priority topics to be addressed in the Strategy is laid out in chapter 6 based on the analysis conducted for this Document, **with the intention to serve as a starting point for further consultations and modifications through other preparatory activities and the very process of Strategy development.** The final chapter contains brief conclusions, while initial proposal of the Strategy's outline is provided in Annex 2.

Framework for preparation of the National ICZM Strategy in Montenegro

2.1 Basic information on the significance of the coastal zone in Montenegro

The concept of *coastal zone* was not embedded in the Montenegrin legal system so far, except through the Law on ratification of Barcelona Convention's Protocol on Integrated Coastal Zone Management in the Mediterranean² (ICZM Protocol). Further integration of the concept is expected through elaboration and adoption of the current Proposal of the law on public maritime domain³ and adoption of the Proposal on changes and amendments of the law on spatial planning and construction⁴. The latter defines coastal zone as the territory of coastal

municipalities of Herceg Novi, Kotor, Tivat, Budva, Bar and Ulcinj within their administrative boundaries (less the territory included in the national parks) as well as a sea belt to the outer border of the territorial sea. The process of developing a spatial plan for the coastal area defined in this way (as a special purpose area) is under way since mid-2011.

An area called *Seaside* was usually considered in the so far policies and practice as a distinct geomorphological unit encompassing space between the sea shore and the peaks of Orjen, Lovcen and Rumija mountain ranges. Studies and planning documents often referred to Coastal region as a specific ambient, functional and development entity, even though it did not exist formally as a separate administrative unit. Due to practical reasons (administrative boundaries and organisation of government, availability of data, arrangement of infrastructure and similar), Coastal region was understood to coincide (in a territorial sense) with the area of six coastal municipalities. This approach was taken over for the new definition of the coastal zone and preparation of the relevant spatial plan, even though it exceeds (goes further towards hinterland) land boundary of the area traditionally considered as the seaside or unique coastal geomorphological unit (such an approach is in line with article 3.1. of the ICZM Protocol).

The concept of *public maritime domain* is also important for coastal zone management. In the 1992 Law, public maritime domain is defined as an area the terrestrial part of which has a total surface of 58 km², whereas the border line towards the hinterland is mainly defined at 6 metres from the point reached by highest waves.

² According to the Protocol's provisions, "coastal zone" is the geomorphologic area either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socio-economic activities.

³ The last available proposal of the new Law on public maritime domain dates to November 2011. The proposal has since been returned from government procedure and its further changes are expected prior to it being resent for Government's and then for consideration in the Parliament.

⁴ Proposal has been finalised in October 2012 and sent to Government for consideration. Meanwhile, the proposal has been changed in the areas that define deadlines for completion of certain planning and construction procedures. This proposal of the Law is expected to be adopted soon, with possibility of other changes during parliamentary procedure. Provisions on the coastal zone contained in the October 2012 draft are kept in the final version of the Proposal.

In some exceptional cases, terrestrial border is located as far as few kilometres away from the coast. In addition to the terrestrial part, public maritime domain comprises internal waters and territorial sea as well as biotic and abiotic resources of epicontinental belt.

Coastal zone of Montenegro (as defined in the Proposal on changes and amendments of the law on spatial planning and construction) encompasses terrestrial part with the surface of 1,591 km² and territorial sea and internal waters with the total surface of 2,540 km². Coastal zone is also the most developed and most densely populated part of the country that has exceptional natural, economic and cultural significance and is at the same time exposed to considerable development pressures. Some of the main natural features of the coastal zone are diverse geological composition and complex geotectonic structures, existence of larger coastal plain areas and fields, steep elevations of mountains that discern the area from hinterland, short watercourses and the exceptional Boka Bay. According to the valid spatial plans, total length of the sea shore is 288 km (out of this number, 105 km is in the Boka Bay) while the islands' shores are around 26 km long; the coastal zone is also delineated by close to 23 km long shore of Bojana river. Development and urban capacities are mainly located in a linear form along the sea shore. There is a strong investment pressure in the area, which contributes to uncontrolled spread of capacities and activities. Environmental infrastructure (for wastewater treatment, waste disposal and similar) is not sufficiently developed to meet the development and water, air and soil quality protection needs.

Coastal zone is known for its natural attraction and cultural heritage and is of special importance for tourism development. During the past several years, more than 95% of total tourism turnover (measured by the number of overnight stays) in the country was linked to the coastal zone. During the high season, monthly

number of visitors exceeds 400,000. Other important economic activities include construction, transport and trade. Maritime fleet is rather modest, and the most important port is the Port of Bar with some 3,500 of operational docks; other ports (according to Port Administration data, these are Port of Kotor, Marina Bar, shipyard Bijela and fishing port Njivice) have much lower capacities. Agriculture is not an important activity in terms of employment and contribution to GDP; however current policies and measures emphasise its important role and potential to contribute to tourism development and preservation of traditional Mediterranean agricultural practices, as well as to increase in household income. Fishing is not highly developed yet examples of unsustainable use of fish stocks are evident.

Since the coastal zone is perceived as an attractive area for work and living, constant migrations from the northern and central parts of the country towards the coast have been recorded during the past 50 years. According to 2011 census, number of inhabitants in the coastal zone was 148,683 (close to one quarter of the total population) which makes population density of 93 persons per km². Projections on population growth forecast an increase of 7% by 2020 (which would bring the total number of inhabitants in the area to around 160,000). Per capita GDP is at the similar level as in the central part of the country and twice the amount in the northern region⁵.

Coastal zone of Montenegro is an important biodiversity centre (both in terms of species and habitats) and a home to several rare and endemic species. Important coastal and marine communities and habitats include sand dunes, coastal and hinterland wetlands, and submerged fields of sea (*Posidonia oceanica*, *Cymodocea nodosa*). Halophyte vegetation, areas covered with Skadar oak (*Quercus robur scutariensis*)

⁵ National average of per capita GDP (current prices) in 2010 was EUR 5,006.

forests, some migratory bird species and *Posidonia oceanica* are among rare and / or endangered coastal and marine species. Coastal zone has special landscape values, and a significant share of Montenegrin cultural heritage is located in this very area. Current share of protected areas in the coastal zone is rather low, while there are no marine protected areas at all. Monuments of nature and areas of exceptional natural characteristics cover an area of around 900 ha⁶. Town of Kotor and Kotor-Risan Bay (around 15,000 ha) have been on the UNESCO's list of World Natural and Cultural Heritage sites since 1979.

2.2 Ratification of the ICZM Protocol

The overall aim of the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (originally the Convention for the Protection of the Mediterranean Sea Against Pollution) is to achieve the sustainable development in the Mediterranean. The Convention has seven protocols, including the Protocol on Integrated Coastal Zone Management in the Mediterranean (the ICZM Protocol). By the ratification of the Barcelona Convention in 2007 Montenegro has become one of 22 Contracting Parties to this Convention. The Mediterranean Action Plan (MAP) acts as one of the Regional Seas programmes within the United Nations Environment Programme (UNEP).

Montenegro has signed the ICZM Protocol in 2008 in Madrid, and has ratified it by adopting the appropriate Law at the end of 2011. By adopting the Law on ratification, the ICZM Protocol has become an integral part of the national legal system. In line with the Article 9 of the Montenegrin Constitution, as an

international legal act, the Protocol has primacy over national legislation and is applied directly in cases when it regulates matters in a different way compared to domestic laws.

Coastal zones (especially in the Mediterranean) are exposed to numerous pressures which often place under threat unique coastal ecosystems, especially those located along the line of separation between land and sea. Integrated coastal zone management is accepted as the most efficient mechanism for protecting coastal environments on the global as well as on the level of EU. The Contracting Parties to the ICZM Protocol are obliged to enable implementation of the objectives and principles set out in the Protocol through their regulations, coastal strategies, plans and programmes.

So far progress towards implementation of the ICZM Protocol in Montenegro has primarily been made through formulation of laws and plans that will, once adopted, define coastal zone as a whole and zone of 100 metres from the waterline where construction is not allowed in line with Protocol requirements. In the forthcoming period significant work on further implementation of the Protocol needs to be undertaken, including preparation of the national integrated coastal zone management strategy based on the objectives and principles determined in the Protocol (which are presented in the Box 2-1).

2.3 European Union policies on coastal zones

The EU coastal zone policy has evolved from global processes and needs to address problems facing many European countries related to degradation and depletion of natural, socio-economic and cultural values in these areas. Since acceding to EU is a priority goal in Montenegro, a brief overview of the key determinants of the European policies in this area is necessary for the analysis of the position of the future National ICZM Strategy.

⁶ Relative to the total surface of the coastal zone, share of the areas protected due to their natural values and significance for biodiversity conservation is below 1%.

Article 5

Objectives of integrated coastal zone management

The objectives of integrated coastal zone management are to:

- a) facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development;
- b) preserve coastal zones for the benefit of current and future generations;
- c) ensure the sustainable use of natural resources, particularly with regard to water use;
- d) ensure preservation of the integrity of coastal ecosystems, landscapes and geomorphology;
- e) prevent and/or reduce the effects of natural hazards and in particular of climate change, which can be induced by natural or human activities;
- f) achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone..

Article 6

General principles of integrated coastal zone management

In implementing this Protocol, the Parties shall be guided by the following principles of integrated coastal zone management:

- a) The biological wealth and the natural dynamics and functioning of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account.
- b) All elements relating to hydrological, geomorphological, climatic, ecological, socio-economic and cultural systems shall be taken into account in an integrated manner, so as not to exceed the carrying capacity of the coastal zone and to prevent the negative effects of natural disasters and of development.
- c) The ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones.
- d) Appropriate governance allowing adequate and timely participation in a transparent decision-making process by local populations and stakeholders in civil society concerned with coastal zones shall be ensured.
- e) Cross-sectorally organized institutional co-ordination of the various administrative services and regional and local authorities competent in coastal zones shall be required.
- f) The formulation of land use strategies, plans and programmes covering urban development and socio-economic activities, as well as other relevant sectoral policies, shall be required.
- g) The multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary, to public services and activities requiring, in terms of use and location, the immediate proximity of the sea.
- h) The allocation of uses throughout the entire coastal zone should be balanced, and unnecessary concentration and urban sprawl should be avoided.
- i) Preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones.
- j) Damage to the coastal environment shall be prevented and, where it occurs, appropriate restoration shall be effected.

Box 2-1 Basic objectives and principles of the ICZM Protocol

Notwithstanding the complexity of development and coastal processes and their interactions, planning of activities and development decision making was often done in a sectoral way even in the EU member states. Fragmentary approach to

planning and management on the other hand leads to inefficient use of resources, conflicting land use demands and missed opportunities for sustainable development of coastal zones. As a response to such circumstances, the European

Parliament and Council have adopted the *ICZM Recommendation* in 2002, defining principles for coastal zone planning and management. The principles affirmed in the *ICZM Recommendation* include the need for planning to be based on reliable and publically available knowledge and information, the need to have long-term and inter-sectoral perspectives, to involve all stakeholders through proactive approach and to take into account land and sea components of the coastal zones. The *Recommendation* is complementary with the requirements of the *ICZM Protocol*, which the EU ratified in September 2010.

The European Commission (EC) launched revision process for the *ICZM Recommendation* in order to formulate a proposal of a new act. An assessment of social, economic and environmental impacts that could occur as a result of the new EC initiatives in this area has been conducted, and public consultations were held during 2011. New EU documents on *ICZM* will have to take into account substantial changes in policies, instruments and attitudes that have happened since 2002. First of all, the Union has adopted new sectoral instruments and horizontal policies – examples include *Marine Strategy Framework Directive* (2008) as well as guidelines on *Integrated Maritime Policy* (also from 2008). It is also widely accepted that adaptation to climate change needs to be paid more attention compared to what was the case so far, and the same applies to other risks in coastal areas. Climate change is believed to be already affecting marine environment and that it will continue to cause changes in biological, chemical and physical processes that may reduce ecosystem resilience. The main impacts are sea level rising, increase in temperature, changes in precipitation regime and similar.

The aim of the *Marine Strategy Framework Directive* is to achieve good environmental

status (GES)⁷ of the EU's marine waters by 2020 and to protect the resource base upon which marine-related economic and social activities depend. This Directive is the first EU legal instrument that refers to protection of marine biodiversity as it contains the explicit objective that “biodiversity is maintained by 2020” as one of the main requirements for achieving GES. The Directive enshrines in a legislative framework the ecosystem approach to the management of human activities having an impact on the marine environment. Due to this characteristic and integrated approach it encapsulates, it is complementary to *ICZM Protocol*. The Directive also builds upon those provisions of the *Water Framework*, *Birds and Habitats Directives*, *Common Fishery Policy* and *REACH Regulation* (on chemicals) that did not refer to marine environment directly. In order to achieve GES by 2020, member states need to adopt strategies for their sea waters (marine strategies) and to update them each 6 years⁸.

In another step towards integration of policies relevant for marine and coastal management, the EU has adopted (also in 2008) *Integrated Maritime Policy (IMP)*, which represents an attempt to offer a more coherent approach to maritime issues with a higher level of co-

⁷ GES is determined based on set objectives for 11 parameters that refer to the quality of marine environment. These parameters are: 1) biodiversity; 2) non-indigenous species; 3) commercial fish and shellfish; 4) food webs; 5) eutrophication; 6) sea-floor integrity; 7) hydrographical conditions; 8) contaminants (toxic, resistant and bio-accumulating substances); 9) contaminants in sea food; 10) marine litter; and 11) energy including underwater noise.

⁸ In the framework of reporting on Montenegro's progress in the EU integration process on environment, which is done within RENA network, the 2012 Report on monitoring progress defines the need to prepare Law on protection of coastal zone of Montenegro in line with the *Marine Strategy Framework Directive*. Activities on developing Marine strategy should make a constituent part of this effort.

ordination among different sectors. IMP primarily addresses issues that do not fall within individual policies (an example being the “blue growth” i.e. growth based on different maritime sectors) and those that require co-ordination among different sectors and stakeholders (e.g. knowledge on marine processes). Horizontal issues addressed by IMP include blue growth, marine data and knowledge, maritime spatial planning, integrated maritime surveillance and sea basin strategies. IMP’s intention is to co-ordinate and not to replace policies in specific maritime sectors, including marine environment, research, maritime transport, energy, regional policy, enterprise and industry (ship and boatbuilding), and others.

2.4 Requirements of the ICZM Protocol on national ICZM strategies

In the international law, the ICZM Protocol is seen as an innovative instrument focused not only on reacting to coastal problems but also to their prevention. Furthermore, given the type of key obligations prescribed under the Protocol, it can be placed in the group of international treaties that demand **achievement of certain outcomes**. In other words, not only that the Protocol sets the goal that needs to be attained, but it also instructs or at least guides on measures and criteria that should be used to attain it. If the outcome is not generated, the obligation is breached, regardless of the fact that the given state may have undertaken all the necessary prevention measures.

The ICZM Protocol is also a comprehensive instrument that addresses all the key issues of development and preservation of coastal environment in an integrated manner, requiring co-ordination among national, regional and local levels of administration and all relevant institutions, as well as participation of non-governmental and other competent organisations. National ICZM strategies in the Mediterranean are expected to also have

qualities introduced by the Protocol itself – to be innovative, proactive, and to offer solutions for the future, to address all the important issues for coastal management and to insure integration (of goals, instruments, stakeholders, etc.).

According to the PAP Guidelines for the Preparation of National ICZM Strategies for the Mediterranean⁹, these documents need to be:

- inclusive i.e. to enable stakeholder involvement in their preparation and implementation;
- approved at highest political level to ensure high-level inter-ministerial co-ordination;
- focused on harmonisation and alignment with other relevant plans and policies, including climate change, and on an effective regulatory framework;
- prepared in a way to include strategies for communication, financing and capacity building for ICZM;
- focused on implementation and on delivering tangible results on the ground;
- prepared in a way to address the coastal zone in its entirety including territorial waters and integrating both land and sea;
- serving as platforms for the preparation and implementation of coastal plans and programmes, for transboundary and international co-operation.

National ICZM Strategies should be reviewed regularly and updated in accordance with evolving conditions in the coastal zone.

Specific requirements of the ICZM Protocol pertaining to strategies on integrated management, as defined in Article 18 of the Protocol, are presented in the Box 2-2 below.

⁹ UNEP MAP Priority Actions Programme (PAP) centre prepared *Guidelines for the Preparation of National ICZM Strategies for the Mediterranean* based on an interpretation of ICZM Protocol. Guidelines are still in a draft form awaiting adoption of the Barcelona Convention contracting parties.

Article 18

National coastal strategies, plans and programmes

1. Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes consistent with the common regional framework and in conformity with the integrated management objectives and principles of this Protocol and shall inform the Organisation about the co-ordination mechanism in place for this strategy.
2. The national strategy, based on an analysis of the existing situation, shall set objectives, determine priorities with an indication of the reasons, identify coastal ecosystems needing management, as well as all relevant actors and processes, enumerate the measures to be taken and their cost as well as the institutional instruments and legal and financial means available, and set an implementation schedule.
3. Coastal plans and programmes, which may be self-standing or integrated in other plans and programmes, shall specify the orientations of the national strategy and implement it at an appropriate territorial level, determining, inter alia and where appropriate, the carrying capacities and conditions for the allocation and use of the respective marine and land parts of coastal zones.
4. The Parties shall define appropriate indicators in order to evaluate the effectiveness of integrated coastal zone management strategies, plans and programmes, as well as the progress of implementation of the Protocol.

Box 2-2 Provisions of the ICZM Protocol on coastal strategies, plans and programmes

3.

Analysis of the existing policies relevant for the coastal zone management

A characteristic feature of the national legal framework and policies relevant for coastal zone management (and in general) is a dynamic process of changes conducted with the aim to introduce and apply in the Montenegrin system and practice concepts, principles and instruments of the European policies and *acquis communautaire*, as well as those from international agreements the country has ratified. The process of European integration¹⁰ can be singled out as the main driving force of the on-going reforms that are implemented with various degrees of success and are somewhat more dynamic when it comes to adoption of regulations and policies than to their implementation. Certain confusion and differing interpretations have been revealed for some of the new concepts, which complicates and slows down their implementation and leaves room for dissonant, primarily narrowed sectoral performances.

3.1 Identification of the key documents and responsibilities

An overview of the key documents (legislation, policies, strategies and plans) that have influence on the coastal zone is presented in the Table 3-1 that follows. The documents are organised according to policy areas, their key characteristics are (briefly) provided, and responsibilities for their adoption and

implementation outlined (in parallel with certain assessments on implementation and alignment with sustainability requirements).

In addition to the existing policies and regulations, it should be kept in mind that a number of processes to amend the current framework for coastal zone management are under way (or forthcoming). On-going harmonisation of the national legislation with ICZM Protocol requirements will lead to adoption of the changes and amendments of the Law on spatial planning and construction and of the new Law on public maritime domain. Because of their importance for coastal zone management, these two legislation proposals have been elaborated in the Table 3-1, and similar approach was applied with some of the other regulations and strategies that are available in the form of proposals or drafts. Transposition of the European Marine Strategy Framework Directive will be very important even though for the time being it is not determined when exactly will this process be conducted.

The status of the relevant draft laws has been followed in the process of finalising this Position Paper with the intention to integrate possible changes of the reviewed versions of the proposals which could have taken place in the continuation of adoption procedures. The final version of the Position Paper was also done in a way to enable integration of possible suggestions to the draft document from the CAMP's project Steering Committee as well as results of the complementary CAMP activities (such as, for example, institutional and governance assessment done by CEED).

¹⁰ Candidate country status was obtained in autumn 2010, and membership negotiations have opened in June 2012. Negotiations on Environment Chapter have not started yet, while as the initial assessment of the level of alignment (screening) is under way.

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
STRATEGIES AND PLANS THAT HAVE CROSS-SECTORAL CHARACTER			
Sustainable development	National sustainable development strategy (NSDS)	Provides vision and guidelines, defines general sustainable development goals as well as priority objectives for 24 areas pertaining to economic development, environment and natural resource management, and social development. Out of the areas significant for coastal zone the Strategy addresses the following: sea and coastal zone, spatial planning, urban development, governance and public participation, tourism, environmental management system, water management, biodiversity protection, and similar. The Strategy had certain positive impact on sectoral policies but its implementation remained below satisfactory level.	Ministry of Sustainable Development and tourism (MSDT), National council on sustainable development
Spatial planning	Spatial plan of Montenegro (SPMNE)	SPMNE refers to provisions on “ecological state” and NSDS principles, and recommends, among others, goals such as rational use of space and limiting intensive expansion of urban units, coastal zone development based on the application of sustainable development principles and integrated management instruments, etc. When it comes to operationalization of these goals and their transformation into specific solutions, the Plan is however rather undetermined and it does not contribute to resolving various land use conflicts (existing and planned). The main conflicts in the coastal zone refer to proposed plans for development of new tourism and urban zones, construction of transport infrastructure (including new road infrastructure, construction of Boka Bay bridge, and expansion of port capacities, especially for the Port of Bar) and development of industrial zones on one, and to proposed protection of environment, natural and cultural landscapes on the other side. Even though it recognizes importance of biodiversity and natural, preserved parts of the coast, SPMNE guidelines quite often set basis for development of projects on the very locations that have been recognised as areas of special interest for conservation. The Plan envisages construction of hotel capacities of around 100,000 beds in total by 2020 (which would mean tripling of current capacities). Two large, four standard and three special marinas are planned, as well as construction of golf courses. Implementation is weak – planned solutions are not implemented in line with the dynamic outlined in the Plan, while transference of SPMNE recommendations into the lower level plans has also proved to be problematic.	MSDT

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
	Local spatial plans	<p>Preparation of new local plans and their alignment with requirements of the 2008 Law on spatial planning and construction is a continuous process. At the moment, valid plans of the highest order at local level include Spatial plans of Herceg Novi, Kotor and Budva municipalities, Spatial-urban plans of Tivat and Ulcinj municipalities and General urban plan of Bar municipality. In addition, there is a large number of local plans of lower order – general and detailed urban plans, local studies of location and urban projects. These plans regulate land uses, distribution of activities, urban conditions and similar, by taking over development goals from the plans of higher order. Specific quantified criteria, guidelines and conditions of development are however lacking so proclaimed goals are often not fulfilled. Besides, the analyses done so far indicate that there is no thorough alignment of the plans of lower with those of higher order. The reasons for such a situation can be primarily attributed to weakness (insufficient quality, unreliability of data and similar) of the planning documents themselves and to insufficient capacities of the parts of administration responsible for spatial planning. Non-enforcement of laws (i.e. lack of responsibility for inadequate implementation of legislation) contributes to this problem too. Implementation of detailed plans is also non-satisfactory as diversion from planned solutions is frequently seen in practice due to weaknesses of administrative services and investors' interests. Illegal construction has been widely practised during the past 20 years and has led to significant degradation of space and urban values throughout the coastal zone.</p>	Local self-governments Herceg Novi, Kotor, Tivat, Budva, Bar and Ulcinj

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
Public maritime domain, coastal zone	Proposal of the Law on public maritime domain	Drafting of the new Law on public maritime domain was motivated by the need to update outdated provisions, harmonise legislation with international agreements as well as by the need to create efficient framework for coastal zone management. The 2011 proposal of the Law defines public maritime domain in almost identical way as the current legislation (adopted in 1992), with certain formulation changes and addition of some coastal elements (such as coastal dunes and wetlands). A new component is proposed evolution of the PE Public Maritime Domain into Agency for public maritime domain management (with similar competences) and establishment of Agency's Council with dominant representation of local self-governments. Another novelty is stipulating "preservation of the coastal ecosystems integrity" as one of reasons why public maritime domain has special protection. Having in mind that preparation of the new spatial plan for coastal zone as a special purpose area (SPA) is under way, it would be important to include in the new Law provisions to clearly specify that the existing Plan for SPA PMD as such will lose its planning purpose and that the public maritime domain should be only management and not a planning unit. The need to have special management regime for public maritime domain (as an area of public interest) is undisputable (and the same applies to ecosystems needing management), but it must be ensured that future solutions will be in the function of integrated management and that they will contribute to administration effectiveness.	MSDT, Public Enterprise (PE) Public Maritime Domain
	SPSPA (Spatial plan for special purpose area) PMD (public maritime domain) and state location studies	SPSPA PMD describes existing conditions, provides guidelines for development, use and protection of the zone designated as public maritime domain and sets basis for detailed plans – location studies. Around 1/3 of the total public maritime domain surface has been covered by the adopted location studies so far, whereas some of those set plans for construction of significant capacities in the areas of high ecological value and those vulnerable to climate change. Analyses of the SPSPA PMD implementation to date showed that the scope of plans defined in this way (general plan for the entire PMD and detailed plans for specific locations) stimulates concentration of structures along the coast line, gives rise to problems related to harmonisation of solutions with plans outside the public maritime domain zone and that in general, planned construction areas and projected capacities need to be reconsidered (from sustainability point of view). As already emphasised, it is recommended that public maritime domain should be treated solely as a management and not a planning category in further efforts to establish integrated coastal zone management.	MSDT, PE Public Maritime Domain

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
	Proposal of changes and amendments to the law on spatial planning and construction	The proposal defines coastal zone on land as a territory of six coastal municipalities (in their administrative borders); it limits construction in the zone of 100 m from the coast line. Adoption of these changes will set a new legal basis for integrated management in line with ICZM Protocol provisions.	MSDT
	Draft Strategy on integrated coastal zone management from 2008	The Draft defines key issues, challenges and strategic goals for integrated coastal zone management and contains set of operational objectives for each strategic direction, including measures, activities, indicators and partnerships for implementation. Some of the main challenges for integrated management that the draft Strategy identified include protection and sustainable management of natural resources, rational spatial organisation and infrastructure improvements, sustainable tourism as the main driver of overall development, protection of natural and cultural heritage, reduction or elimination of pollution, protection from natural disasters, and others. The Draft was never adopted – the reasons for such an outcome remain unclear.	Competences were not clearly determined at the time of preparation, there was a dilemma between (then) Ministry for Tourism and Environment and Ministry of Economic Development
Development planning	National development plan (Directions for Montenegro's development 2013 - 2016)	The main determinants of the Plan are smart, sustainable and inclusive growth (in line with the EU Strategy Europe 2020). The areas considered are, among others, research and development, tourism, renewable energy sources, agriculture and rural development, social safety, capacity development and others. For each of these areas, the Plan defines goals, measures, activities and budgets necessary to attain set goals.	Government (several ministries)
Regional development	Regional development strategy	The Strategy sets criteria for assessing the levels of development of local self-government units, and defines guidelines and mechanisms for balanced regional development. Parts of the Strategy relevant for environment emphasise low-carbon development (energy efficiency and renewable energy sources) and environmental infrastructure improvements. There are no significant steps forward in its implementation.	Ministry of Economy (ME), local self-governments
ENVIRONMENT			
Horizontal issues	National environmental policy	Identifies priorities, including improvements of environmental infrastructure, protection of coastal zone and biodiversity, and climate change (mitigation and adaptation). It is complementary with NSDS, but has no major influence in sectoral policy making.	MSDT, Environmental protection agency (EPA)

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
	Laws on environmental impact and strategic environmental assessments	Regulate processes of conducting environmental impact assessments for plans, programmes and projects. The laws are in force since 2008, nevertheless improvements are necessary on the issues such as quality of the assessment processes and public participation.	MSDT, EPA
Climate change (CC)	First National communication	Contains greenhouse gas inventory, proposal of mitigation measures and vulnerability assessment with proposal of measures for adaptation. In the process of its preparation, a study has been produced providing preliminary estimates of economic damages that can arise in the key economic sectors due to CC. The document asserts that loss of space and biodiversity as well as erosion of beaches due to sea level rising and increase in sea temperature are some of the main negative impacts that can be expected in the coastal zone under changed climatic conditions. Detailed vulnerability assessments for the coastal zone and further analysis of economic impacts are needed. The Communication's findings are hardly integrated in sectoral policies at all.	MSDT, EPA, Hydro-meteorological Institute (HMI), Ministry of Agriculture and Rural Development (MARD, Water administration, PE Public Maritime Domain, Marine Biology Institute
	Technology needs assessment (TNA)	Priority technologies and approaches / measures for mitigation and adaptation have been identified through the TNA process. Coastal zone has been considered as a priority sector for adaptation. Application of solar technologies has been strongly recommended as a way to save energy on one, and generate (renewable) energy on the other side, thus reducing emissions. Among priority measures for adaptation in the coastal zone, integrated management and protection of coastal wetlands were recommended as priority. The document has been completed recently so it is early to speak about its implementation.	MSDT, ME, MARD
Air quality	Draft National strategy on air quality management	Defines goals for protection of air quality and priority measures to attain the goals. Out of coastal municipalities, Bar is the only one classified in the zone for which air quality improvements are necessary (others fall into category of municipalities where the goal is to maintain existing quality).	MSDT, EPA
Biodiversity	Biodiversity strategy and action plan	Defines key pressures on coastal biodiversity and endangered areas, and emphasises that coastal and marine ecosystems are among the most endangered ones. The Strategy also identifies specific areas that need to be protected in the coastal zone in order to protect valuable habitats and species. It is complementary with NSDS, but with very modest results when it comes to implementation. Update of the Biodiversity strategy is forthcoming.	MSDT, EPA

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
	Nature protection law	Defines various categories of protected areas, leaving an opportunity to proclaim terrestrial and marine areas within each category. The Law had envisaged establishment of ecological network Natura 2000 until August 2011 (but this was not the case and Natura 2000 has not been established until nowadays).	MSDT, EPA
	SAP BIO – Report on status, problems and preservation of coastal and marine biodiversity	Contains assessments on the state of biodiversity and identifies problems. SAP BIO formulates 22 priority actions and provides detailed action plans for inventories and mapping in the ecologically sensitive areas (<i>Posidonia oceanica</i> and halophyte vegetation), revision of the status of existing protected areas and proposal of new ones, as well as for preservation of Skadar pelican. Implementation is not on the satisfactory level.	MSDT, EPA
Water	Water law	This Law has transposed into the national legislation a significant share of the EU Water Framework Directive, including provisions on achievement of good status for all water bodies, integrated management of water resources, and others. Adoption of integrated river basin management plans was originally planned for 2016. Preparatory activities are under way, but given the fact that capacities are on quite a low level (which acts as a limiting factor), the newest information indicates it is not realistic to expect adoption of the first generation of these plans before 2020.	MARD, Water Administration
	Master plans for water supply and wastewater treatment for coastal region (and Cetinje municipality)	Master plans have determined priorities, manners and steps in resolving problems with water supply and with collection / treatment of wastewaters. Water supply Master plan envisages future needs and proposes possible solutions (including the regional water supply system concept) to improve water supply. The Plan covers 2006 – 2028 period and includes three phases within this timeframe. The same applies to Wastewater collection and treatment Master Plan, which provides an overview of the existing state of sewage systems, sets goals for long-term development and proposes phased investment plan. Since the middle of past decade when master plans were adopted, progress has been made with water supply (more so with network development than with rational use of water) and to some extent with improvements of sewage systems. Construction of wastewater treatment plants is yet to come (high investments are needed).	MSDT, PE Regional Water Supply, Vodakom, local self-governments and utilities
Waste	Master plan for waste management	Master plan sets main goals for improving waste management and reducing environmental impacts, including improvements in organised waste collection (i.e. increase in the number of inhabitants covered by waste collection and removal services), decrease of waste quantities for final disposal, introduction of recycling, etc. The Plan covers period up to 2025 divided in three phases. Implementation is rather slow, with some progress in the coastal zone with separate collection, recycling and landfill construction.	MSDT, local self-governments and utilities

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
Pollution control	Law on integrated pollution prevention and control	Regulates industrial pollution control in an integrated manner (through integrated permit), requires introduction of best available technologies for installations falling within its scope. For the time being, there is only one installation in the process of obtaining integrated permit in the coastal zone (chemical industry, Bijela).	MSDT, EPA
	National action plan for reducing pollution from land-based sources (NAP)	Contains analysis and list of priority measures by sector and type of pollutant, as well as an analysis of economic measures and instruments for financing actions and support elements (participation of private sector, public, and similar). NAP diagnoses which are pollution hot spots and sensitive zones in the coastal sea. Progress with implementation is very slow.	MSDT, EPA, local self-governments
Natural risks	Maps and assessments of seismic risks	These are elaborated in detail and available, and are integrated into spatial plans. However, it remains unclear to which extent have requirements from these documents been adhered to during construction undertaken over the past couple of decades. Coastal zone is considered as an area of high seismic risks.	Seismological Institute, MSDT
	General plan for protection from harmful effects of waters of national importance 2010 - 2016	Stipulates preventive works and measures to protect from flooding, erosion and torrents and defines organisation and co-ordination mechanisms to defend against harmful effects of waters of national importance (plans for locally significant waters are developed by local self-governments). Preventive works and measures include identification of areas where flooding risks are high, preparation of maps for flooding areas and their inclusion in the spatial plans, and similar. The Plan was adopted in 2010, however maps of flooding areas are not available yet.	MARD, Water administration, Ministry of Internal Affairs (MIA)
	National strategy for emergency situations	Covers natural disaster risks as well as risks from technical and technological accidents. It provides basic strategic solutions and guidelines to lower risks from occurrence of all forms of natural and technical hazards, as well as institutional solutions for responses in emergency situations. Implementation of the Strategy segments related to capacity strengthening for civil protection services is quite slow.	MIA
ECONOMIC POLICIES			
Tourism	Tourism development strategy by 2020	Defines guidelines and strategic goals for tourism development, including development of high quality accommodation, diversification of offer, development of tourism offer regardless of season, respecting sustainability principles (environmental protection, maintenance of waste removal infrastructure), respecting local characteristics and typical destination styles, and others. It is necessary to ensure integration of environmental protection requirements also in the Strategy's implementation phase and during implementation of specific tourism projects.	MSDT, Tourist organisations

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
Maritime transport	Law on sea	Regulates issues relevant for maritime and undersea space, including internal waters, territorial sea, exclusive economic zone, and epicontinental belt, as well as issues such as prohibition of sailing in, stoppage and expulsion of ships. It demands that usage of harmful and hazardous substances is done in a way that minimizes negative impacts on marine ecosystems.	Ministry of Transport and Maritime Affairs (MTMA), Port administration
	Law on ports	Defines, <i>inter alia</i> , requirements for protection of sea from pollution.	MTMA, Port administration
	Law on the protection of sea from pollution from vessels	Regulates protection from pollution from vessels in internal waters and territorial sea, acceptance and management of waste in ports, as well as liability for pollution and compensation of damages.	MTMA, Harbour Master Offices
	Draft law on safety of navigation	Regulates conditions for safety of marine navigation and for determining whether vessels are fit to sail internal waters and territorial sea, defines types of vessels, procedures in case of maritime accidents and for search and rescue on the sea.	Maritime safety administration (MSA), Harbour Master Offices
Transport	Transport development strategy	Among others, strategic goals include minimisation of negative impacts of all types of transport on the environment. The Strategy defines activities to prevent pollution from vessels. Implementation of these requirements is lagging behind.	MTMA
Agriculture	Agriculture development strategy and National rural development plan	Goals of the Strategy are to: a) manage resources in a manner that is sustainable in a long run while promoting agriculture that is harmonised with environmental protection to the greatest possible extent; b) provide stable and acceptable offer of safe food in terms of prices and quality; c) ensure adequate life standard for rural population while preserving traditional values of rural areas; and d) continuous improvement in competitiveness of food producers on domestic and international markets. An overarching goal is to provide food security for population. The key objectives for rural areas are increase and diversification of income and decrease of unemployment. Implementation is slow, especially when it comes to stimulating rural development and application of environmental protection measures.	MARD
Fisheries	Fisheries development strategy	Sets goals for development of mariculture and sea fishing, including scientifically based assessment of fish stocks, sustainable use of resources and others. Administrative capacities of services responsible for fisheries are modest (this is especially true for inspection) therefore progress with implementation is quite slow. Efforts to improve system for managing fish stocks and fishing fleet are under way.	MARD, Marine Biology Institute
Energy	Energy policy (EP) by 2030	Energy policy was adopted with the aim to secure sustainable development of energy sector based on rational use of own energy resources while respecting environmental protection principles, increase of energy efficiency and expansion in use of renewable energy sources.	ME

Policy area	Key regulations, strategies, plans	Main characteristics and remarks on effectiveness in the context of integrated management	Competences – key institutions
	Draft Energy development strategy by 2030	The draft Strategy makes references to the EP, however it formulates strategic goals in somewhat different manner – paying much less attention to energy efficiency and focusing on new generating capacities, primarily large hydro and thermal (coal fired) power plants. Solutions proposed in the Strategy promote orientation towards electricity exports. Solar sources have not been paid sufficient attention. Off-shore wind power plants are mentioned as a possibility but there are no specific recommendations or plans for their development. The Draft is conflicting recommendations from documents on climate change and biodiversity protection guidelines (this assessment refers to the entire country, not only to coastal zone). Construction of undersea electricity transmission cable between Montenegro and Italy, with necessary facilities on the coast, is one of the Strategy priorities for transmission system.	ME
SOCIAL DEVELOPMENT POLICIES			
Public participation and access to information	Law on access to information, sectoral policies recommending public participation	Legal solutions are in place (even though provisions of the Law on access to information are perceived as quite restrictive), while as practical results with transparency and effective public participation in planning and decision-making processes can be evaluated as rather modest.	Government, local self-governments
Culture	Law on protection of cultural assets	Defines types of cultural assets, sets protection goals, and defines competences and protection measures. Protection of cultural monuments has not been on satisfactory level so far.	Ministry of Culture, Institute for Protection of Monuments (Administration for Cultural Assets in the future)
Equity, social care	Several documents	Goals in this area include poverty reduction, improvement of social and economic position of vulnerable population groups, decrease of unemployment, and others.	Government (several ministries)
Housing and urban development	Housing policy, construction standards	Housing policy defines strategic areas for actions and recommends resolution of the problem of illegal construction. Draft law on legalisation of objects constructed without planning permits is now in the Parliamentary procedure. Together with Housing policy, construction regulations and standards aim to achieve better quality and availability of housing.	MSDT
Research and innovation	Strategy for development of scientific and research activities	Defines national priority areas for research. These are: energy; identity; information and communication technologies; competitiveness of the national economy; medicine and human health; science and education; new materials, products and services; sustainable development and tourism; agriculture and food; and transport.	Ministry of Science, Scientific and Research Institutions

Table 3.1 Overview of the key regulations, strategies and plans

The on-going or forthcoming (in the near future) processes of updating the existing and adopting new strategies, plans and programmes which are of particular importance for the coastal zone management (not including the ICZM Strategy), are:

- adoption of the Spatial plan for coastal zone as a special purpose area;
- revision of the National sustainable development strategy;
- preparation of the Second National communication on climate change; and
- update of the National biodiversity strategy and action plan.

As it can be seen from the Table 3-1, the existing regulations and strategic documents contain certain ICZM goals but also those that are not in accord with the basic ICZM Protocol requirements. It is necessary to work on harmonisation of sectoral and on further operationalization of ICZM goals that are now “dispersed” through various documents. At the same time, it is necessary to strengthen those policies that are currently under-developed or do not integrate environmental and social issues in an adequate manner. It is also important to work on development of mechanisms that rationalise system for policy making, adoption and implementation with genuine involvement of all stakeholders (especially those from civil and private sectors). Improvements with enforcement of regulations and implementation of plans and programmes are essential if sustainable development goals are to be attained. Gaps in the existing system and needs for integrated management are discussed in more detail in chapter 4.

3.1 Effectiveness of existing policies in attaining goals of integrated management

Regulations, policies and plans relevant for coastal zone management have been identified and presented in the previous chapter, and

remarks have been made regarding those elements of the policy framework which are not fully compatible with ICZM principles and objectives as well as on the implementation. This chapter goes a step further in order to analyse in greater detail functionality and efficiency of the existing planning framework for attaining goals of integrated management. The analysis focuses on two aspects:

1. Adoption and harmonisation of sectoral policies, and the level of integration of environment and sustainability requirements (such as preservation of integrity of coastal ecosystems, rational use of natural resources, etc.); and
2. Level of implementation of adopted policies (including issues such as institutional coordination, existence of adequate governance and stakeholder involvement mechanisms, capacities and others).

Generally speaking, it is apparent that numerous regulations and policies (as shown in the Table 3-1 above) comprise the framework for coastal zone management. This complex system does not have necessary level of coherence and complementarity, which reduces its functionality and effectiveness for achieving the goals of integrated management and for ensuring sustainable development. Level of implementation of existing policies is far below satisfactory level. The causes are numerous, and such a situation in most cases further diminishes possibilities for sustainable development of the coastal zone.

Even though growing attention has been paid lately to integration of principles of integrated management and sustainable development in sectoral policy making, **lack of harmonisation among sectoral goals** remains a dominant characteristic of the coastal zone policies. Conflicts between sectoral goals and policies are present, and the most significant ones refer to contradictory land uses in certain areas that are at the same time indicated as areas of importance for protection (of landscape, natural

and cultural values) and areas envisaged for intensive development (of tourism, housing, infrastructure and other facilities).

National sustainable development strategy (whose recommendations are not sufficiently applied in preparation of sectoral plans, despite the fact these often formally refer to NSDS as a guiding document) has, for example, set an objective of protecting at least 10% of the coastal zone by 2009 in order to maintain biodiversity. National biodiversity strategy has identified/ confirmed specific areas that need to be protected due to valuable ecosystems. However, these are the very same areas for which certain plans for infrastructure, maritime transport and tourism development envisage projects and activities that would either completely destroy or largely imperil their integrity. Projects and programmes expected to bring short-term economic benefits are usually given priority and they often find place in sectoral strategies and plans without thorough analysis on their full environmental and social impacts. Harmonisation of policies could be significantly improved through more effective involvement of all stakeholders and transparent consideration and balancing of sectoral goals.

In addition to the lack of sectoral harmonisation, **some policies are not sufficiently developed** and this also represents a limiting factor for integrated coastal zone management. Climate change policy is, for example, in an early stage and so elaboration and specification of potential impacts, risks and adaptation needs in the coastal zone (which are generally outlined in the First National communication) is yet to be done. Similar assessment applies to natural disasters risk management policy – with the exception of seismic risks, there are hardly any sufficiently detailed requirements and guidelines that would inform other sectoral policies and ensure development resilient to natural hazards. Water management policy is insufficiently developed as well, and it represents one of the weak points in the administrative system dealing with

environmental protection and natural resources management. Harmonisation with very demanding EU policy in this area is in an initial stage and application of instruments for integrated water resources management (e.g. integrated river basin management plans) is running quite behind. With nature protection policy there is also a delay in fulfilling goals that would provide for efficient coastal zone planning and management. Ecological network Natura 2000 has not been identified yet, which in a spatial sense makes harmonisation with other sectoral policies more difficult.

Related to the above mentioned issues, **insufficient or inadequate integration of environmental concerns** into other policies can be singled out as a factor that to a large degree undermines effectiveness of the existing strategic framework for attaining integrated management goals too. As suggested in the last Report on the progress Montenegro is making in the process of EU integration, one of the important reasons for the lack of implementation of environmental policies and plans lies in the fact that these issues do not have a political priority and that awareness on the importance of their integration into sectoral policies is on a rather low level. Among the economic policies, integration of environmental goals is to some extent achieved for agriculture and tourism, and some forward steps have been made in the sector of maritime transport.

By its nature, **spatial planning** represents a sector that could and should provide for integration. Spatial planning as a multidisciplinary and exceptionally complex process is a very important form of planning in Montenegro. It is also one of the key tools (in addition to sectoral strategies and plans) that directs development. Land uses and specific conditions of urban development, as well as guidelines for sectoral plans are all determined through a hierarchy of spatial plans (some of which are adopted at national and some at local level). National level spatial plans relevant for

the coastal zone include Spatial plan of Montenegro (SP MNE from 2008), Spatial plan of the special purpose area Public Maritime Domain (SPSPA PMD from 2007) and several state studies of locations¹¹. Local self-governments are responsible for municipal spatial urban and detailed urban plans, as well as for local studies of location and urban projects. Spatial plans have the power of laws and those of lower order have to be aligned with those of higher order (SP MNE being the plan of the highest order).

Integration of sustainability requirements into spatial plans is however more of **declarative** nature and it often does not have actual influence on formulation of final planning solutions. That is why plans frequently contain certain contradictions and overlapping related to proclaimed goals of sustainable development at one, and recommendations for excessive positioning of capacities and increase in the scope of activities on the other side. At the same time, possible limitations posed by the environment are not rigorously taken into account. Within SP MNE itself, contradictions between environmental protection goals and economic use of certain areas can be detected since the Plan represents a sum of sectoral priorities rather than a coherent set of recommendations formulated by filtering sectoral needs and goals against spatial and environmental capacities to support socio-economic activities in the long run¹².

The spatial planning system has recognised public maritime domain as a special purpose area since before, and the same is going to be the case with entire coastal zone now (that is once the last Changes and amendments of the Law on spatial planning and construction are adopted). For special purpose areas, separate spatial and detailed plans are prepared. Harmonisation of lower level plans (plans adopted at local level) with solutions included in these plans is a challenge in itself. So far practice has for example shown that state studies of location in the public maritime domain zone sometimes provided plans for development of tourism facilities that several times exceeded planned infrastructure capacities in the immediate surroundings of these locations, i.e. in the areas for which spatial planning is done by local governments. An example of such a situation –

deepening of spatial conflicts in the zone (pp. 85), due to, among other things, risks from further degradation of aquatorium and parts of the coast in Boka Bay (because of lack of wastewater treatment, uncontrolled waste disposal, underdeveloped port infrastructure, etc.), high share of built sections of the coast in certain areas (Budva, Becici, Sveti Stefan, parts of Bar and Ulcinj's coast), unregulated landslides, construction unadjusted to seismic risks, as well as to non-alignment of new developments with requirements to protect natural and cultural heritage. As an example of the latter the Plan mentions endangered sand dunes in Ulcinj area and southern part of the Long beach, for which a protection regime is proposed. Regardless of these assessments, the Plan envisages significant development (several-fold increase) of tourism, nautical, recreational and other capacities, frequently on the very locations that have already been identified as excessively built, sensitive or significant on nature and landscape protection grounds (examples include parts of the coast in Boka Bay, Becici, Kamenovo – Milocer section near Sveti Stefan, Buljarica, Long beach, Ulcinj Saltpans, Ada Bojana and others – see pages 128 and 129 of the SP MNE). The EC Progress report for 2008 has also emphasised it is necessary to pay due attention during the Plan's implementation in order to avoid a situation where solutions incorporated in this document would have a harmful effect on the environment.

¹¹State studies of locations are detailed plans that regulate urban development for locations of national importance.

¹²SP MNE, for example, in the section with assessments of existing conditions in the coastal zone states that the "intensity of construction in certain areas assumes all the characteristics of the so called 'walling up' of the coast". The Plan estimates that should it continue with so far intensity, this practice would lead to a "final loss of attractiveness of the coastal zone" (pp. 84). SP MNE also recognizes significant potential for further

where studies of locations in the public maritime domain planned for capacities (which are now mainly built) that significantly exceeded infrastructure connection possibilities as determined in the local plans – is Tivat municipality.

Effectiveness of the existing regulations, policies and plans in attaining goals of integrated management is additionally weakened by **unsatisfactory** level of their **implementation**.

One of the processes which had largely contributed to degradation of certain parts of the coastal zone during the past 20 years and which diminished prospects for long-term sustainable development was considerable construction expansion. This process was driven by investment pressures, weaknesses of the spatial plans and especially by their inconsistent enforcement. Lack of implementation of adopted acts, particularly when it comes to legislation, hinders efforts to manage coastal zone in a manner that ensures preservation of integrity and quality of space and coastal resources in the long run to provide for sustainable socio-economic development.

An illustrative example is implementation of the National Sustainable Development Strategy (NSDS) during the last five years since its adoption. Priority objectives defined in the NSDS for the sea and coastal zone were introduction of integrated coastal zone management¹³ and reduction of pollution of the sea and coastal area. As already mentioned, another NSDS objective (for biodiversity) was formulated as a

¹³Measures for fulfilment of this objective that have been included in the Strategy action plan are: 1) defining coastal zone borders in line with Barcelona Convention principles and related Protocols, as well as in line with (at that time) draft ICZM Protocol; 2) determination of set-back zone; 3) revision of the Law on public maritime domain and adoption of a new law on coastal zone; 4) institutional and co-ordination changes to support integrated management; 5) introduction of a programme for continuous monitoring of the sea and coastal zone; and others.

quantified target for proclamation of protected areas in the coastal zone¹⁴. Priority locations proposed for protection included Tivat Saltpans (Tivat municipality), Buljarica (Budva) and Saltpans, Sasko lake, Knete and Ada Bojana (Ulcinj). Zones besides Platamuni as well as Katic and Old Ulcinj islands were envisaged for marine protected areas. For each of these objectives, it can be said that minimal progress towards their fulfilment was seen, or even that there was no progress at all.

When it comes to introduction of integrated management, progress has been limited to ratification of ICZM Protocol and definition of necessary changes in the existing legal framework in line with Protocol requirements, as well as to initiation of CAMP Montenegro. Actual improvements in inter-sectoral co-ordination and integration did not happen. Similarly, moves forward in pollution reduction area have been made through certain improvements in waste management system, improvements in sewage network and through creation of conditions for reduction of pollution from vessels, but generally speaking, they remain below satisfactory level. Share of protected areas in the total surface of the coastal zone is far below the target set in the Strategy (10% of territory), and with the exception of Tivat Saltpans, there were hardly any proclamations of new protected areas. Even in the case of Tivat Saltpans some weaknesses have been exhibited (related to the management of the area) and in some way they cast a doubt over the purpose and effects of the decision itself. As for marine protected areas, progress has been limited to preparation studies, whereas preparatory documentation to enable proclamation is most advanced for Katic island. Similar assessments can be given for most of the NSDS goals and objectives for other areas relevant for the coastal zone such as tourism, water management, spatial planning, urban

¹⁴Other biodiversity objectives were establishment of an efficient system for protected areas management and capacity building for nature protection.

development, environmental management system and others. Low level of implementation is typical even for those areas where sectoral goals are complementary with NSDS (as is the case for biodiversity).

Underlying reasons for unsatisfactory level of policies implementation are numerous and complex. **Lack of data and knowledge** to a large degree affects quality and alignment of spatial plans and other strategic documents, and acts as an impediment for adoption of coherent solutions. Unsatisfactory efficiency in implementing adopted solutions, often accompanied with a lack of accountability for allowing divergences, is another example of practice that characterises spatial planning as well as other policies of importance for ICZM.

Insufficient co-ordination and integration among competent state administration bodies and other relevant institutions also has an important if not crucial role for lack of harmonisation and inadequate implementation of sectoral policies. In order to improve implementation it would be necessary to move from declarative level – general acceptance of sustainable development and integrated management goals – to actual integration of sectoral policies and programmes and to ensure coherence.

Limited capacities (administrative, technical, financial) to a large extent contribute to non-implementation of adopted policies. Sometimes, unrealistic planning plays a role too. When it comes to law enforcement, insufficient effectiveness and efficiency of inspection services has the main role. Meaningful participation of all stakeholders in the policy making processes would improve the sense of ownership over those processes and resulting documents and contribute to implementation. Lack of capacity and finances to realise envisaged solutions are the main factors that weaken efforts to implement plans for environmental infrastructure improvements,

sustainable tourism and agriculture development, and protection and improvement of cultural heritage.

3.2 Existing institutions for coastal zone management

Institutional framework for coastal zone management is complex in terms of the levels of administration (national and local) as well as in terms of sectoral competences (numerous ministries and administration bodies they coordinate, as well as local government bodies and agencies). Such a system necessitates efficient co-ordination mechanisms as a precondition for successful outcomes and sustainable development of the area recognised as one of the main comparative advantages for the development of entire country, which at the same time has limited natural resources and sensitive ecosystems. Besides co-ordination, capacities of the existing institutions are of vital importance for implementation of new policies, legislation and integrated management strategies. ICZM strategies have management, i.e. development of adequate management mechanisms and creation of favourable environment for sustainable coastal development in the centre of their attention.

Competences for policy making and implementation in the topical areas significant for the coastal zone were outlined in the Table 3-1. The most important ministries are Ministry of Sustainable Development and Tourism (with competencies for spatial planning, construction, tourism, environmental protection and climate change), Ministry of Transport and Maritime Affairs, Ministry of Agriculture and Rural Development (competences include agriculture, fisheries, water resources management, rural development and forestry), Ministry of Economy (economic activities, including energy sector), Ministry of Culture, Ministry of Internal Affairs, etc. Other state administration bodies which are supervised by these and other ministries or

which act as independent agencies, also play a very important role. These include Environmental protection agency, Public enterprise (PE) Public Maritime Domain, Maritime safety administration, Water administration, Hydro-meteorological institute, Institute for protection of cultural monuments and others. In addition to these, there is a number of public enterprises, scientific institutions (Marine biology institute is especially relevant) and other national level organisations significant for the coastal zone. National council for sustainable development has a share of responsibility for co-ordination and policy integration.

Supervision and inspection tasks are shared between national and local level. National inspections especially important for coastal zone management are urban and construction inspections (they control implementation of spatial plans adopted at national level and construction activities regulated under these plans), environmental inspection (responsible for emissions control, waste and protected areas), water inspection (responsible for supervision of works on water infrastructure and watercourses the purpose of which is to protect from land-based pollution), tourism inspection, Harbour master offices and inspection for navigation safety, sanitary inspection, fisheries inspection and others. Overlapping of competencies and referrals (cases where certain services claim responsibilities for given problems lie with another inspection) are frequently seen in practice. Institution tasked with managing public maritime domain does not have inspection authority and can only report possible problems to relevant inspection services.

Competences of local administration and institutions pertinent to integrated coastal zone management are executed through operation of different bodies including development secretariats (in some municipalities development agencies), secretariats for planning, urban development and construction,

secretariats for communal affairs, public utility services (for water supply, waste, wastewater, etc.), and numerous other bodies. Almost all municipalities in the coastal zone have sectors or staff (one or more employees) responsible for environmental protection. Local inspections include urban, construction and communal services.

Complex administrative system is not accompanied with **co-ordination mechanism and structures for efficient management**. In addition to weaknesses in inter-sectoral (horizontal) co-ordination and integration, problems in vertical (from local to national level) co-ordination are also pronounced. For example, the need for more efficient co-operation between national level institution that manages public maritime domain (as a special purpose area, public maritime domain is considered to be of national importance) and local level is evident. Certain local self-governments see the fact that PE Public Maritime Domain is entrusted with management of significant share of municipal territory as a limitation of their competences over very important resources. When it comes to horizontal co-ordination, in the past period there were several examples of unclear / overlapping competences and inefficient operation related to water management; a more coherent performance of all actors in this area is necessary. Low capacities and lack of experience and knowledge for application of integrated management approaches are also typical for the existing institutional system, especially on local level.

The existing state will represent a significant challenge for implementation of the National ICZM strategy as well as for implementation of European policies which are based on integrated and ecosystem approach (e.g. Marine Strategy Framework Directive). Improvements of the institutional framework would yield double benefits – for the implementation of ICZM Protocol and for the process of European integration.

4.

Main gaps and needs for coastal zone management

Cross-sectoral and sectoral policies relevant for coastal zone management have been analysed in the two previous chapters; their coherence and functionality, level of implementation and influences on other policies were reviewed. Throughout the following paragraphs, efforts are made to identify causes of existing problems whereas findings of the previous analyses are

systematised and presented in a way as to emphasise the main gaps and needs for integrated coastal zone management. Before going into details, it is useful to take a look at the assessment (Box 4-1) from the last EC Progress report which highlights general weaknesses (some of which are highly relevant for the coastal zone) for environmental policy.

Montenegro has made little progress in the area of *environment and climate change*. There are first signs of improvement with the adoption of legislation on waste management, air quality and chemicals and with regard to the administrative capacity and efforts undertaken towards alignment with the climate *acquis*. Further attention is needed in the areas of water quality and waste management. The effective implementation of the Environmental Impact Assessment and Strategic Environmental Assessment *acquis* needs be ensured. Considerable efforts are required to align with and implement environment and climate *acquis*, as well as to strengthen administrative capacity and inter-institutional co-operation. Environment and climate change considerations need to be more systemically taken into account in other policy fields and planning documents. The lack of political priority and adequate financing as well as limited awareness of environmental and climate requirements are hampering progress in this field

Box 4-1 Conclusion of the Report on Montenegro's progress in the integration process for environment and climate change for 2012

It can be said that **lack of political commitment and lack of adequate support** (financial, technical, organisational) for full implementation of accepted principles of preservation of coastal resources and sustainable development also make the top of the pyramid of gaps in the legal and strategic framework for coastal zone management. Causes of such a situation can be attributed to the fact that decision makers were often preoccupied with other priority problems during the past decades and that sustainable development issues were not adequately positioned at practical level.

The extent to which certain document was obligatory (was it for example a piece of legislation or strategy that did not have the

power of law) did not have prevailing influence on the implementation so far. Inadequate enforcement of laws and spatial plans is almost equally present as is the case with non-implementation of measures planned for achievement of certain strategic goals. **General character of some documents** can be provisionally considered as a gap, but there are examples of poor implementation even in cases when quantified targets are set and precise implementation guidelines provided. As far as competences are concerned, **examples of unclear responsibilities or overlaps do not represent a decisive factor** for policy (non)implementation. In practice, however, it happens that a lack of or overlapping competences are quoted as excuses in order to

avoid responsibility for certain decisions and actions (or their absence).

As already mentioned, a very important deficiency of existing policies is insufficient **level of integration of economic, social, cultural and environmental goals**. In other words, projects and solutions perceived as ones to bring quick economic benefits are favoured even in cases when their social and environmental implications are unclear or detrimental. Even though the basis for integration of economic, social and environmental goals has been additionally strengthened through adoption of the National development plan (which aims to achieve smart, sustainable and inclusive growth), economic policies as a rule do not pay sufficient attention to possibilities for development of green or blue economy, i.e. to activities that make a direct contribution to development while being favourable to environment. Examples of such activities include energy efficiency and renewable energy sources (solar and to somewhat lesser degree wind energy are of primary interest for the coastal zone), sustainable tourism, agriculture and fisheries, activities linked to maritime transport and similar.

An important gap is that **ecosystem approach to planning and management is not integrated into various policy areas** and the same applies for the fact that despite numerous analyses, studies and proposals for protection of certain habitats and species, comprehensive and complete proposal of specific ecosystems that need to be managed in a distinct way is still not available. Sectoral policies for which it can be assessed that they are not sufficiently developed and/or which do not provide guidelines specific to the coastal zone also represent a gap for integrated management. Some of the root causes of these problems are **inadequate information basis and lack of knowledge and experience** with application of modern mechanisms for decision making with elaborated and objectivised criteria.

Despite prescribed procedures for adoption of new plans, regulations, strategies and plans that entail mandatory consultations among various segments of administration (for example, proposal of transport policy is forwarded to other parts of administration, including departments responsible for spatial planning, environment, etc., for comments), actual inter-sectoral co-operation does not exist. In addition, **lack of capacities** is pronounced at all administration levels (especially on local) and with other stakeholders. **Lack of data (systematically collected time series, comparable and available)** is also strongly pronounced and to a certain extent it hampers adoption of informed and reliable decisions as well as monitoring of implementation and of achieved results.

Weaknesses also exist with involvement of stakeholders (including private/ business and civil sectors) that are interested in policy making processes and who may be impacted by adopted policies. Even though formal framework for public participation in decision making is in place, **well-informed, active and effective participation of the public is an exception rather than a rule**. Availability of targeted, adequate (not too wide nor too limited) and well-timed information to motivate public and enable its full contribution with integration of various themes can be improved. Such improvements could help overcome existing weaknesses related to the way different stakeholders perceive adopted policies and with how they participate in their implementation.

Finally, one of the important gaps is **short-term perspective of the most of existing policies**. Even though many plans and strategies are adopted for periods of up to 2020, 2025 or 2030, they often lack vision of long-term sustainable development and formulation of goals and measures in a way that would enable fulfilment of long-term vision.

The above mentioned gaps are especially pronounced in the **spatial planning system** as an important mechanism for policy integration. In order to have spatial planning act as a platform for integrated coastal zone management it is necessary to undertake modernisation of the existing system, including strengthening of instruments to objectivise land-use planning. There is a significant opportunity to create an adequate planning basis through development of the new coastal zone plan. Reinforced by the National ICZM Strategy and Plan, this new planning basis could enable overcoming of planning practice deficiencies and lead to better and more sustainable solutions at lower planning levels (detailed plans, local self-government plans).

Needs

Given the fact that the existing administrative structures and institutions as well as the so far efforts to improve co-ordination did not give necessary results, establishment of an efficient management and co-ordination mechanisms is needed alongside with moving from fragmentary to integrated way of performance. In order to achieve this, it is necessary to reach an agreement between interested parties on concrete modalities and to follow such agreement with regulation of relations and responsibilities for coastal zone management. When institutional solutions are considered, especially when talking about management, needs that will arise from further adoption of EU legislation should be taken into account besides the ICZM Protocol requirements. This primarily refers to Marine strategy directive and to

possible future ICZM and MSP (marine spatial planning) directives. The existing Directive demands multi-disciplinary, efficient and co-ordinated management system, and it is certain the same will apply for the new EU regulations. As already emphasised, there is a strong synergy between efforts to manage coastal zone in line with the Protocol's requirements and fulfilment of obligations for the EU integration.

When co-ordination mechanism for coastal zone management will be formalised, it will be necessary to ensure existence of structures at high, political level, as well as on the operational level. An institution that has stood out in terms of gained capacities and progress made with (operational) management of the coastal zone (more precisely, with public maritime domain as a part of the coastal zone) during the past decade is PE Public Maritime Domain. Nevertheless, it should not be forgotten that the current competence (mandate) of this institution is still partial (focused exclusively to public maritime domain management), without clear role for integrated coastal zone management.

Development of capacities for integrated planning and management (ecosystem approach) is of essential importance, as is the need to provide reliable information on coastal processes, ensure mobilisation of all stakeholders and active public participation, and to include long-term perspective. International co-operation and support are also very important elements for achieving the goals of integrated management.

Positioning of the National ICZM strategy

National ICZM strategies should direct, support and accelerate the process of transition to integrated management (or, if such an approach is already embodied in planning and management practice, they should develop it further). Establishment of integrated management is not a goal in itself, to “tick” fulfilment of another obligation or to formally accept new concepts – it is a process that brings tangible benefits. According to the *PAP Guidelines for the preparation of National ICZM strategies*, integrated management is important as it can lead to better economic, social and environmental performances in coastal zones through:

- reducing direct damage and costs to the coast as a consequence of both natural processes such as erosion and flooding, and of human activities;
- mitigating coastal pollution and its economic and human costs;
- mitigating the over-exploitation of natural coastal resources;
- enhancing coastal zone outputs for economic sectors;
- preserving unique coastal ecosystems along with their habitats and species;
- preserving the cultural heritage, landscapes and geomorphology of coastal zones;
- maximising coastal ecosystem services including: climate regulation, water resource conservation and supply, erosion and pollution prevention, food and raw material security and production, etc.;
- maximising economic efficiency of business on the coast including: improving the environmental performance of coastal industries, reducing spatial conflicts, maintaining coastal landscapes and attractions and maximising benefits from investments and tourism; and
- promoting social cohesion and improving the quality of life for coastal communities.

5.1

Purpose and goal of the National ICZM strategy

National ICZM strategy should be seen as a tool for establishment of integrated management and generation of benefits it entails, or, in other words, for achievement of sustainable development. In a technical sense, purpose of the National ICZM strategy is to **create preconditions and set up mechanisms** for implementation of provisions and intents of ICZM Protocol at national level. According to *PAP Guidelines*, National strategy should be prepared with the aim to:

- articulate an agreed, clear national vision for the sustainable development of the coastal zone;
- establish through governance the integration and harmonisation of multiple interests in coastal zone; and
- identify both the priorities and the means to achieve the sustainable development of the coastal zone.

In Montenegrin conditions, purpose and goals for the adoption of the National ICZM strategy can be defined through the following five points:

1. National strategy should define vision for sustainable development of the coastal zone, determine priorities and institutional solutions for management and coordination, as well as elaborate ways in which the vision is to be realised (define goals, measures, implementation means, monitoring indicators, and similar). This should be done in an open and participatory process and by using all the available information (especially results of the previous project that led to the 2008 draft Strategy and CAMP outputs).
2. National strategy needs to enable integration (spatial, inter-sectoral and

institutional, integration of knowledge and information, international integration) and set up basis for harmonisation and co-ordination with other plans and policies. Special attention needs to be paid to issues relevant for preservation of coastal zone resources which: a) are not at all or not adequately addressed in other policies, b) do not fall within scope of individual policies (but have inter-sectoral or horizontal character), and c) require strong co-ordination among different sectors and stakeholders. National strategy should define guidelines and recommendations for sectoral plans in order to ensure policy coherence and fulfilment of the common overarching goal: protection of the main functions and characteristics of the coastal zone and enabling of sustainable development in the long run.

3. National strategy should not replace policies in other sectors but coordinate, amend and upgrade the existing planning framework.
4. National strategy can contribute significantly (by promoting and applying integrated approach to planning and managing the coastal zone) to adoption and implementation of EU policies on coast and sea and to international co-operation on the protection of the Mediterranean.
5. National strategy needs to be focused on implementation and to, *inter alia*, define further needs for changes and amendments of the legal framework in order to stimulate implementation of measures it will define; in addition to the need to be incorporated in the legal system, it needs to be realistic, ambitious and written in a clear and concise manner. Strategy's time frame should be 10 – 15 years.

Based on the PAP *Guidelines for the preparation of National ICZM strategies* and analysis done for this Paper, a preliminary proposal of the Strategy's content was drafted (it is presented in the Annex 2).

5.2 Implementation of the National ICZM strategy: responsibilities and management and co-ordination mechanisms

Terms of reference for the Position Paper asked for proposal of a possible model of institutional structure that would be responsible for National strategy implementation and monitoring as well as for coastal zone management and co-ordination. The idea was to examine existing conditions and integrated management needs and to recommend a blueprint of a model that will be further reconsidered and elaborated through other preparatory activities and through the very process of Strategy development.

Starting from these premises, the Paper proposes that mechanism for ICZM Strategy implementation, i.e. coastal zone management structure be organised at two levels: politically-coordinating and executive. Moreover, the Paper underlines that it is very important to set up inter-ministerial co-ordination as the highest political form of co-ordinating relevant processes.

Political-coordinative function could be fulfilled by a Coastal council or similar body tasked with provision of political support for ICZM implementation, primarily through adoption and support for realisation of the National ICZM Strategy and Plan. This body would bring key decisions and would also have a supervisory role. Structure of the Coastal council would need to secure representation of all the stakeholders important for the coastal zone, whereas representatives of the six coastal municipalities comprising the coastal zone and representatives of the key ministries would play a leading role. Adequate participation of representatives from professional and scientific institutions and from civil sector is also very important. Experiences with operation of the CAMP Management and Steering Committees could serve as a starting basis for establishment of the Coastal council.

A special advisory body (network created by representatives of all the relevant professional, scientific and research institutions from public, private and civil sectors, i.e. representatives of institutions and organisations that have information and knowledge on the coastal zone) would operate within the Coastal council. This advisory body would be consulted on all the matters of importance for integrated management as needed, while as the Coastal council would take into account, at decision making stage, suggestions and guidelines provided by the advisory body.

On executive level, it would be necessary to establish an agency, administration or sector for the coastal zone as an institution (or an organisational unit) responsible for implementation of the National ICZM Strategy and Plan and (technical level) co-ordination of activities. This could mean establishment of a new institution or re-organisation and redefining of existing competences and co-ordination mechanisms. Taking into account capacities of the existing institutions is exceptionally important to this end. The need to rationalise institutions and to provide for efficient use of limited human and financial capacities on one, and the need to meet a complex set of requirements on making and implementing marine and coastal policies on the other side, should be kept in mind when bringing the final decision on the form and status of the future coastal zone management body. Finally, attention should be paid to ensure that institutional solution is defined in a way that will contribute to fulfilment of the EU accession obligations if the longer run.

Future (executive) body for coastal zone management should be placed (formally or through co-ordination of its work) under the competence of the Ministry of Sustainable Development and Tourism (or any other future ministry responsible for environment). Close co-operation and co-ordination with other sectors important for the coastal zone (spatial planning,

tourism, maritime and other transport, economy, agriculture, culture, etc.) is very important and should be formally regulated. At organisational and technical level, through appropriate changes of the PE Public Maritime Domain's mandate, a core of the future coastal zone management body could be created, with necessary strengthening of functions for ecosystem approach and policy integration. Furthermore, it would be necessary to define mechanisms and areas of co-operation with the existing scientific and professional institutions and administrative bodies (especially with Marine biology institute, Environmental protection agency, Hydro-meteorological institute and local self-governments) in order to complete a set of competences (understood as capabilities) and information needed for integrated management.

It will be also necessary to strengthen inter-ministerial co-ordination, information exchange and harmonisation of sectoral plans and programmes in the key areas. Efforts to improve inter-ministerial co-ordination should be focused on sectors such as environment, spatial planning, regional development, tourism, transport and maritime affairs, water management, agriculture and rural development, culture and others. Besides inter-ministerial co-ordination, attention needs to be paid to operational mechanisms for strengthening co-operation and co-ordination within complex ministries (such as current MSDT).

5.3 Relationship between National strategy and other plans and programmes

Article 18 of the Protocol (Box 2-2) requires adoption of national strategies (with action plans) as well adoption of plans and / or programmes for coastal zone management as self-standing documents or integrated into other

plans and programmes. Strategies and their action plans should contain goals, priorities and measures that need to be implemented in priority areas (with responsibilities, costs and deadlines). Moreover, National ICZM strategy should identify ecosystems needing management¹⁵. Management plans need to enable implementation of the National strategy guidelines for a given territory (having ecosystem approach, i.e. necessity of preserving integrity of valuable coastal systems at their core).

Action plan with identification of measures and activities that need to be undertaken, responsibilities and deadlines for their implementation, as well as with an indication of financing sources should be a constituent part of the Montenegrin ICZM Strategy; assessment of costs of individual measures / activities from the action plan should be done to the extent possible.

Based on the National strategy priorities and other available data¹⁶ and as a part of the same process, coastal zone management plan for Montenegro (ICZM Plan) should be developed. The Plan should set goals and elaborate management guidelines for ecosystems and possibly for other areas needing management in the spirit of the ICZM Protocol. Such areas could be certain urban locations, old urban units (which do not have special status at the moment), areas of outstanding landscape, natural and / or cultural values, particularly valuable ecosystems, etc. For the areas which

will be assessed as ones of priority importance, the ICZM Plan will, whenever possible, propose guidelines for carrying capacity and conditions for land use and for utilisation of specific parts of sea and coast, having the need to maintain vitality and resilience of the most vulnerable ecosystems as a basic premise. In cases when referring to already degraded areas, the Plan should propose rehabilitation measures.

Goals and recommendations of the ICZM Plan should be, in the best case scenario and if the timing of the two processes allows, integrated in the Spatial plan for special purpose area of the coastal zone, and then further into municipal spatial and detailed plans.

As for the relationship with other plans and programmes pertaining to the coast, National ICZM Strategy should act as a frame for co-ordination and integration of sectoral goals. This Position Paper does not recommend (as an obligation) further elaboration of the National ICZM strategy priorities through separate local plans and programmes, but it strongly recommends and deems necessary integration of goals, recommendations and guidelines from the National ICZM strategy into plans and programmes (development, spatial, management, environmental and others) at local level.

¹⁵The Protocol singles out wetlands and river estuaries, marine habitats, coastal forests and woods, as well as dunes as ecosystems the protection of which should be paid special attention. According to the Protocol provisions, integrated management needs to provide for protection of coastal landscapes, islands and cultural heritage, in addition to protection of these ecosystems.

¹⁶Including vulnerability assessments and other analyses done within CAMP.

Priorities of the National ICZM strategy

6.1

Priority problems in the coastal zone

Materials available from the past projects and activities related to the coastal area indicate that there is a high level of conformity in the various attempts to identify priority problems and challenges for which adequate management responses need to be formulated. The draft Strategy for integrated management from 2008, for example, identified the following ten challenges for attainment of sustainable development in the coastal zone:

- providing legal and institutional framework and human resources needed for integrated management;
- protection and sustainable management of natural resources;
- achievement of rational organisation in space and infrastructure improvement;
- sustainable tourism as a driver for overall development;
- efficient and integrated transport and logistics system;
- protection and valorisation of natural and cultural heritage;
- reduction and / or elimination of pollution;
- protecting humans and assets from natural disasters;
- complementing knowledge and awareness on significance and potential for coastal zone development;
- ensuring realisation of strategic, long-term sustainable development options.

During CAMP (Coastal Area Management Programme) Montenegro preparation, it has been determined that the following main problems are manifested in the coastal zone (in relation to the integrated management needs):

- Institutional and legal frameworks are complex, competencies are not always clearly delineated while horizontal and vertical co-ordination between different parts of administration is insufficient; there is a room for improvement when it comes to participation of different stakeholders in policy making.
- Integrated or ecosystem-based approaches are not at the core of the planning system (including the spatial planning); sectoral approaches are still prevalent, which exacerbates conflicts between environment and development.
- Capacity for the application of ICZM tools and mechanisms is limited; awareness and specific knowledge needed to ensure sustainable development are insufficient, while information on environmental aspects of coastal processes is often incomplete or lacking altogether.
- There are strong pressures on coastal environment, primarily from urbanization and tourism development.
- Harmonisation of national and local level spatial plans, as well as integration of ICZM Protocol requirements into the spatial plans is a challenge.
- Valuable marine and terrestrial ecosystems and cultural heritage at the coast are in various ways threatened by the current and planned development.
- Pollution from land-based sources (including waste, wastewater and industry) as well as from maritime activities needs to be prevented / controlled more efficiently.

In addition to these assessments on priority issues and challenges for integrated coastal zone management, valuable information is also available from the analysis of vulnerability and attractiveness, the results of which are available through CAMP. Results of this analysis (which is determining the most valuable spatial units that

need to be protected from future degradation) will be especially useful for identification of areas needing special management regime. Analysis of strategic and institutional framework and identification of needs for achievement of integrated management goals that was presented in Chapters 3 and 4 of this Paper is to a large degree consistent with the findings of previous analyses and it confirms some of the previously identified problems.

6.2 National ICZM Strategy priorities

Based on the analysis conducted for this Paper, results of the previous projects and initiatives, international and EU trends in policies relevant for seas / coastal areas, as well as on the requirements (objectives and principles) of the ICZM Protocol, the Position Paper recommends the following priorities for the National ICZM strategy:

1. **Institutional solutions and mechanisms for coastal zone management and for policy co-ordination:** Having in mind the existing proposals, acceptable and effective management and co-ordination solutions need to be agreed through the process of preparing the National strategy; they need to be included in the Strategy and measures for their implementation need to be detailed (agreed solutions need to be incorporated in the legal system in an appropriate manner and support needs to be ensured). In parallel, all the stakeholders relevant for coastal zone management need to be identified and mobilised, and their full participation in the Strategy preparation and later in the implementation phase needs to be secured. Definition of a functional management and co-ordination mechanism and involvement of stakeholders will contribute to integration of sectoral goals and policies and to the National strategy implementation.
2. **Strengthening of capacities and awareness raising:** Continuous strengthening of capacities for integrated management at all levels, in public, business and civil sectors, is very important for the implementation of the National strategy. From the very start of the Strategy implementation, special attention in capacity building activities should be paid to the organisational unit for sea and coastal area in the MSDT, executive body that will manage coastal zone and to local self-governments. Moreover, systematic efforts are needed to communicate coastal area values, goals and activities of the National strategy towards all the stakeholders. This will contribute to rising of awareness on requirements for integrated coastal zone management and on benefits from such approach.
3. **Use and development of mechanisms for monitoring and observation in the coastal zone:** It is necessary to work on the development and use of mechanisms for monitoring and observation to ensure availability of sound data on resources and activities as well as on institutions, regulations and planning – all with the aim to strengthen information basis for management and improve knowledge on the coastal zone. Specifically, it is necessary to systematise existing data, collect new ones, define indicators necessary to monitor coastal zone conditions and the National strategy implementation, define and conduct priority research, improve systematic observation of the coastal processes, establish appropriate information system and ensure availability of data to expert and lay public.
4. **Protection of valuable and endangered ecosystems:** Identification of specific coastal ecosystems needing management is one of the explicit requirements of the ICZM Protocol. Based on the available data and analyses, the National strategy should identify those ecosystems that due to their value or level of threat to which they are exposed necessitate special attention. The Strategy also needs to contribute to promotion of ecosystem services, provide support to proclamation of new nature protected areas – primarily marine but also for coastal ones – as well as to the

development of the system for adequate protected areas management. The ICZM Plan would further elaborate protection measures for these locations and determine objective mechanisms (for example, vulnerability analysis) and criteria for their valorisation. At the same time, clear guidelines for other sectoral policies would be provided. It is important to mention that recommendations on preservation of coastal ecosystems should be, among other things, based on an understanding of climate change impacts.

5. **Natural hazards:** One of the basic objectives of the ICZM Protocol is to reduce effects of natural hazards, and in particular of climate change, on communities and activities in coastal zones. The National ICZM strategy and Plan should pay attention to natural hazards issues and define goals, measures and specific management guidelines for other plans and programmes in order to manage erosion, landslide and seismic risks in an integrated manner and to minimise their potential impacts. Special attention needs to be paid to climate change: based on the available projections and expected impacts on natural and socio-economic systems in the coastal zone, the ICZM Strategy needs to elaborate measures and activities needed for further vulnerability assessments and definition of adaptation measures, that is for integration of climate change into sectoral plans and policies that refer to the coastal zone.
6. **Planning and rational use of space:** By strengthening the spatial planning system, primarily through introduction of mechanisms for objectivised land-use planning (by, *inter alia*, further application of criteria and tools such as carrying capacity, assessments of vulnerability and attractiveness, and others) and through improvements in the implementation of strategic environmental assessments (which serve to analyse, in parallel with elaboration of spatial plans and specific alternative solutions, their environmental impacts, and to adjust planned solutions accordingly), the National strategy will contribute to

protection of coastal space and integration of sectoral policies. It is of particular importance to strengthen implementation of plans and regulations, ensure efficient enforcement of the ICZM Protocol requirements on the zone where construction is not allowed, and to stimulate application of new tools such as, for example, marine spatial planning.

7. **Stimulating development of green / blue economic activities:** The ICZM Strategy should examine possibilities and propose goals and measures for development of green / blue economy (accompanied with creation of new jobs), including activities in the areas of energy efficiency, renewable energy sources, research and innovation, diversified and sustainable tourism offer on land and sea, sustainable agriculture, fisheries and mariculture, and maritime transport. In this way, the Strategy would contribute to employment, social security and preservation of local communities' identity, in addition to generation of other economic and environmental benefits. In defining measures for development of green / blue economic activities, the ICZM Strategy will not try to take over the role of sectoral plans and programmes, but will primarily address, in a manner similar to the EU *Integrated maritime policy*, issues that do not fall within scope of individual policies and those that require co-ordination between different sectors and stakeholders.

As already mentioned, what is presented here makes an initial proposal of priorities that can be modified and further elaborated through integration of results from other preparatory activities and vulnerability assessments, as well as through the process of Strategy preparation itself.

In parallel with the National strategy development, the ICZM Plan will be drafted (within the same document). The Plan will specify and transpose into concrete management guidelines Strategy's measures and goals pertaining to the areas of special interest.

7. Conclusions

Analysis done for the purpose of this Paper has shown that the existing policies and mechanisms for co-ordination and management in the coastal zone cannot meet the requirement of long-term sustainable development. The main gaps in the existing system include lack of political commitment, insufficient policy integration and inter-institutional co-operation and co-ordination, insufficient stakeholder participation, lack of capacities, knowledge and data on the coastal zone, weak implementation of regulations and policies, inadequate integration of natural hazards, insufficient support to development of green / blue economy, the fact that the existing planning system is not based on ecosystem approach, and others.

Adoption and implementation of the National ICZM strategy and Plan will to a significant extent contribute to creation of the necessary framework to enable sustainable development of the coastal zone as an area of the crucial importance for development of Montenegro. As they will contribute to development of mechanisms and to capacity building for integrated and ecosystem-based planning and management, the Strategy and the Plan will also help with fulfilment of goals from the EU integration process. The process of preparation and later on of implementation of these documents represents an opportunity to ensure efficient use of resources and resolve conflicting spatial demands, as well as an opportunity to make the spatial planning system more effective and more in the function of balanced development.

National strategy can play the key role in policy integration through careful analysis of existing policies and identification of sectoral goals that

are not compatible with ecosystem and integrated approach to planning and coastal zone management, and by proposing alternatives, i.e. by filling in the gaps that currently exist in the strategic and planning framework. In order to fulfil this role, the Strategy must have strong political support, it must ensure participation of all the relevant stakeholders and representation of their interests, and set up a foundation for establishment of an adequate institutional framework (that will ensure co-ordination, policy integration and sufficient knowledge and information for managing exceptionally complex coastal processes).

National strategy should be adopted by the Government, however support and acceptance of all the stakeholders (in particular of those from the local level), good choice of priorities and of necessary and realistic measures that should be implemented, as well as legal definition of aspects crucially important for efficient execution of the Strategy can contribute more to its implementation than the formal status itself. Demonstrations of benefits from integrated planning and management (through concrete projects and activities) can to a large degree stimulate implementation and contribute to gaining of political support. The key role for the National strategy implementation will be played by the management body and Coastal council (political and co-ordinating body for making decisions important for the coastal zone, with elaborated mechanism for consultations with expert and other interested stakeholders). Success of the National strategy will be mainly depending on the level of efficiency and acceptance of these solutions and on institutional capacities within these structures.

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Annex 2: Proposed outline for the ICZM Strategy

1. Statement of endorsement
2. Introduction
 - 2.1. Justification and context (national and international)
 - 2.2. Territorial scope (on land and sea)
 - 2.3. Time frame of the Strategy and mechanisms for its updating
3. Coastal zone management
 - 3.1. Management structure for the coastal zone
 - 3.2. Co-ordination mechanisms
 - 3.3. Public participation mechanisms
4. Vision of the sustainable development of the coastal zone
5. Analysis of existing conditions
 - 5.1. Existing framework for coastal zone management, relevant plans and projects
 - 5.2. Current state of the coastal zone (environmental quality, special natural and landscape values, economic activities, population, built environment and cultural values)
 - 5.3. Identification of the main problems and underlying causes to unsustainable trends
6. Priorities
 - 6.1. Identification (with indication of reasons) of priority themes/ issues
 - 6.2. Elaboration of priority issues
7. Goals and indicators
 - 7.1. General goal of integrated coastal zone management (derived from vision)
 - 7.2. Goals linked to priorities (with indicators to monitor progress with their realisation)
8. Means of implementation / measures
 - 8.1. Recommendations for adoption of new and amendment / revision of the existing policies
 - 8.2. Recommendations for changes and amendments of the legal framework
 - 8.3. Recommendations for spatial planning policy
 - 8.4. Partnerships
 - 8.5. Communication and awareness raising
9. Monitoring and evaluation
10. ICZM Plan (zoning?)
11. Strategy Action plan (measures and activities that need to be implemented during first 3 – 6 years of implementation, with financing plan, deadlines and responsibilities)
12. Annexes (maps, data, information on the strategic environmental assessment process)

