

project MedMPAnet

MONTENEGRO AND MARINE PROTECTED AREAS

LEGAL AND INSTITUTIONAL FRAMEWORK ASSESSMENT
FOR CONSERVATION OF COASTAL AND MARINE BIODIVERSITY
AND THE ESTABLISHMENT OF MPAS

Montenegro and Marine Protected Areas

Legal and institutional framework assessment
for conservation of coastal and marine biodiversity
and the establishment of MPAs

2014

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LIST OF ACRONYMS

| | |
|---------------------|--|
| AdriaPAN | Adriatic Protected Areas Network |
| AECID | Spanish Agency for International Cooperation to Development |
| CBD | Convention on Biological Diversity |
| CBD | Convention on Biological Diversity |
| CITES | Convention on International Trade in Endangered Species of Wild Fauna and Flora |
| EIA | Environmental impact assessment |
| EPA | Environmental Protection Agency |
| EU | European Union |
| FFEM | Fonds Français pour l'Environnement Mondial |
| IMELS | Italian Ministry of Environment, Land and Sea |
| IUCN | International Union for the Conservation of Nature |
| IUCN ELC | Environment Law Center of the International Union for the Conservation of Nature |
| IUCN Med | Center for Mediterranean Cooperation of the International Union for the Conservation of Nature |
| MAP | Mediterranean Action Plan |
| MCPA | Marine and Coastal Protected Area |
| MedMPANet (MPAs) | The Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas Network through the boosting of MPAs creation and management |
| MedPAN | Network of Marine Protected Areas Managers in the Mediterranean |
| MedPartnership | Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem |
| MoU | Memorandum of Understanding |
| MPA | Marine Protected Area |
| MSDT | Ministry of Sustainable Development and Tourism |
| NBSAP | National Biodiversity Strategy and Action Plan |
| NP | National Park |
| NS ICZM | Draft National Strategy on Integrated Coastal Zone Management |
| NSSD | National Strategy on Sustainable Development |
| OG | Official Gazette |
| PA | Protected Area |
| PCA | Protected Coastal Area |
| PE CZM | Public Enterprise for Coastal Zone |
| RAC/SPA | Regional Activity Centre for Specially Protected Areas |
| REC | Regional Environmental Centre |
| RM | Republic of Montenegro |
| SAP/BIO | Strategic Action Plan for the Protection of Biodiversity of the Mediterranean |
| SPA/BD | Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean |
| SPAMI | Specially Protected Areas of Mediterranean Importance |
| SPM | Spatial Plan of Montenegro |
| UNEP | United Nations Environment Programme |
| WWF-MedPO | World Wide Fund for Nature - Mediterranean Programme Office |

Foreword

This document delivers the state of the art of the legal and institutional framework for establishment and management of MPAs in Montenegro. The expert analyse has been developed by the IUCN-Med and IUCN ELC recruited by SPA/RAC in period 2012-2013. Following developments in national institutional and legislative framework that occurred in meantime and which were not fully and properly taken into account by expert team, Ministry of Sustainable Development and Tourism has requested the update of the Study. The Study produced in 2013 was updated following the Ministry's request to take into account changes that took place between mid-2013 and mid-2014. The update was carried out by Marina Markovic (national expert) and Mia Fant (international experts) who amended the assesement in line with the latest chnages of the institutional and legislative frameworks and developed further recommendations on necessary pre-conditions for establishment and effective managment of marine protected areas.

The update was supervised by the Ministry of Sustainable Development and Tourism of Montenegro as the UNEP/MAP coordinating institution (represented by Ms. Jelena Knezevic, MAP Focal Point) and by the Environmental Protection Agency of Montenegro, as the institution responsible for nature protection and RAC/SPA counterpart institution (represented by Ms. Milena Batakovic, RAC/SPA Focal Point).

Acknowledgements

The present document, entitled *“Montenegro and Marine Protected Areas: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs 2014”* is the result of a process of collaboration that began early 2012. The related work involved formal and informal consultations, workshops, and reviews of successive drafts by practitioners and experts.

Our thanks go first to the Ministry of Sustainable Development and Tourism of Montenegro for its continued support and collaboration.

We also extend our thanks to Ms. Jelena Knezevic, Adviser to the Minister, Ministry of Sustainable Development and Tourism and Milena Bataković, Senior adviser at the Department for nature protection, monitoring, analysis and reporting of the Environmental Protection Agency of Montenegro, for their help in particular regarding the organization of the national consultation and the revision of the present report.

While this study was coordinated by the UNEP/MAP RAC/SPA, IUCN-Med and IUCN ELC, it was made possible thanks to the MedMPAnet project, supported by the European Commission (EC), the Spanish Agency for International Cooperation and Development (AECID) and the French Global Environment Facility (FFEM).

Preliminary data collection was realized within the framework of the NEREUS project, funded by MAVA Foundation, in collaboration with the Mediterranean wetlands initiative (MedWET).

In July 2013, a wrap up workshop was held in Podgorica in order to consult national stakeholders. It generated valuable comments and inputs on the working documents which allowed drafting of the present document. The following institutions and organisations took part in the process and deserve special thanks:

- Ministry of Sustainable Development and Tourism
- Ministry of Agriculture and Rural Development
- Environmental Protection Agency
- Municipality of Tivat

- Municipality of Kotor
- Municipality of Budva
- Municipality of Bar
- UNDP Montenegro
- PE for Public Maritime Domain Management

Based on the request of the Ministry of Sustainable Development and Tourism, the original Study from 2013 was updated in 2014 by relevant national and international experts (Marina Marković and Mia Fant) who amended the document and developed recommendations on legislative framework and appropriate management models.

Special recognition is also due to Mrs. Faidra Bazigou who conducted the bibliographical research and provided the basic legal material.

During the transition between the final draft and the publication, crucial tasks were carried out by independent consultants. Mrs. Jill Harry, of Deadline SARL, who ensured the quality of the language in English while Prof. Dragana Petronijevic and Marina Markovic provided translations into Montenegrin (of the 2013 and updated reports respectively).

Mr. François-Xavier Bouillon, with his usual professionalism, coordinated the publication and produced its design.

We hope this report will assist Montenegro in developing and improving its legal and strategic instruments for MPAs.



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Introduction

The Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management “MedMPAnet Project” (<http://medmpanet.rac-spa.org>) is a five-year programme (2010-2015) executed by the Regional Activity Centre Specially Protected Areas (RAC/SPA – UNEP/ MAP; www.rac-spa.org) as part of the Strategic Partnership for the Mediterranean Sea Large Marine Ecosystem “*MedPartnership*” (www.themedpartnership.org) Sub-component 3.1: Conservation of coastal and marine diversity through the development of a Mediterranean marine and coastal protected areas network.

The MedMPAnet Project mainly deals with the processes leading to the creation of marine and coastal protected areas in several Mediterranean countries (Algeria, Albania, Croatia, Egypt, Lebanon, Libya, Montenegro, Morocco, Tunisia). The MPA establishment process goes generally through the following steps: (i) Legal and Institutional framework assessment for conservation of coastal and marine biodiversity (ii) ecological studies, (iii) socio-economic and fishery studies, (iv) management planning, (v) elaboration of stakeholders’ participation and engagement mechanisms, and (vi) elaboration of sustainable financing mechanisms. These activities are accompanied with technical support in view of improving MPA management and building capacities of MPA managers and practitioners.

The partner of the MedMPAnet Project in Montenegro is the Ministry of Sustainable Development and Tourism.

In this context, RAC/SPA signed in 2012 a Memorandum of Understanding with the Centre for Mediterranean Cooperation of the International Union for the Conservation of Nature (IUCN-Med) considering that:

- A comprehensive assessment of the legal and institutional framework for conservation of coastal and marine biodiversity and the establishment of protected areas in the Adriatic region needed to be undertaken;
- The analysis and recommendations of the legal and institutional framework for marine protected areas would contribute to the preservation and protection of marine biodiversity as well as other natural resources constituting the Adriatic biodiversity assets.

The MoU identified the “assessment and support to Adriatic countries’ priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas” as an important activity.

The present document entitled “Montenegro and Marine Protected Areas: Legal and Institutional framework assessment for conservation of coastal and marine biodiversity and the establishment of MPAs” is the outcome of the above-mentioned activity in the country.

1 <http://www.unepmap.org/index.php?module=content2&catid=001015>

Context in Montenegro

With an area of 13,812 km², Montenegro is mostly mountainous and covers both Sub-Mediterranean and Mediterranean regions. Montenegro is bordered by Bosnia & Herzegovina to the north-west, Serbia (Kosovo) to the north and north-east, Albania to the east and south-east, Croatia to the west and the Adriatic sea to the south-west. Its capital and largest city is Podgorica, while Cetinje is designated as the *Prijestonica*, meaning the former Royal Capital City.

The population of Montenegro is 620,029 (2011 census). The main cities, that account for over half of the population of the country, are the capital Podgorica (about 186,000), Nikšić, Herceg Novi, Pljevlja, Budva, Bar, Bijelo Polje and Cetinje.

The economy of Montenegro is a service based economy, and tourism is one of the leading sectors of the national economy. Gross domestic product (GDP) of Montenegro amounted in total 3,149 million EUR, and GDP per capita is 5,063 EUR in 2012 (Monstat, 2013). Since June 3, 2006, Montenegro is an independent country that proclaimed its new constitution on 22 October 2007. Based on the Declaration of "Montenegro as an Ecological State" which was adopted by the Parliament in 1991, the provision on ecological state is also integrated in the 2007 Constitution. The country is currently implementing a wide range of political and economic reforms, including the process of integration into the European Union (EU), following the signature of the Stabilization and Association Agreement.

The process of EU accession plays a particularly important role in the development of nature conservation regulations.

Environment and Biodiversity

Montenegro has 293 km of coastline along the Adriatic Sea and its maritime zone extends up to 12 nautical miles offshore covering an area of about 2,500 km², with a maximum depth of 1,233 m. The width of the continental shelf (up to 200 m depth) varies along the coast of Montenegro, extending to 9.5 nautical miles at the entrance of the Bay of Kotor, and 34 nautical miles at the River Bojana estuary.

The diversity of geological formations, landscapes, climate and soils, as well as the position of Montenegro on the Balkan peninsula and Adriatic sea, created conditions for formation of biological diversity with very high values, that puts the country among biological "hot-spots" of European and world's biodiversity.

The climate of the coastal area of Montenegro is Mediterranean, with long, hot, and dry summers and mild, rainy winters. Annual precipitation ranges from about 800 mm in the north to about 5,000 mm at certain locations in the south.

2 Strengthening the sustainability of the protected area system of Montenegro, UNDP Project Document.

Table 1. The main milestones related to the institutional and legislative framework for Protected Areas management

| Milestones | |
|--------------|---|
| 1991 | Declaration of "Montenegro as an Ecological State" |
| 2007 | Adoption of Constitution containing provision on Montenegro being (inter alia) an 'ecological state' |
| 2007 | National Strategy for Sustainable Development of Montenegro |
| 2007 | Special Purpose Spatial Plan for the Public Maritime Domain |
| 2008 | Establishment of the Environment Protection agency |
| 2008 to date | Formal application for EU membership and start of the process of harmonization of legislation and institutional framework with the Community acquis |
| 2007 to date | Ratification of main environmental Conventions and related Protocols |
| 2013 | Amended Law on Nature Protection |

The geology and hydrogeology of the coastal and central regions of Montenegro have many features relating to karst formations of the Dinaric limestone massif of the western Balkans. The shoreline is a narrow strip of land (2-10 km wide) separated from the country by the high limestone mountains of Rumija, Orjen and Lovćen located very close to the Adriatic Sea. In the coastal region many different hydrographic structures are present related to surface water and groundwater regimes. The Skadar lake between Montenegro and Albania, the largest lake in the Balkans, lies in a depression that is partially below sea level and is fed by the Moraca river and by underground water sources on the bottom of the lake. The effluent River Bojana is the only major river flowing to the Adriatic sea in the coastal zone. Although the precipitation regime in Montenegro is mainly continental and precipitation is high, most of the watercourses along the coast have a surface flow only in the rainy seasons and are dry in the summer, as the largest quantity of runoff water is drained through karst structures to underground paths that are very complex and still insufficiently researched, and flows directly to the open sea.

The Adriatic coastal zone is characterized by a succession of rocky cliffs, beaches, and small islands (St.Nikola near Budva, Katič near Petrovac, Star Ulcinj and Ada Bojana). Beaches cover 73 km of coastline, and Velika plaza is the largest beach (over 12 km long).

The Bay of Boka Kotorska is a semi-enclosed bay that forms a distinct system from the Adriatic coast and has unique orographical, climatic, hydrogeological and environmental characteristics. The Bay is 28 km long and 7 km wide in the largest point, with a coastline of 107 km and a total water area of 87 km². It is divided into three subsystems: the bay of Herceg-Novi, the Bay of Tivat and the bay of Kotor and Risan. Due to its peculiar shape and origin it is sometimes defined as the southernmost fjord of Europe. The origin of the bay is related to intensive tectonics and karstification processes. The karstic geomorphological structure of the bay with high flow of underground freshwater into the basin created typical conditions that determine distinctive biotic and abiotic factors of the bay.

Biodiversity Assessment in the coastal area

Information about main habitats and species in the coastal area of Montenegro is provided from secondary sources and through several marine monitoring and assessment initiatives that have been carried out along the coast of Montenegro since 2008³. Projects and initiatives, field surveys were applying various techniques for rapid assessment of key habitats and biocenosis, qualitative and quantitative assessment of benthic assemblages, for quantitative and qualitative assessment of the state of *Posidonia oceanic* meadows, and for the

3 MedMPA regional project of the Mediterranean Action Plan (UNEP/MAP) of the Barcelona Convention; Katic pilot MPA project and MPA2 project developed by DFS Montenegro and Ministry of Sustainable Development and Tourism within the framework of the Italy-Montenegro cooperation agreement for the implementation of the NSSD.

evaluation of damage due to illegal and unsustainable fishing and harvesting practices and unregulated activities along the coast.

During the field collection campaign main information on habitat and species found were collected and subsequently inserted in a Geo-referenced database for possible further elaborations and use. In particular, the habitats coded by UNEP-RACSPA⁴ were used as a reference for detailed habitat classification. As marine species are concerned, they have been distinguished according to their listing in in the Annexes of the SPAMI (Specially Protected Areas of Mediterranean Interest) Protocol of the Barcelona Convention, with particular reference to endangered or threatened species (Annex II) and to species whose exploitation is regulated (Annex III).

Particular attention was paid to the vulnerable/sensitive Mediterranean habitats and species of conservation interest which are listed in:

- EU Habitat Directive (92/43) within the **Annex I** (*Natural Habitat Types of Community Interest*), **Annex II** (*Animal and Plant Species of Community Interest*), **Annex IV** (*Strictly protected species*), **Annex V** (*species whose exploitation is regulated*)
- Barcelona Convention (1995) and its SPA/BD Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean sea within the **Annex II** (*endangered or threatened species*) and **Annex III** (*species whose exploitation is regulated*).

During the marine surveys performed along the coast of Montenegro in 2010, 2011 and 2012 within the MPA and MPA2 projects, several species that are protected under the SPAMI Protocol were observed; their list is provided in the table below.

Table 2. List of SPAMI species in Montenegro

| SPAMI Protocol – Protected Species observed in Montenegro | | |
|---|--|--|
| Annex II | <i>Posidonia oceanica</i> <i>Axinella cannabina</i> <i>Axinella polypoides</i> <i>Axinella verrucosa</i> <i>Centrostephanus longispinus</i> <i>Cystoseira spinosa</i> <i>Cystoseira amentacea</i> <i>Epinephelus marginatus</i> <i>Hippocampus ramulosus</i> | <i>Litophaga litophaga</i> <i>Lithophyllum lichenoides</i> <i>Luria (Cypraea) lurida</i> <i>Ophiaster ophidianus</i> <i>Palinurus elephas</i> <i>Pinna nobilis</i> <i>Tonna galea</i> <i>Tursiops truncatus</i> |
| Annex III | <i>Scyllarides latus</i> <i>Scyllarus arctus</i> <i>Homarus gammarus</i> <i>Spongia agaricina</i> | |

4 "Handbook for interpreting types of marine habitats for the selection of sites to be included in the national inventories of natural sites of conservation interest" (Bellan-Santini et.al. December 2002)

Also some very important habitats and species that are protected under the EU Habitats Directive were observed during the surveys, and are listed in the table below.

Table 3. List of very important habitats and species that are protected under the EU Habitats Directive in Montenegro

| Habitats Directive | |
|--------------------|--|
| Annex I | <ul style="list-style-type: none"> — <i>Posidonia</i> beds (<i>Posidonia oceanica</i>) priority habitat [code 1120] — Reefs [code 1170] — Submerged or partially submerged caves [code 8330] — Coralligenous habitat [code 1170] |
| Annex II | — <i>Tursiops truncatus</i> |
| Annex IV | <ul style="list-style-type: none"> — All species of <i>cetacea</i> — <i>Lithophaga lithophaga</i> — <i>Pinna nobilis</i> |
| Annex V | — <i>Scyllarides latus</i> |

Based on the surveys, 16 marine habitats types were identified, according to the classification of habitat types for the Mediterranean region developed by UNEP in 2006⁵ within the framework of the Mediterranean Action Plan of the Barcelona Convention. This habitat classification system was elaborated from the CORINE biotopes nomenclature⁶: it is hierarchical, phytosociological and based on the bathymetric zonation of Biocenosis⁷ and the granulometric nature of the substrata (muds, sands, pebbles, hard substrata and rock)⁸. These include marine caves, seagrass meadows of *Posidonia oceanica* and *Cymodocea nodosa* beds, and some ecological associations like the association with *Cystoseira* spp. or the association with *Sargassum vulgare*.

Many of the habitats or associations or facies found in the field surveys can be referred to particular plant or animal marine species that contribute to characterize that specific association, and in some cases these species are protected by European laws or international conventions.

In addition to the marine seagrass *Posidonia oceanica*, Annex II of the SPA/BD Protocol of the Barcelona Convention in fact lists also the algae *Cystoseira amentacea* (including *var. stricta* and *var. spicata*) and *Lithophyllum lichenoides*.

Moreover other marine species are to be reported as “sensitive”

5 UNEP. *Classification of Benthic Marine Habitat Types for the Mediterranean Region*. June 2006

6 <http://www.eea.europa.eu/data-and-maps/data/corine-biotopes/>

7 Bellan-Santini D., Lacaze J.C. & Poizat C., 1994 - *Les biocénoses marines et littorales de Méditerranée, Synthèse, menaces et perspectives*. Collection Patrimoines naturels, Museum National d'Histoire Naturelle publ., 19 : 246p.

8 Dauvin J.C., Bellan G., Bellan-Santini D., Castric A., Comolet-Tirman J., Francour F., Gentil F., Girard A., Gofas S., Mahé C., Noël P. & de Reviere B., 1994 - *Typologie des Znieff-Mer. Liste des paramètres et des biocénoses de côtes françaises métropolitaines*. 2ème édition. Museum National d'Histoire Naturelle, Paris : 64p.

and their exploitation is therefore regulated. For this reason they are listed in Annex III of the SPA/BD Protocol (i.e. *Epinephelus marginatus*, *Palinurus elephas*, *Homarus gammarus*, *Scyllarus latus*, *Paracentrotus lividus*).

In 2012 a comprehensive mapping of coastal seabed (up to 30 m depth) was developed through remote sensing analysis of a mosaic of satellite images (WorldView-2 high resolution scenes) covering the entire coast of Montenegro and a comprehensive GIS database of the coastal area was developed by integrating the seabed map information with observed habitats and species that are protected under the national and international legislative framework.⁹ Particularly relevant is the resulting seabed map that shows the extension of the submerged marine vegetation from the shoreline up to 25-35 m of depth, which is basically related to dense meadows of *Posidonia oceanica* along the coast. The lower limit of *Posidonia oceanica* meadows reaches a max depth of 33 m, while the upper limit is set at 9-6 m depth on average, but in special conditions the meadows of *Posidonia oceanica* and *Cymodocea nodosa* can reach the shoreline (like for example in Buljarica, Traste bay and Bigovo cove). The state of *Posidonia oceanica* meadows is good on average, although signs of degradation are evident in areas where human activities are more developed, and where illegal fishing and harvesting practices are carried out despite the regulations prohibiting them. The shallow rocky seabed and cliffs show the worst effects of alteration and degradation in both the physical structure of the substrate and the biological composition of the benthic communities, and most of these areas are barren from 0.5 to 10-12 m depth along the entire coast.

Existing Protected Areas

The number of species per area unit (or Simpsons Index of Diversity) in Montenegro is 0.837 (1 being the highest value possible) and is the highest recorded in all European countries. Montenegro has internationally recognized sites - two Ramsar sites and two UNESCO sites. The Ramsar sites are: a Special Flora and Fauna Reserve **Tivat Saline (Tivatska solila)**-enlisted as a Ramsar site in 2013) located in the coastal strip of Tivat Bay between the rivers Odoljenštica and Koložunja, and the Montenegrin portion of Lake Skadar (Ramsar site since 2006). The UNESCO sites are: Durmitor National Park (on the World Natural Heritage list since 1980) and Kotor- Risan bay (on the World Natural and Cultural Heritage list since 1979). The national efforts for conservation of biodiversity and natural assets resulted in the designation of several Protected Areas under successive nature protection laws. The national network of protected natural areas currently covers 124,964 ha or more than 9% of the land area of Montenegro. The country's five national parks Durmitor, Skadar Lake, Lovcen, Biogradska gora and Prokletije are the most important areas. The other

9 Remote sensing analysis of the coast and the GIS geo-database were developed within Task 4 of the project “*Start Up of Katič Marine Protected Area in Montenegro and Assessment of Marine and Coastal Ecosystems along the Coast*”, DFS Engineering Montenegro, 2012

protected areas, 48, fall under different categories such as monument of nature, special natural features area and (general and special) reserves.

Proposed Protected Areas

Emerald network

As a Party to the Bern Convention on the Conservation of European Wildlife and Natural Habitats, Montenegro developed a list of 32 candidate Emerald Ecologic Network sites (also defined as Areas of Special Conservation Interest at the European level - ASCIs), covering a total area of 234,399 ha, out of which 12 are located in the coastal region or at sea: Skadar Lake; Velika Plaza with Solana Ulcinj; Buljarica; Tivatska solila; Sasko jezero; Bojana river, Knete, Ada Bojana; Kotor-Risan bay; Orjen; Pecin beach; Spas hill in Budva; Katici, Donkova and Velja seka islands; and Platomuni.

The list of Emerald habitats and species (Annex I and II of the Convention) in Montenegro includes 156 habitat types of two biogeographic regions (alpine and Mediterranean) and 20 species of mammals, 9 species of amphibians and reptiles, 108 species of birds, 13 species of fish, 8 species of invertebrates and 5 species of plants, including the priority species of seagrass *Posidonia oceanica*.

Typical marine species requiring specific habitat conservation measures (according to Resolution n. 6 of the Bern Convention) that have been associated to the proposed Emerald sites (as listed in the document of the Bern Convention T-PVS/Emerald 2007 11) are: the Bottlenose Dolphin (*Tursiops truncatus*), Harbour Porpoise (*Phocoena phocoena*), Loggerhead sea Turtle (*Caretta caretta*), Green Turtle (*Chelonia mydas*), Sea Lamprey (*Petromyzon marinus*), Adriatic Sturgeon (*Acipenser naccarii*), Eleonora's Falcon (*Falco eleonorae*), Slender-billed Gull (*Larus genei*), Mediterranean Gull (*Larus melanocephalus*), Pygmy Cormorant (*Phalacrocorax pygmaeus*), Arctic Loon (*Gavia arctica*), Common Loon (*Gavia immer*), Red-throated Loon (*Gavia stellata*).

Proposed Marine Areas

Three sites for proposed Marine Protected Areas were identified in the Special Purpose Spatial Plan for the Coastal Zone of Montenegro (2007): Platomuni, Katici islands and Old Ulcinj island.

Two projects were started to develop pilot MPAs in Platomuni and Katic areas:

- The GEF funded project "*Strengthening the sustainability of the protected area system of Montenegro*" carried out by UNDP, started in 2009, includes development of a new MPA in Platomuni.
- The project "*Management Plan "Katič" Pilot Marine Protected Area Montenegro*" developed by DFS Engineering Montenegro in 2009-2010, within the Italy-Montenegro cooperation for the implementation of the National Strategy for Sustainable Development of Montenegro.

In 2012 an assessment of the coastal zone was carried out by DFS Montenegro within the project "*Start Up of Katič Marine*

Protected Area in Montenegro and Assessment of Marine and Coastal Ecosystems along the Coast" (MPA2 project) to identify the areas of the Montenegrin coast where the most significant and valuable marine ecosystems occur, as potential sites of a future network of Marine Protected Areas. As a result of this screening, 7 areas were selected: Mamula bay down to Rt Mačka; Rt Traste to Platomuni; MPA Katič; Rt Vulujica to Dobra Voda town; Rt Komina to Rt Stari Ulcinj; Valdanos bay to Velika Plaža ; and Seka Djeran and southern Velika Plaža to the Bojana delta.

Also, through the Regional Activity Centre for the Specially Protected Areas (RAC SPA), UNEP/MAP supported implementation of field surveys on marine biodiversity (benthic and fish communities) in order to identify potential marine protected areas (MPAs) in Montenegro. Surveys were completed in 2011 and covered more than 20 locations along the entire coast. Based on detected habitats and benthic and fish communities of significance for protection, the following recommendations were made:

- Protection from fisheries aspect: Platomuni (from Platomuni Cape to Žukovac Cape) and Seka Albanese (in order to allow for regeneration of fish stocks it is recommended to establish two to three 'no take' zones);
- Prevention of disturbances from diving and tourism: area near Petrovac (Katič island and Dubovica);
- Protection of coral reefs and sponge communities in Bokotorski Bay by establishing a micro-reserve to safeguard communities from mechanical damages;
- Protection of the area from Mendra (lighthouse) Cape to Old Ulcinj by establishing marine protected area;
- Additional surveys are necessary for Sveti Nikola Island and Mamula.

Source: Information on the State of the Environment 2011

According to the requirements of the Strategic Plan 2020 and global Aichi Targets of CBD (Montenegro is a Party of CBD since 2009), 10% of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, should be conserved through effectively and equitably managed, ecologically representative and well connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscapes and seascapes. This percentage means that about 130 square kilometers of the sea need to be declared as marine protected area in Montenegro. On the national level, this goal was first set by the National Strategy for Sustainable Development and reiterated by the National Biodiversity Strategy and Action Plan.

In the first part, the present document will describe the legal and policy framework as well as the institutional arrangements for the establishment and management of MPAs in Montenegro. The implication of this framework on the management and governance of marine protected areas will conclude this first part. The second part will focus on the existing stakeholders' participation. Finally, the third part will attempt to formulate recommendations in view of the previous findings.

Methodological approach

The methodological approach adopted for the development of the present document had been defined in the Memorandum of Understanding signed between the RAC/SPA and IUCN-Med office in 2012.

According to this agreement IUCN-Med gathered all available information and legal contents through bibliographical research, interviews with national stakeholders and national consultation.

A first workshop on Protected Areas Planning and Management in the Adriatic Region was organized in July 2012 in Podgorica, and hosted by the Ministry of Sustainable Development and Tourism. With the World Commission for Protected Areas, IUCN-Med then facilitated a second workshop to share opinions and start thinking of how to conserve, manage and enhance environmental, cultural and economic values of marine resources in the Montenegrin coastal zone, including analysis of institutional and legislative issues. The second workshop was organized by the MSDT and DFS Montenegro in Budva in October 2012¹⁰.

In November 2012, a 5 day visit to selected Italian Marine Protected Areas was organized by the Ministry of Sustainable Development and Tourism and DFS Montenegro for a Montenegrin delegation including 13 representatives of the main institutions involved in planning and management of MPAs.

The Matrix in the Annex II was developed by IUCN ELC¹¹. It was used as a tool to guide the assessment of the legal, policy and institutional framework for MPAs in Montenegro.

10 Budva, 8-9/10/2012: "How to establish and manage an MPA: proposals, lessons learnt and ideas from the Mediterranean region" (project "Start Up of Katič Marine Protected Area in Montenegro and Assessment of Marine and Coastal Ecosystems along the Coast" – DFS Montenegro and MSDT in collaboration with IUCN, WCPA, MPA Miramare – Shoreline).

11 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.



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Part I

Legal and Institutional Framework for Marine Protected Areas in Montenegro

I. LEGAL AND POLICY FRAMEWORK FOR MARINE PROTECTED AREAS

A. Legal instruments for MPAs

There are no specific laws or policies dealing solely with Marine Protected Areas in Montenegro. Instead, the main laws and strategic documents that apply for Protected Areas in general also apply for MPAs.

Coastal ecosystems are protected under the Law on Nature Protection, as follows: Article 21 (protection of the sea and seabed), Article 37 (definition of protected natural areas), Article 49 (categorization of protected natural areas), Article 54 (establishing protection zones in the protected nature areas), Article 45 (establishing the list of strictly protected and protected wild species of plants, animals and fungi). The provisions of the Law regarding the management of protected areas (Article 62 and Article 65-67), are also relevant, especially in terms of establishment and management of protected areas on land and sea. Furthermore, by a set of regulations - such as Law on Nature Protection ("Off. Gazette of Montenegro", no. 51/08, 21/09, 40/11, 62/13), Law on Forests ("Off. Gazette of Montenegro", No. 74/10), Law on Marine Fisheries and Aquaculture ("Off. Gazette of Montenegro", no. 56 /, 40/11), Law on Public Maritime Domain ("Off. Gazette of Montenegro", no. 14/92) (proposal of the new Law is in the process of adoption)) - preservation of some specific ecosystems such as wetlands, marine habitats, forests, dunes and islands, and protection areas are provided. Law on Spatial Planning and Construction of Facilities ("Off. Gazette of Montenegro", no. 51/08, 40/10, 34/11, 47/11, 35/13, 39/13) (Article 5) prescribes that the use of space needs to be based on the principles of rational use and protection of natural resources as well as the protection and improvement of the environment. Rulebook on detailed content and form of the planning document, the criteria of land use, zoning regulation elements and unique graphic symbols (hereinafter referred to as the Rulebook) in Article 9 stipulates that the plans must contain guidelines for the protection of natural and landscape values and cultural heritage, but without prescribing obligations related to specific topics regarding nature protection.

The three major legal acts governing the proclamation and management of Protected Areas, including marine protected areas, in Montenegro are:

- The Law on Nature Protection
- The Law on National Parks
- The Law on Public Maritime Domain

The texts of the Law on Public Maritime Domain are currently under revision (at the level of parliament).

A.1. Law on Nature Protection

The *Law on Nature Protection* was adopted in August 2008 (Official Gazette of Montenegro No. 51/08) aiming to transpose the key EU legislation in this area, such as Habitats and Birds Directives. It had several subsequent changes and amendments, the last one in December 2013.

The main goal for adoption of changes and amendments of the Law was to prescribe procedures for designation of protected areas (including a requirement for designation of managers for each category,) and to improve a legal basis for establishment of Natura 2000 network (chapter III, articles 30-34). Provisions on landscape protection and public participation (article 109) were also included in the Law¹².

Although the term "marine protected area" is not specifically mentioned in the Law on Nature Protection, article 21 related to the *Protection of sea and seabed* states:

"It is forbidden to carry out actions and activities that are destroying marine habitats. Conservation of biodiversity must be provided by the implementation of safeguards in accordance with this law."

The Law on Nature Protection protects nature as a whole, and particularly areas of special natural values and rarities. It also refers to conservation of biological diversity and its sustainable use. The Law, among other provisions, prescribes special

¹² Strengthening the sustainability of the protected area system of Montenegro, UNDP Project Document

measures to be taken in order to:

- protect particularly valuable and preserved parts of nature,
- prevent all actions that could directly or indirectly disturb natural assets and their attributes,
- create as favourable as possible conditions for conservation and maintenance of natural assets.

According to this Law, protected areas are “*sites with significant biological, geological, ecosystem and landscape diversity*”. Six types of protected areas, three categories as well as three protection regimes have been defined under the Law.

A protection regime has to be established for each PA within the mentioned national categories. These regimes consist of a group of measures and conditions that determine the means and level of protection, use, management and improvement of the protected areas.

The Law also prescribes procedures to obtain licenses for the activities in protected areas.

At the end of 2013, Parliament of Montenegro adopted Amendments of the Law on Nature protection (“Official Gazette of Montenegro”, no. 62/13). These last amendments refer to appropriate assessment procedure, compensatory measures, public interest, public participation regarding procedures of designation of protected areas, allowed activities within different categories of protection etc. Amendments of the Law on Nature Protection also prescribe responsibility for the Public Enterprise for Public Maritime Domain Management to act as a manager of all protected areas within the zone of Public Maritime Domain (terrestrial but also marine ones, once the latter are established).

A.2. Law on National Parks

National parks in Montenegro are designated and managed based on the *Law on National Parks* (Official Gazette No56/09 and 28/2014). The Law defines the borders, level of protection, development limitations within natural parks, permitted resource uses and how the national parks should be managed¹³.

This Law provides for protection and improvement of the national parks by defining conditions for: protection; rational use of the national parks resources; sustainability and development of flora, fauna and fungi species and their communities; protection and improvement of special natural values; research and usage of national parks for the needs of developing science, education, tourism, culture and recreation; prevention of actions that can disturb the basic characteristics and properties of national parks; and for environmental protection (Article 4).

A long list of prohibited actions is provided including those directed to the fauna and flora and the natural conditions of the site. Article 16.2 lists the actions that are prohibited in order to prevent the destruction, damage or pollution of the national parks.

Funds for the protection and development of national parks are provided from the budget of Montenegro, revenues from the operation of the Public Enterprise National Parks of Montenegro, fees for using the national parks resources, fees for damages done to the national parks resources, by joining the funds of enterprises, institutions and other legal persons, from credits, loans, presents, legacies, and other sources (Article 32).

The Law on National Parks (Official Gazette No 56/09 and 28/2014), recently adopted , refers to legal status of Public Enterprise of National Parks, which should be more market oriented, but still under strong Government control. Also, the Law prescribes in more detail fees and charges to be collected, forbidden activities and for the first time, it introduces a possibility of implementing ecosystem services approach in the management routine.

A.3. Law on Public Maritime Domain

The Law on Public Maritime Domain (OG 14/92) (presently under revision) regulates the management of the narrow coastal strip designated as public maritime domain, its use, improvement and protection. Part I is about general provisions of the law, mainly providing definitions of the public maritime domain¹⁴ and the coastline¹⁵.

Public maritime domain comprises the seacoast, harbours, piers, slipways, dams, reefs, beaches, cliffs, ports, ridges, springs, wells and springs on the coast, estuaries that flow into the sea, canals connected with the sea, seabed, seabed and subsoil and the internal waters and territorial sea, natural resources found in the aforementioned, and natural resources of the continental shelf. The coastal waters of the Bojana River in Montenegro are also considered a part of the public maritime domain.

According to this Law, public maritime domains is a strip of land, at least six metres wide starting from a line reached by the highest waves during the heaviest storms. Along the bank of the river Bojana, coastline is a strip of land that is at least six meters wide starting from a horizontal line to the middle line of the twenty-year water level.

Part II of the Law is about the use of marine resources, part III about coastal protection and parts IV and V about penalties in case of infringements of the Law and the transitional and final provisions respectively.

The Draft of New Law on Public Maritime Domain mainly refers to legal status of the Public Enterprise for Public Maritime Domain Management which is expected to be transformed into Agency for Coastal Zone Management, with a department for protection of public maritime domain. One of the main responsibilities of Agency would be management of protected areas within public maritime domain. The Agency will also have an important role in coordination of activities related to implementation of integrated coastal zone management.

13 Strengthening the sustainability of the protected area system of Montenegro, UNDP Project Document

14 Article 2 of the Law on Public Maritime Domain

15 Article 3 of the Law on Public Maritime Domain

Furthermore, the Agency will have a Department for protection of marine assets with special obligation to protect natural resources and specific coastal ecosystems in the coastal zone. It is important to enable this Department to be involved in carrying out inspection controls in the coastal zone together with competent inspection bodies.

B. Other relevant legal instruments

In addition to the Law on Nature Protection and the Law on National Parks, other legal instruments are also relevant for MPAs including:

- Law on Environment
- Law on Spatial Planning and Construction of Facilities
- Law on the Sea
- Law on Marine Fisheries and Aquaculture
- Laws on SEA and EIA
- Law on Water
- National List of Protected Species (Decree on protection of rare, declining, endemic and endangered plant and animal species (“Off. Gazette of MNE”, no. 76/06)
- International Conventions to which Montenegro is a party

B.1. Law on Environment

The Law on Environment (OG 48/2008) introduces an integrated approach to environmental management and defines objectives and principles for environmental protection.

The Law defines the scope and content of environmental monitoring programs and requires the establishment of an environmental information system (EIS). It prescribes the data requirements for, reporting obligations and public access to the EIS. Other issues regulated by the Law include liability for environmental damage, environmental financing, and national plans and strategies required under certain multilateral environmental agreements, etc.

The Law on Environment also stresses the need to have data and information pertaining to the quality of the environment available to the public.

B.2. Law on Spatial Planning and Construction of Facilities

The protection of space in the national parks is achieved through implementation of the Law on Spatial Development and Construction of Facilities (OG 35/13) that regulates the system of spatial planning and construction. Article 21 of this Law regulates preparation of special purpose spatial plans for all national parks and their adoption by the Parliament of Montenegro.

Special purpose spatial plan is also required for the coastal zone – the term and geographic area which was introduced into Montenegrin legal system and defined under the 2013 changes and amendments of the Law on Spatial Planning and Construction of Facilities and the Terms of Reference for preparation of the Special Purpose Spatial Plan for the Coastal Zone of Montenegro. Coastal zone is defined 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 Lovcen and Skadar Lake) as well as a sea belt to the outer border of the territorial sea. Preparation of the Coastal Zone Plan is underway (completion expected in 2014).

The Law on Spatial Planning and Construction of Facilities represents an important legal instrument that enables sustainable use of natural assets and sustainable development of national parks, coastal zone and natural reserves. The special purpose spatial plans define, among other, the regime for the use and development of space and the zone borders according to these regimes (Article 21, paragraph 2).

B.3. Law on the Sea

The Law on the Sea (OG 17/07) regulates the internal waters, the territorial sea, the exclusive economic zone (EEZ) and the continental shelf. No particular attention is paid to marine protection and especially not to creation and establishment of MPAs in Montenegro.

Nevertheless, marine conservation is mentioned in the text. In particular, Article 9 outlines the permitted actions in the marine and coastal environment and the seabed. These actions can have scientific purpose or archaeological interest and should be approved by the responsible ministry in each case (ministry responsible for science and culture, ministry responsible for the environment, ministry responsible for marine fisheries, ministry of defense).

The law refers to the conservation of the marine environment in the case of construction, operation and use of facilities in the exclusive economic zone (Article 30 paragraph 3). Finally, article 35 mentions that when research is done related to the exploitation of natural resources of the EEZ of Montenegro, the international and domestic rules, procedures and standards of protection of the sea, living marine resources and the marine environment are to be respected.

B.4. Law on Marine Fisheries and Aquaculture

The Law on Marine Fisheries and Aquaculture (OG 55/03, 56/09) and the four Rulebooks (bylaws) issued in 2004 provide for restriction, control and monitoring of different categories of marine fisheries in Montenegro.

Moreover, articles 6 and 7 of the same law refer to the protection of the marine environment and of each resource:

“Fish and other marine organisms, as well as marine biodiversity, shall be protected from threat to their vital environment and overexploitation.” (Article 6) and

“In order to protect the biodiversity and conditions of the environment:

- 1) It is prohibited to dispose of or discharge liquid or solid wastes from production or processing or any other materials that have adverse effects on the quality of marine environment;*
- 2) It is prohibited to restock, to introduce alien species of fish and other marine organisms, genetically modified species of fish or other marine organisms into the sea;*

3) It is prohibited to engage in underwater activities in locations that the permit had not been obtained for from the administration authority competent for fishery (hereinafter referred to as: the administration authority);

4) It is prohibited to engage in fishing, collecting and marketing of protected species of fish and other marine organisms.

Where new biological habitats can be established, artificial underwater reefs shall be placed for the purpose of protecting biodiversity and conditions of the environment.” (Article 7)

B.5. Laws on EIA and SEA

The Law on Environmental Impact Assessment (OG 80/05) prescribes procedures for carrying out an EIA for projects that may have significant impact on the environment, while the Law on Strategic Environmental Assessment (OG 80/05) prescribes the procedures – from screening to approval stage – for assessment of impacts of certain plans and programs on the environment.

Articles 12-w13 of the Nature Protection Law prescribe procedure for carrying out an appropriate assessment of plans, programmes, projects and activities that may have a significant impact on preservation and integrity of ecological network and of ecologically important sites. The assessment can be undertaken as a self-standing procedure or as a part of SEA. If the assessment shows the impacts on ecological network or ecologically important sites will be significant, competent administration body will not approve pertinent plan/ activity unless:

- there are no alternative solutions;
- compensatory measures are possible;

— if Natura 2000 sites or other ecologically important sites are affected, approval is possible only if it is established that there are imperative reasons of overriding public interest to carry out the plan/ activity.

Compensatory measures are defined in Article 14 of the Law.

B.6. National List of Protected Species (Decree on protection of rare, declining , endemic and endangered plant and animal species (“Off. Gazette of MNE”, no. 76/06)

The list of protected species in Montenegro is defined in the Decision to put plant and animal species under protection pursuant to Article 27 Paragraph 6 in connection with Art. 16, line 5 of the Law on Nature Protection (OGM n. 76/2006). Although the list is not fully harmonized with the requirements of international legislation, the national list of protected species of Montenegro already includes some relevant marine species, like for example the date mussel *Lithophaga lithophaga*.

B.7. International conventions

The Republic of Montenegro is a Party to many international environmental agreements and conventions.

Pursuant to Article 9 of the Constitution of Montenegro (OGM no. 01/07), ratified and published international treaties and generally accepted rules of international law and represent an integral part of the internal legal order that have primacy over national legislation in cases when they regulate relations differently.

The relevant Conventions and Protocols for the protection of biodiversity and marine environment are:

Table 4. - Ratification status and implementation for conventions

| No. | International convention | Status | No. of Official Gazette |
|-----|--|----------|-------------------------|
| 1. | Convention on Biological Diversity - CBD | ratified | 011/01-28 |
| 2. | Cartagena Protocol on Convention on Biological Diversity | ratified | 016/05-40 |
| 3. | Convention on Migratory Species - CMS | ratified | 006/08-147 |
| 4. | Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) | ratified | 7/2008 |
| 5. | Ramsar Convention on Wetlands | ratified | 009/77-675 |
| 6. | Convention Concerning the Protection of the World Cultural Heritage – UNESCO WH | ratified | 056/74-1771 |
| 7. | European Landscape Convention | ratified | 006/08-135 |
| 8. | Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention) | ratified | 011/01-3 |
| 9. | United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa – UNCCD | ratified | 017/07-12 |
| 10. | Convention for the Protection Of The Mediterranean Sea Against Pollution(Barcelona Convention) | ratified | 64/07 |
| 11. | The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean | ratified | 64/07 |
| 12. | African-Eurasian Waterbird Agreement (AEWA) | ratified | 01/2011 |
| 13. | Agreement on the Conservation of Populations of European Bats (EUROBATS) | ratified | 16/10 |

C. Existing policies regarding biodiversity conservation in Montenegro

Apart from legislation, a strategic framework for the protection of biodiversity was developed including:

- The National Strategy on Sustainable Development
- The Spatial Plan of Montenegro 2020, and in particular Special Purpose Spatial Plan for the Public Maritime Domain adopted in 2007 (as mentioned before, Special Purpose Spatial Plan for the Coastal Zone of Montenegro is underway in 2014)
- The National Biodiversity Strategy and Action Plan 2010-2015

C.1. National Strategy on Sustainable Development (NSSD, 2007)

The basis of strategic planning of nature protection and biological diversity preservation has been laid down in the National Strategy on Sustainable Development (NSSD) of Montenegro. NSSD was the first national document to set specific objectives regarding proclamation of the coastal and marine protected areas. Biodiversity related objectives of the NSSD are:

- Increase national nature protected areas to 10% of the territory and protect at least 10% of the coastal area by 2009; use the classification of habitat types set by the Emerald and Natura 2000 networks in identifying protected areas while taking into account their representativeness.
- Establish an efficient system for managing nature protected areas (harmonized with the IUCN management categories, ensuring stakeholders' participation).
- Improve the legal framework for the protection of biodiversity; strengthen human resources and develop an effective system for biodiversity monitoring.

Priority areas recognised in the NSSD for nature protection along the coast included Tivat's Solila, Buljarica, Ulcinj's Solana, Sasko Lake, Knete and Ada Bojana. As for the marine protected areas, zones by Platamuni, Katići and Old Ulcinj islands were envisaged.

Marine biodiversity protection has been defined as a priority issue in the implementation of the National Biodiversity Strategy and the NSSD. As already stated, the priority measures of the NSSD envisaged the establishment of protected marine areas at three locations. However, these measures were not implemented and Montenegro still does not have protected areas at sea. To this end, implementation of the Project for the Establishment of Protected Marine Area at the Location Katići is of importance. Increase in the protected coastal areas proposed under the NSSD (and endorsed by the National Biodiversity Strategy) was aligned with the Spatial Plan of Montenegro and the Special Purpose Spatial Plan for the Public Maritime Domain, however little progress has been achieved (Tivat's Solila are the only protected area in the coastal region designated since the adoption of the NSSD).

C.2. Spatial plans

Spatial Plan of Montenegro until 2020 (2008)

Spatial Plan of Montenegro until 2020 (SPM) was adopted in 2008 by the Parliament of Montenegro as the spatial plan of the highest order (meaning that lower level plans should be harmonised with it). In setting general principles and goals of spatial development, SPM recognizes concepts of "ecological state" and sustainable development as its reference points. Furthermore, one of the general objectives of the Plan is rational use of natural resources.

Priorities for expansion of the PAs network outlined in the SPM include proclamation of new and/ or expansion of existing national parks (expansion of National Park Durmitor to link it to Sutjeska National Park in Bosnia and Herzegovina, and establishment of NPs Prokletije and Orjen), establishment of several regional/ nature parks (including Rumija, Komovi, Sinjavina, Bioc – Maglic – Volujak, Ljubisnja, and Turjak with Hajla), as well as a number of PAs that fall into other categories of protection. So far, the only expansion of the protected areas system that was planned under the SPM and was actually implemented refers to proclamation of Prokletije National Park.

Special Purpose Spatial Plan Public Maritime Domain (2007)

Protected areas in the coastal zone i.e. in the part of coastal zone designated as public maritime domain were planned under the *Special Purpose Spatial Plan Public Maritime Domain* (adopted in 2007 by the Parliament of Montenegro). The Plan provides guidelines for development, use and protection of public maritime domain taking into account specificities and limitations of the area, general development guidelines for Montenegro and international standards for managing coastal areas. Adoption of the Plan marked the first step towards an integrated management of the coastal area encompassing both the land and the sea. The Plan covered:

- marine part: the area of the territorial sea;
- land part: a narrow coastal strip (as defined under the Law on Public Maritime Domain) that makes a functional unit with the sea.

The Public Maritime Domain Plan indicated the following areas as the ones of interest for protection of terrestrial and marine ecosystems:

- coastal zone protected areas (Solila, Sasko Lake/Knete/Ada Bojana and Buljarica);
- 3 MPAs (Platamuni cliffs, Old Ulcinj-Ulcinj and Katici islands-Dubovica) (see Annex III), and
- a number of monuments of nature¹⁶.

¹⁶ Current protected areas in the coastal region include Tivatska solila (Ramsar site with a national designation of special nature reserve since 2008), a number of monuments of nature (including around 20 beaches, some botanical reserves and parks) and areas with exceptional features. The process of revision of the status of the existing protected areas is ongoing in accordance with the 2008 Nature Protection Law.

As already mentioned, preparation of a new special purpose spatial plan that will cover not only the narrow coastal strip designated as public maritime domain but the entire coastal zone is in final stages. The new spatial plan is expected to contribute to further uptake of principles and tools of integrated planning and management of the coastal zone as well as to protection of valuable coastal and marine biodiversity.

Spatial plans (for special purpose areas) have also been developed for the territory of Montenegrin national parks defining status, development directions, borders and zoning, land uses (e.g. tourist and recreational zones, building sites etc.) within parks, describing biological diversity, resources, settlements and infrastructure, defining resource use regimes, environmental measures, and requirements regarding construction in the parks.

In addition to the coastal spatial plans, the process of drafting the National Strategy on Integrated Coastal Zone Management (NS ICZM) is in the final stages (completion planned for the end of 2014). The Strategy is expected to strongly support protection of marine and coastal biodiversity. In an earlier attempt, a draft NS ICZM was formulated in 2008 but it was not adopted. The key biodiversity objective of the 2008 draft of the ICZM Strategy was protection and preservation of natural heritage.

C.3. National Biodiversity Strategy and Action Plan 2010-2015 (NBSAP, 2010)

Basis for adoption of the National Biodiversity Strategy and the Action Plan can be found in the Law on Nature Protection (Articles 100, 101 and 102) as well as in the obligations set for all the contracting parties to the CBD (The State Union Serbia and Montenegro ratified the Convention then Montenegro joined as an independent country in June 2006).

The NBSAP is the fundamental strategic document for nature protection. It determines long-term goals and numerous actions for the protection of biological diversity and protected natural assets, while respecting the overall economic and social needs.

National Biodiversity Strategy Action Plan (NBSAP or BSAP) was adopted in 2010 covering the period up until 2015. Besides addressing national priorities, NBSAP goals were developed in a way as to support implementation of the Convention (UNCBD) and Strategic Plan from 2002. Action Plan of the National Biodiversity Strategy 2010 – 2015 contains 54 measures and activities grouped under seven themes corresponding with the key challenges identified in the process of BSAP drafting.

For the five-year period of Strategy implementation and in line with the available institutional capacities, the following measures and activities aimed at biological diversity protection and its sustainable use were planned:

1. Development of information basis on biological diversity, including the following specific studies, maps and programmes: Flora of Montenegro; Vegetation Map of Montenegro, Birds of Montenegro; and Programme of Long-term Research of Biological Diversity in Montenegro. The following measures were also envisaged: review of the

scope and increase in the amount of funds allocated for the needs of the Biodiversity Monitoring Programme; making an inventory and mapping the distribution of endemic flora and (optional) fauna species protected by law; identification and development of the national network of Natura 2000 sites; collection and analysis of data related to equitable distribution of benefits arising from genetic diversity; drawing up of the national classification of habitats (catalogue); and drawing up an inventory of invasive species.

2. Building and strengthening institutional and human capacities for biological diversity protection;
3. Increasing the efficiency of the legal and institutional framework in the area of biodiversity/ nature protection;
4. Preventing and mitigating pressures on ecosystems;
5. Integrating the biological diversity protection into sectors: (i) tourism, (ii) spatial planning and (iii) major infrastructure construction;
6. Placing under protection the new areas;
7. Increasing the efficiency of protected areas management for all categories of protected areas of nature.

The on-going process of updating the 2010 NBSAP (expected to be completed in 2015) will enable full integration of the Aichi Biodiversity Targets into national strategic framework and alignment with the Strategic Plan for Biodiversity 2011-2020. Another important aspect of setting the national biodiversity objectives is the country's ambition to join the EU. As Montenegro obtained Candidate Country status and opening of negotiations on environment and nature protection is approaching, the EU accession emerges as the key driving force for (in particular) legal and institutional improvements for biodiversity protection, and for protection of certain habitats and species. The EU goal is to halt biodiversity loss and degradation of ecosystem services by 2020, and as far as feasible, to provide for their restoration. This means that the NSSD and the goals of the first NBSAP (from 2010) on expanding the PA system to 10% for terrestrial and protecting 10% of marine and coastal ecosystems will be updated with a view to international (such as the CBD goals for 2020) and EU obligations.

II. SPECIFIC GOVERNANCE AND MANAGEMENT FOR MARINE PROTECTED AREAS

A. Governance

A.1. Procedures of categorization and designation of PAs (including MPAs)

According to the Law on Nature Protection, the decision-making process for the establishment of protected natural assets is carried out according to the following steps:

- Step 1: evaluate the degree of importance of the natural asset to be protected
- Step 2: define the type of Protected Area to be established in order to ensure appropriate protection and management

— Step 3: start the legal procedure for proclamation, based on the selected type of PA to be established.

The process of establishing protected natural assets according to the Law on Nature Protection (Official Gazette of Montenegro, No. 51/08, 21/09, 40/11 and 62/13) begins with a request for development of a Study on Nature Protection. Request should be submitted by the Ministry or the local government depending on related protection category. The Agency for Environmental Protection in cooperation with the Institute of Marine Biology in the case of marine protected areas, are in charge of developing a Study on Nature Protection.

In Chapter IV, article 35, of the Law on Nature Protection, it is written that PAs can be of international, national or local importance. Their categorization is based on a Study on Nature Protection (later detailed in article 56) prepared by the competent administration body. The actual designation of a PA is done by the Parliament of Montenegro, the Government or the local government depending on its category of protection.

Chapter VI, Articles 55-61 of the Law on Nature Protection describe procedures of designation, abolishment, preventive protection and registration of all protected areas:

Designation of protected areas

Article 55

National Park is declared by the Parliament of Montenegro (hereinafter referred to as the Parliament) by a special law

Strict and special nature reserves and strictly protected and protected species and habitats are designated by the Government of Montenegro (hereinafter: the Government).

Regional nature park, nature reserve and area of outstanding features are declared through decisions of the local government (the assembly of the local government), upon obtaining the consent of the Ministry and the opinion of the Ministry of Agriculture, Forestry and Water Management.

The decision on designation of protected area referred to in paragraph 3 of this Article, when it is located on the territory of two or more local government units, is made by the Assemblies of the local governments on whose territory the natural area is located.

Study on nature protection

Article 56

The procedure for the designation of protected area is initiated through submission of request for preparation of a Study on nature protection.

The request referred to in paragraph 1 of this Article shall be made by the Ministry or the competent local authority to the administration body¹⁷.

The Study is prepared by the administration body.

Funding for the study on nature protection shall be provided by the budget of Montenegro, and the budget of the local government.

Study on nature protection shall determine in particular: a description of the natural, manmade and landscape characteristics of the natural asset; characteristics i.e. values of the site; the existing state of the resources with an assessment of their valorisation; assessment of the area; opinion regarding placement of the natural asset under protection; proposal on how to classify natural asset based on its significance; proposal of category and protection regimes; cartographic representation with marked boundaries and labelled locations on the basis of data from the real estate cadastre; concept of protection, improvement and sustainable development as well as a way for managing the area; the consequences that will follow passing of the act on designation, especially with a view to property rights and existing economic activities, as well as possible sources of funds to implement the act on designating the protected area and other elements of importance for placing the natural resource under protection.

The content of the act of designation

Article 57

Based on studies of protection, an area found to have properties needed for protection shall be designated through the act of designation of protected natural resource.

The act of designation of the protected area shall be based on the study of protection of Article 56 of this Law and shall contain:

- *Name, type and category of protected area;*
- *The spatial limits of the protected area with regime of protection and precisely defining zones- A description of the basic values;*
- *Way to protect and develop the protected area;*
- *Actions and activities that can be done in the areas of protection;*
- *Protection measures and conditions;*
- *Cartographic representation showing boundaries;*
- *Entity entrusted with management of the protected area;*
- *Other elements of importance to the protected area.*

To prevent compromising the protected area, the act of designation may prescribe a buffer zone that is outside the protected area with the measures for its protection.

Public participation

Article 57a

On the proposal of Act of Designation proponent inform the public.

The proponent of the act provides an access to public and organizes a public hearing on the proposed Act of Designation and on the Study of Protection.

The notification referred to in paragraph 1 of this Article shall be published in at least one newspaper, which is distributed throughout the territory of Montenegro and contains information about the time and place of public scrutiny and public debate.

Giving Act on Designation and Study on protection to public display lasts for at least 20 days from the date of publication.

¹⁷ Environmental Protection Agency is the competent administration body for this procedure.

Publication of the Act of Designation

Article 58

The act of designation of a protected area referred to in Article 55 paragraphs 1 and 2 of this Law shall be published in the "Official Gazette of Montenegro", and the act of designation of a protected natural resource under Article 55, paragraph 3 of this Law shall be published in the "Official Gazette of Montenegro - municipal regulations."

Cartographic representation of the marked boundaries and the location of protected natural resource that is a constituent part of the designation act under Article 55 of this Law shall be submitted to the administration body for entry in the register of protected natural resources, as well as to administration body competent for cadastre operations, within 10 days of the adoption of the designation document.

Act of abolishment of protection

Article 59

If a protected area loses the qualities for which it was declared a protected natural asset, the administration body proposes the adoption of the act of abolishment of protection, according to the procedure prescribed for the adoption of the act of designation.

The act of abolishment of protection referred to in paragraph 1 of this Article shall be published in the "Official Gazette of Montenegro" and "Official Gazette of Montenegro - municipal regulations."

Administrative authority, within one month from the date of the act of abolishment of protection, shall delete the protected area from the register of protected natural resources.

Preventive protection

Article 60

For a site where it is estimated, based on expert findings and analysis, that there are natural assets worth protecting or proceedings for placing this site under protection are underway, an act of preventive protection shall be passed.

The act of preventive protection is established with measures of protection of natural assets, the conditions of protection and the period for which it defines preventive care that cannot be longer than three years from the date of the act referred to in paragraph 2 of this Article.

Natural resource for which an act on preventive protection is passed or for which the proceedings for placing under protection are underway, is considered to be protected under this law.

Register of Protected Areas

Article 61

Protected areas and natural resources for which the above-cited act on preventive protection was passed are included in the Register of Protected Areas.

Register of Protected Areas referred to in paragraph 1 of this Article shall be kept by the administration.

Registration and deletion of Protected Areas in the Register shall be based on the act of designation of a protected area,

the act of preventive protection of the natural resource or the act of abolishment of protection of the protected area.

Data from the register of protected areas are public, unless it is determined that the data on the status of the protected area is secret for its protection.

The body responsible for making the act of designation of a protected area determines the information which is considered a secret referred to in paragraph 4 of this Article, in accordance with the law.

More detailed content and method of keeping the Register of Protected Areas is determined by the Ministry.

B. Management

B.1. Definition and categories of PAs (including MPAs)

The Manager of protected natural assets is designated depending on the type of protected natural asset to be established.

The functions of the Manager are:

- to pass the Annual Management Plan and act on internal order and to provide for the protection service;
- to ensure the implementation of nature protection measures in line with protection regime;
- to preserve, enhance and promote the protected natural asset;
- to mark the protected area;
- to ensure unobstructed natural processes and sustainable use of the protected natural asset;
- to monitor conditions of the protected natural asset and submit the findings thereof to the management authority or the administration body;
- to perform other tasks determined by the law and foundation act.

According to the Law on Nature Protection, article 37, protected areas are "sites which have distinct biological, geological, or landscape and ecosystem diversity"

A definition of a Protected Area can be also found in the Law on Environment:

"Natural asset is a protected part of nature that has a lasting ecological, scientific, cultural, educational, health-recreational, tourist and other significance.

Protected natural asset is a natural asset placed under particular protection regime due to its special values and features (geo-diversity, biodiversity, landscape and others) and the fact that it is an asset of public interest."

In the Law on Marine Fisheries and Aquaculture, "a marine protected area is any littoral area system, together with its overlying water and associated flora, fauna, historical and cultural features, protected in accordance with the law".

Types, categories and regimes of protection (zoning) of PAs are given in the Law on Nature Protection, chapters IV and V, related to Protected Natural Resources (articles 35-47) and

Category and Regimes of Protection for PAs (articles 48-54) respectively.

Six basic types of protected natural areas (PAs) are defined in Montenegro:

- Strict and special nature reserves
- National park
- Regional park and nature park
- Natural monument
- Protected habitat
- Area of exceptional quality

The Law states that the categorization of Protected Areas shall be based on the following criteria:

- The essential traits of a protected natural asset:
- Function and importance of protected area:
- The threat to the protected area.

Furthermore, protected areas are sorted in the following 3 categories:

Category I – protected area of extraordinary importance: includes protected natural assets having one or more of the following features of exceptional importance for Montenegro:

- authenticity from the point of view of fundamental natural sciences;
- being representative in the sense of being relict, endemic, unique within its species;
- diversity of natural occurrences and phenomena, richness of types and ecological processes;
- integrity of habitats, ecosystems, landscapes, biomes and ecological processes;
- landscape values in the sense of its attractiveness with a specific disposition of ecosystems, communities and species, aesthetical, cultural, educational and historic value;
- sites with endangered species or communities under the minimum for regeneration, rapid range decrease and disturbance in the ecosystem.

Category II - protected area of great importance: includes protected natural assets having one or more of the following features of great importance for Montenegro:

- authenticity from the point of view of fundamental sciences and applied biotechnical disciplines;
- state of being endangered, decreasing in range or having reduced numbers of individuals or communities, ecosystem disturbance, and others;
- natural phenomenon or habitat of species with representative features at the level of regional geographic units;
- attractive landscape features and cultural and historic values;
- areas of exceptional importance for the conservation quality of the environment as well as the climate conservation and regulation.

Category III – includes significant protected areas that are not classified into categories I and II.

According to article 53 of the Nature Protection Law categories identified for PAs can be revised depending on the state of scientific knowledge.

Article 54 related to protection zones regulates the matter in the following way:

- **Protection regime of first degree** - strict protection is carried out in a protected natural asset with exceptional ecological significance or its part with slightly altered characteristics, by which natural biological processes, preservation of the integrity of habitats and living communities and extremely valuable cultural assets are enabled.
- **Protection regime of second degree** - the active protection is carried out in a protected natural asset with partially altered properties of natural habitats, but not to levels that threaten their functional and ecological significance, including valuable lands.
- **Protection Regime of third degree** - sustainable use is carried out in a protected natural asset or part of it with a partially modified and/ or altered habitat characteristics that enable a functioning ecological connectivity and integrity of protected natural resource.

The following restrictions and prohibitions are prescribed i.e. the following activities are allowed

- for the zones with protection regime of the first degree:
 - prohibited use of natural resources and construction;
 - restricted work and activities of scientific research and monitoring of natural processes;
 - allowed visits for educational, recreational and general cultural purposes;
 - implementation of protective, repair and other necessary measures in the event of fire, natural disasters and accidents, occurrences of plant and animal diseases and pests overgrowth;
- for the zones with protection regime of the second degree:
 - interventions aimed at restoration, rehabilitation and improvement of the entire protected natural resource;
 - controlled use of natural resources in the protected nature reserve, without affecting the primary value of their natural habitats, populations, ecosystems, features, and geological heritage;
- for the zones with protection regime of third degree:
 - interventions aimed at restoration, rehabilitation and improvement of the entire protected natural resource;
 - development of settlements and related infrastructure;
 - refurbishment of buildings of cultural and historical heritage and traditional buildings;
 - preservation of the traditional activities of the local population;
 - selective and limited use of natural resources.

B.2. Planning documents

According to the Law on Nature Protection there are 3 major planning documents prepared for each protected natural asset: a special purpose spatial plan, a five years management plan and an annual management programme.

The Law on Spatial Planning and Construction of Facilities (OG 51/08) prescribes obligation for the development of spatial purpose spatial plans only for National parks and Nature reserves, so **the two laws are not in full conformity** when it comes to provisions on preparation of spatial plans for protected natural assets.

The national parks management plan is adopted by the Government, for a period of five years. The annual management programme for a national park is adopted by the National Parks of Montenegro, pursuant to the special purpose spatial plan and the management plan (Article 14 of the Law on National Parks; Article 65 of the Law on Nature Protection).

Since the process of development of the new Spatial Plan of Special Purpose for the Coastal Area of Montenegro is in the final stage, this spatial plan has to define the spatial planning basis for the revision of existing and establishment of new protected areas of nature in coastal area. In such a manner, it will not be necessary to develop any other more detailed spatial plan for sites recognized as valuable for protection, but only to develop Study on protection as the basis for realization of designation procedure.

VII. Management and use of the protected area

Control of protected areas

Article 62

Protected natural asset is managed by a manager that meets the requirements in terms of technical, personnel and organizational skills to perform protection, improvement, promotion, and sustainable development of protected natural resource.

Compliance with the requirements of paragraph 1 of this Article shall be determined by the Ministry or the competent local authority.

Protected natural asset's manager is determined in the act of proclamation.

Protected natural assets referred to in Article 55 of this law, which are located in the national parks, are bordering with them or are located immediately next to their border, are managed by the national park managers.

Protected natural assess that are located in forest areas or are part of these areas are managed by the administrative body competent for forests management.

Protected natural assess that are located in the area of public maritime domain are managed by legal entity competent for managing public maritime domain.

Further requirements of paragraph 1 of this Article shall be prescribed by the Ministry.

Obligations of management

Article 63

The manager of a protected area shall:

Adopt an annual management program and an act on internal order and provide protection service;

— Ensure the implementation of nature protection measures in accordance with the protection regime;

— Preserve, enhance and promote the protected area;

— Delimit the protected area;

— Ensure the smooth functioning of natural processes and sustainable use of protected area;

— Monitor the status of the protected area and deliver the information to the administration body;

— Perform other tasks stipulated in the law and the founding act.

Management plan

Article 65

*The **management plan** shall be for a period of five years.*

*Management plan referred to in paragraph 1 of this Article may be achieved through the adoption of the **annual management program**.*

Management Plan for National Park is adopted by the Government.

Management Plan for strict special nature reserve and strictly protected area and protected species and habitats is adopted by the Ministry.

The management plan for the regional park and nature park, monument of nature and landscape of exceptional quality is adopted by a local authority, with the approval of the Ministry.

Annual management program referred to in paragraph 2 of this Article is adopted by the manager with the approval of the Ministry or the competent local authorities.

The annual management program referred to in paragraph 6 of this Article is submitted to the Ministry i.e. to the competent authority of local governments before 30 November of the current year for the following year.

***Report on implementation of the annual management program** is sent for control to the Ministry and the local government by 1 March of the current year for the previous year.*

Content of the management plan

Article 66

***Management Plan** referred to in Article 65 above shall include:*

— Measures for the protection, conservation, improvement and use of protected area;

— Development guidelines, guidelines and priorities for the protection and conservation of protected natural resources respecting the needs of the local population;

— The manner of implementing the protection, use and management of protected areas;

— Long-term protection and sustainable development;

- Analysis and evaluation of the conditions for achieving the goals of protection;
- Presentation of natural resources and users of protected natural resources;
- Priority conservation activities, maintenance and monitoring of natural and other values and environmental segments;
- An evaluation of protected area;
- Guidelines for scientific research;
- Planned activities on sustainable use of natural resources, development and spatial planning;
- Spatial identification of planned and existing land uses;
- Activities for promotion and valorisation of protected area;
- Forms of cooperation and partnership with local residents, owners and users of natural assets;
- Dynamics and actors responsible for implementing management plan as well as ways of evaluating implementation;
- Financial resources for implementation of the management plan;
- Other elements relevant to the management of protected areas.

Legal and natural persons are obliged to carry out the actions and activities in the protected natural area in accordance with the management plan.

Before the expiry of the period to which the management plan refers, amendments and changes of the plan may be prepared in the manner and through procedures prescribed for its adoption. Report on the implementation of the management plan referred to in Article 65 of this Law, is done by the Ministry and shall be submitted to the Government, based on an annual management program, no later than 1 March of the current year for the previous year.

The report referred to in paragraph 4 of this Article shall include the following information:

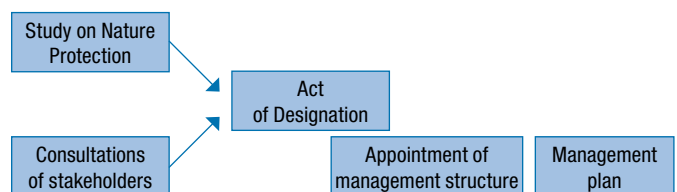
- 1) implementation of protection measures from management plans for protected natural assets, as well as measures to protect the natural habitat types;
- 2) visits to protected natural assets;
- 3) The taking of specimen from the wild and exploitation of certain populations;
- 4) The time and / or methods of taking specimens from nature;
- 5) hunting and fishing, and measures to protect species that are hunted;
- 6) other information relevant to the implementation of the management plan.

C. Roadmap and Timeframe of the Process of Establishment of Protected Natural Assets

Table 5. Roadmap and timeframe of the process of establishment of Protected Natural Assets

| Activity | Institution | Estimated time frame |
|---|---|---|
| Study on Nature Protection | Environmental Protection Agency Institute for Marine Biology | 15 months |
| Consultations of stakeholders | Environmental Protection Agency | 6 months (parallel with development of the Study) |
| Act of Designation | Parliament Ministry Municipality | 6 months |
| Enrolment in register of protected areas | Parliament Ministry Municipality Environmental Protection Agency Real Estate Administration | 20 days |
| Appointment of management structure | Ministry Municipality | 6 months |
| Management plan | Manager | 12 months |

Figure 1. Roadmap of the process of establishment of Protected Natural Assets.



Since there are not experience in applying full procedure that is described above, dynamic of the process is given approximately and by taking into account practical obstacles responsible authorities faces in implementation of the legislation in the field of nature protection.

D. Financing

Financing of the operation of protected areas is described in article 64 of the Law on Nature Protection:

Funds for the operation of protected areas managers

Article 64

Funds for the operation of managers shall be provided from:

- *The budget of Montenegro or the budget of the local government in accordance with the annual programs, plans and projects in the field of nature protection;*
- *Charges for the use of protected natural assets;*
- *Donations;*
- *Other sources in accordance with the law.*

For the time being, an operational management structure (PE National Parks of Montenegro) exists only for the national parks. PE National Parks is funded in line with provisions of Article 64 of the Law on Nature Protection, whereas the type and levels of charges are determined through a bylaw (Decision)¹⁸ that is adopted (and periodically revised) by the Management Board of the PE. The main groups of charges levied on the use of the parks' natural assets include: charges for visiting the parks and providing services (such as guides, visits to specific sites within the parks and similar); charges for the use of facilities and space suitable for accommodation, parking, camping etc.; charges for collection of forest fruits; charges for catering, tourism, sales and infrastructure facilities operating within the parks; charges for temporary objects placed in the parks; compensations for filming on the parks' territory; fishing charges; rafting and charges for the use of vessels; as well as charges for the use of the name and signs of the national parks. The level of entrance fees in 2014 ranges from € 2 per adult visitor in Lovcen National Park to € 4 for Skadar Lake.

The existing legal provisions and practices are focused on traditional revenue generating mechanism and do not include innovative financing opportunities such as payments for ecosystem services, biodiversity offsets and others.

Ecosystems provide a broad range of goods and services on which the welfare of people and opportunities for economic development largely depend on. The ecosystem services include formation of fertile soil, purification of water and air, regulation of climate, ensuring recreational and tourism activities and many others. Ecosystem products include food, fiber, fuel, genetic resources, medicines etc. Ecosystem products and services provided by the protected areas are particularly significant as these areas encompass large sections of preserved nature.

The level of awareness on the values and significance of ecosystem services is however on a rather low level. Real costs related to the use of ecosystem products and services are often underestimated or not taken into account at all. As a result, cases of degradation and loss of ecosystem services are evident. In the coastal region, for example, urbanization

18 The last one – *Decision on the Level and Manner of Payment of Charges for the Use of National Parks Assets and for Performing Activities and Providing Services* – was adopted in March 2013.

and tourism development have led to destruction of natural habitats and have diminished the level of services provided by these areas. Consequently, erosion, landslide and flooding processes and related risks have been exacerbated.

The attempts to value the goods and services provided by ecosystems in Montenegro are linked to two UNDP studies: a 2011¹⁹ study on protected areas and a more recent (2013) valuation study prepared within GEF/ UNDP project²⁰.

The 2011 UNDP/ ISSP Study focused on PAs (specifically on national parks) and showed that they generated substantial economic gains for a range of sectors. In carrying out the assessment, products and services provided by PAs in tourism, fishing, recreation and water sports were primarily taken into account, alongside with services such as provision of drinking water, watershed protection and protection from flooding.

The value of tourism, recreational and other activities related to the use of PA resources as well as services provided by these areas were assessed at € 68 million in 2010 (around 2.2% of GDP or € 106 *per capita*). The Study also concluded that the existing level of protected areas financing (€ 2 million annually or € 1,800 per km²) was insufficient for adequate management and that maintenance of such practice could, in a long run, generate substantial losses. Some of the other key findings of the Study are shown in the box 1.

A more comprehensive attempt to value ecosystem services in Montenegro was made through the 2013 study *Economic Value of Biodiversity and Ecosystem Services* implemented in the framework of GEF/ UNDP project. The overall baseline value of selected biodiversity and ecosystem services to the Montenegrin economy was estimated at € 982 million. Provisioning services (wild foods and fodder, wood-based biomass and energy) contribute an estimated € 169 million or 17%, regulating and maintenance services (soil fertility and pollination, watershed and coastal protection, carbon sequestration) € 276 million or 28%, and cultural services (landscape and nature-based recreation) € 537 million or 55%.

Marine ecosystems and the products and services they provide are of paramount importance for Montenegrin economy in which tourism plays an important role. Findings of the Blue Plan²¹ report are useful as an indication of economic values of marine ecosystems. The Blue Plan report identified ecosystem services in the Mediterranean and assessed benefits coming to a conclusion that the total benefits in 2005 amounted to over € 26 billion. The assessment was made for three basic types of services of the marine ecosystems - production (production

19 UNDP Montenegro and ISSP, *The Economic Value of Protected Areas in Montenegro*, Podgorica, 2011.

20 Emerton, L., *Montenegro: the economic value of biodiversity and ecosystem services*, 2013, technical report prepared under the GEF/ UNDP project *National Biodiversity Planning to Support the Implementation of the CBD 2011-2020 Strategic Plan in Montenegro*

21 Blue Plan, *The economic value of sustainable benefits from the Mediterranean marine ecosystems*, 2010, quoted in Commission Staff Working Paper, SEC(2011) 1067 final, *Analysis associated with the Roadmap to a Resource Efficient Europe Part II*

of the food of marine origin), cultural (leisure and recreational activities) and regulatory services (regulation of climate, mitigation of coastal erosion and absorbing/degrading of waste water and waste).

Box 1.: Economic value of PAs in Montenegro: the key findings

— PA values accrue to multiple sectors, at many different levels of scale

In 2010, just under a half of PA values accrued to the general public (worth more than € 32 million), more than a third generated earnings and cost savings to businesses and industries (€ 25 million), and around 15% earned revenues for the government (€ 11 million). PA goods and services supported the output of many different sectors of the economy, including tourism, energy, water, agriculture, infrastructure and disaster risk reduction.

— Continuing to accord PAs a low policy and investment priority will incur economic losses

Continuing to carry out “business as usual” may cost Montenegro’s economy and population more than € 30 million over the next 25 years.

— Investing adequately in PAs will generate value-added to the economy

Choosing to “invest in natural capital” may create a steady, and increasing, value-added to Montenegro’s economy and population, generating incremental benefits worth more than € 1.5 billion over the next 25 years.

— There is a high economic return to public investment in PAs

Although choosing to “invest in natural capital” implies a considerably higher level of public investment than continuing “business as usual”, these expenditures are far outweighed by the economic benefits generated. Net benefits will more than double over the next 25 years, and PAs will generate a total return of almost € 29 per € 1 of public funds invested.

Source: *The Fifth National Report to the UN Convention on Biological Diversity*, 2014

III. MAIN GAPS IN EXISTING PROCEDURES AND DECISION MAKING PROCESS OF ESTABLISHMENT AND MANAGEMENT OF PROTECTED NATURAL ASSETS

The overview of pertinent policies, regulatory framework and management arrangements presented above allows for the following conclusions:

- There is no special regulation related to establishment of MPAs including expert and scientific preparatory activities
- Procedure for the establishment and categorization of marine and terrestrial protected areas are the same.
- Under the existing legal framework roadmap for the establishment of new protected areas does not provide clear steps in the decision making process. The procedure for proclamation of Protected Natural Assets, according to the Law, is based on the decision on which category of protected area shall be established and which type of protection regime shall be applied. The assignment of the category to the natural asset for protection purposes is carried out when developing the Study on Nature Protection that by law has to be developed by a specified administration body-Environmental Protection Agency. The crucial step in the decision making process is the elaboration of the Study on Nature Protection, since it determines the type and category of protected natural asset what also implies the type of management structure that has to be further decided and enacted in the Decision on establishment of the protected area in the proclamation procedure that follows.
- Description of existing types of protected natural areas and categories of protection given in the Law on Nature Protection, are not fully in compliance with description and definition of IUCN categorization of protected areas. Therefore it is not clear how to make appropriate comparison. Also, there is no clear difference in definition of Regional park and Park of nature.
- In the Article 54 of the Law on Nature Protection, which refers to protection zones, a buffer zone is not defined so it is not clear what is the difference between buffer and the zone with protection with regime of third degree - sustainable use.
- According to the Law on Nature Protection, institution that is in charge for the development of Study on Nature Protection doesn’t have an obligation to involve interested public to propose their views and suggestions on selection, characterization, sizing, management and actual proposal of new protected natural assets since the very beginning of the process. Obligation to involve the public only applies for final steps in proclamation of protected areas.
- Procedure on Revision of the status of the existing protected areas is not clearly prescribed.
- The degree of flexibility in setting the management structure of protected areas is minimal, and there is a big gap between the management of National Parks, for which a dedicated

Public Enterprise with specific competences, functions and financial means is assigned with the provisions of the Law on National Parks, and the other types of protected natural assets, for which it is simply prescribed they should have a Manager (art. 62-64) while as in reality this is not the case (i.e. there are no active management and/or responsible institutions for majority of protected areas other than national parks; under the recently adopted changes of the respective legislation, PE *Morsko dobro* has been identified as the manager for protected areas within public maritime domain, however it is still not performing management functions with full capacity within Public Maritime Domain).

- The Manager of protected natural assets is designated according to the type of protected natural asset to be established. The definition of the appropriate management structure to correspond to the needs of the recognized type of protected natural asset is not considered as an important component of the decision making process. The Law on Nature Protection also prescribe responsibility for the Public Enterprise for Public Maritime Domain Management to be manager of all protected areas within the zone of Public Maritime Domain (terrestrial but also marine ones), but it is not clear what is the role of local municipality governments in managing protected areas on its territory, what with areas that are partially within borders of public maritime domain and partially outside of it, and what in case if marine protected area is declared as a national park. In this way essential requirement for ensuring the integrity of valuable coastal ecosystems that naturally does not “recognize” the administrative boundaries is not fulfilled. It is necessary to change the relevant regulations of the Low on Nature Protection and Low on Public Maritime Domain Management and related management practices in a way that administrative boundaries do not compromise the integrity of coastal ecosystems, particularly taking into account the increasing anthropogenic pressures to which habitats and species in the coastal area are exposed.
- *Article 65* that refers to Management Plan doesn't prescribe obligation of consultation of expert institutions (Environmental Protection Agency or Institute for Marine Biology) in the process of its approval.
- Monitoring of PA management (efficiency and results) as an obligation is missing in the legislation.
- According to the existing Laws and bylaws, the budgeting and financial planning for MPA management, the steps and jurisdictions in controlling marine space and in performing inspection controls, do not allow a manager to establish efficient control mechanism over marine protected areas. There is non-conformity between the laws on nature protection and spatial planning as regards the type of protected natural assets for which special purpose spatial plans need to be prepared. Since the process of development of the new Spatial Plan of Special Purpose for the Coastal Area of Montenegro is in the final stage, this spatial plan has to define the spatial planning basis for the revision of existing and establishment of new protected, for lower categories of protection than National parks

and nature reserves, in coastal area. In such a manner, it will not be necessary to develop any other more detailed spatial plan for sites recognized as valuable for protection, for lower categories of protection than National parks and nature reserves, but only to develop Study on protection as the basis for realization of designation procedure.

- The National Biodiversity Strategy and the Action Plan (2010/2015) doesn't recognize concrete actions with financial implications for the achievement of the target to protect at least 10% of the coastal zone that is originally defined in the National Strategy for Sustainable Development 2007-2012 and later undertaken in the national plan for implementations of MDGs until 2015.

IV. INSTITUTIONAL ARRANGEMENTS FOR MARINE PROTECTED AREAS

A large number of departments, administrative bodies, institutions and local authorities have responsibilities relevant to management of protected areas in the coastal region. A comprehensive review of the distribution of competences between different departments, organs, institutions and local governments relevant for management of protected areas is given below.

Institutional context for marine protected areas needs to be considered from the following two perspectives: responsibilities regarding planning and establishment of marine protected areas and responsibilities regarding their management.

A. State Administration

A.1. Ministry of Sustainable Development and Tourism

Ministry of Sustainable Development and Tourism is in charge for: setting nature conservation policies, developing regulations, compliance with EU policies and legislation on nature protection, including coordination of the establishment of the Natura 2000 procedures, reporting to the European Commission, involvement of stakeholders, education and communication activities.

The MSDT plays a central role in the supervision of the spatial planning and tourism development in Montenegro.

The Ministry performs administrative supervision over the work of several public institutions, including:

- Environmental Protection Agency,
- National Parks of Montenegro (in charge of management of National Parks),
- Public Enterprise for Coastal Zone Public Management of Montenegro (in line with recent changes in legislation, also in charge of management of PAs).

The Environmental Protection Agency (EPA) was established on November 12, 2008. Government of Montenegro has adopted the Rulebook on internal organization and systematization of the Environmental Protection Agency, whereby it began operation formally and legally on March 1, 2009. By adoption

of The Decree on the organization and operation of Public Administration ("Official Gazette of Montenegro", no. 05/12) Institute for Nature Protection became a part of Environmental Protection Agency of Montenegro. In accordance with that, experts from Institute for Nature Protection are now part of Environmental Protection Agency. Internal organizational units of the EPA are the following:

- Sector for nature protection, monitoring, analysis and reporting;
- Sector for the issuance of permits;
- Sector for communication and information system management;
- Aarhus centre;
- Department of legal and financial affairs;
- Department of chemicals;
- Department of ionizing radiation.

EPA has numerous competences related to nature protection, such as: monitoring of the state of habitats and species, development of Nature Protection Studies in the process of establishment of protected areas, preparation and realization of monitoring programs, preparation and maintenance of the database on the environment (including biodiversity); review and issuance of consents for strategic environmental assessment (SEA) and the EIA (the Environmental Impact Assessment) studies; approvals for the collection, use, breeding, keeping and trafficking of wild animal species; approvals for the picking, collection, use, cultivation, keeping and movement of protected wild herbs and fungi; approvals for scientific and educational research on protected natural resources as well as for speleological activities; defining measures of protection of strictly protected and protected species of plants, animals and fungi, and measures to protect their habitats; issuance of consents for nature appropriate assessment, assessment of imperative reasons of overriding public interest, and compensatory measures; education activities; and providing free access to information regarding nature protection.

Public Enterprise National Parks of Montenegro is responsible for protection and management of the five Montenegrin National Parks. It was established in 1993 under provisions of the then Law on Nature Protection and the Law on National Parks. It comprises five administrative units (one for each NP) and a central headquarter in Podgorica. It is governed by a Management Board and a Director (both appointed by the Government) and there is a Scientific Committee that advises on particular issues relevant to nature protection in the national parks.

Based on the provisions of nature protection and national parks legislation, Public Enterprise National Parks of Montenegro is responsible for preparation and implementation of periodic plans and programmes for protection, promotion and the use of National Parks. Management plans are adopted every 4 years and annual programs are developed in line with the management plans. These plans and programmes need to be approved by the Government.

The operation of governing bodies (the Board and Director) is regulated through the Public Enterprise's Statute (Article 17). The Board is the managing body of the National Parks of Montenegro while the director has executive powers. Members of the Board are appointed from among the scientific workers and experts (three members), as well as from the professional staff employed in the Public Enterprise (2 members). Board members are appointed for a term of four years and may be reappointed. Director is appointed for a period of four years and may be reappointed. Main responsibilities of the Director are to undertake measures and activities to meet the objectives and fulfil set policies on management, utilization, protection, development and improvement of national parks.

The Public Enterprise for Coastal Zone Public Management (PE *Morsko dobro* or PE-CZPM) was established in 1992 and has the key role in managing the maritime public domain for general and special public purposes according to the provisions of the national Law on Maritime Domain. The jurisdiction over the use of maritime space is on the national level and PE-CZPM operates within the organizational framework of the Ministry of Sustainable Development and Tourism. The administrative centre is located on the coast: the head office is in Budva, with offices in two other coastal municipalities (Herceg Novi and Ulcinj).

The most important activities of the PE-CZPM are: management of protected areas covering the public maritime domain, renting-leasing of beaches and locations for temporary tourist and service facilities during the summer season, construction and maintenance of coastal infrastructures such as walls, harbours, docks and other public areas, management of local ports, monitoring bathing water quality at beaches, international cooperation and participation in international projects, promotion of environmental protection, participation and cooperation with local municipalities and national agencies in management of protected area and other environmental issues. PE-CZPM has 26 employees.

PE-CZPM includes the following sectors:

- Service for general and legal affairs
- Economic and financial service
- Department of planning and building (permits and licenses) in the Public Maritime Domain
- Department of Sustainable Development
- Department for inspection (monitoring small harbours and marine environment)
- Department for building and maintenance in the coastal zone

PE-CZPM does not have inspection/ enforcement functions (but is relying on the relevant national inspectorates). General supervisory and inspection tasks related to environmental protection are shared between national and local institutions.

A.2. Other relevant governing bodies and stakeholders

Other ministries which are relevant for MPAs are:

- Ministry of Agriculture and Rural Development
- Ministry of Transport and Maritime Affairs
- Ministry of Culture
- Ministry of Education
- Ministry of Economy
- Ministry of Science
- Ministry of Defence
- Ministry of Interior Affairs

Ministry of Agriculture and Rural Development is responsible for setting policies, developing regulations, maintenance of compliance with EU policies and legislation on forest management and protection, fishery, hunting, agro-biodiversity, Cartagena protocol, bio-safety, GMOs, pesticides regulations and water management and protection regulations.

The Ministry performs administrative supervision over the work of several public institutions, including: Water Directorate, Forest Administration, Veterinary Administration etc.

Among its several administrative tasks, the **Ministry of Transport and Maritime Affairs** is responsible for maritime traffic, security protection of merchant ships and ports open to international traffic, prevention and taking emergency measures in case of sea pollution from vessels, transport of dangerous goods via sea in accordance with the specific law, maritime economy, safety of maritime navigation, monitoring, and study of economic conditions and economic position of entities in these areas.

The Ministry performs administrative supervision over the work of Port Authority and Maritime Safety Department of Montenegro. Port Authority is in charge for maintenance, managing, protection and promotion of ports, port development plans, providing for conditions set by international and national regulations by which prevention of pollution from ships is regulated and similar.

The basic area of work of the Maritime Safety Department are activities connected with prevention of pollution from vessels (combating, minimizing and eliminating consequences of pollution) in accordance with the Plan for Emergency Response in Case of Marine Pollution from Ships, safety of navigation and life at sea, collection of hydrographic, oceanographic and meteorological data and their transmission via radio, transmission of Notices to Mariners regarding conditions on navigable waterways and implementation of International and European conventions.

Ministry of Science is responsible for: scientific research strategies and sector planning, participation in international research programmes, monitoring of scientific research activities and public information on scientific research and results.

The Marine Biology Institute in Kotor operates as a research institute within the University of Montenegro. Its main areas of work include: research of marine plants and animals;

researching and examining sea water chemistry; and occasional monitoring of the sea water quality.

Ministry of Culture has the following key competences:

- Protection and valorisation of national cultural heritage,
- Inspections on cultural heritage sites,
- Promotion of cultural and artistic creativity,
- Public information and awareness on cultural heritage,
- Media,
- International cooperation.

Ministry of Education's competences include:

- Education policies, strategies and sector planning,
- Budget planning,
- Functioning of the national education system,
- School exams and others.

The key competences of the Ministry of Finance are financial and budgetary issues.

Ministry of Economy is in charge for different type of concessions, energy policy, strategies regarding regional development and similar.

Administration for Inspection Supervision is in charge of supervision according to the Law on Inspection that prescribed methods and procedures for inspection, duties and powers of inspectors and other issues of importance for the performance of the inspection. Administration consists of different inspectorates including, among others, Ecological Inspection, Hunting Inspection, Water Management Inspection, Forestry Inspection, and Fishery Inspection.

The following institutions are also relevant: Ministry of Defence, Police, Communal Police and Directorate for Protection of Cultural Heritage.

B. Local governments

Local governments have an important role in the integrated management of coastal areas. Jurisdiction of local governments regarding integrated coastal zone management is achieved through the work of the various municipal bodies, including Secretariats for development (and in some municipalities, development agencies), Secretariats of planning, urbanism and construction, Secretariats for public utilities (water supply, waste, sewers, etc.), and many others. Almost all municipalities in the coastal area have a sector for environment or staff (one or more persons) responsible for environmental issues. At the local level there is also communal inspection.

The 2008 Nature Protection Law delegates competences for proclamation and management of certain categories (lower categories of protection than National Parks and nature reserves) of nature protected areas to *local government* level²². Local administrations are thus responsible for proclamation and management of regional/ nature parks, natural monuments,

²² Local assemblies and administrative bodies

and landscapes with outstanding characteristics. Similar provisions were already in place under previous legislation, although the actual performance of municipalities in relation to these competences remained limited because of the lack of financial resources, technical and human capacities²³.

Local governments are also in charge for:

- Implementation of Biodiversity Strategy through development of Local Action Plans for Biodiversity;
- Spatial and urban development planning;
- Development of pertinent Location studies;
- Financial and budgetary provisions;
- Proclamation of Protected Areas of Category III and appointment of Managers of protected areas;
- Providing for management of protected areas declared at local level including regional parks, parks of nature, and monuments of nature.

C. Institutional capacities (human resources²⁴)

Table 6. Institutional capacities (human resources)

| Name of the institution | Number of employees/positions in nature protection (experts) |
|---|--|
| Ministry of Sustainable development and Tourism | 2 |
| Environmental Protection Agency | 17 |
| Public Enterprise for National Parks | 191 (of which 33 Park Rangers/field staff, 28 mid-level managers/professional staff/ Head Rangers 13, 8 senior managers/ Directors/ Deputy Directors, 72 support staff (workers, cleaners, drivers etc.), administrative staff 35 and 30 expert staff) |
| Ministry of Agriculture and Rural Development | 10 |
| Public Enterprise for Coastal Zone Public Management | 3* |
| Inspection Administration | 7** Ecological inspectors 4 Fishery inspectors |
| Local governments | 34*** |

*According to the Act of internal organisation there is just one position dealing with nature protection issues but in practice 3 people are working on nature protection issues

** 7 Inspectors are for all regulation regarding environmental protection

*** Total number of employees working on issues regarding environmental protection in all 22 municipalities in Montenegro

The Marine Biology Institute in Kotor has a 10 experts dealing with different issues regarding marine biodiversity.

23 Strengthening the sustainability of the protected area system of Montenegro, UNDP Project Document

24 Information obtained from institutions through consultations and questionnaires



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Part II

Non-Governmental Stakeholders, Projects and Networking Related to the Marine Environment and Marine Protected Areas in Montenegro

I. NON-GOVERNMENTAL STAKEHOLDERS INVOLVED IN MARINE CONSERVATION

Beside government bodies and management authorities who were described in PART I, there are other types of stakeholders that should generally be considered for MPAs. They may be grouped as follows:

- Civil society (not for profit): NGOs, local community organizations, etc.
- Private sector (for profit): this group gathers firms, professional fisheries organizations, tourist operators, coastal developers, etc.
- Other stakeholders and general public

The present study is following an institutional approach and does not include detailed description of the private sector in the stakeholder analysis. Instead a brief overview of the private sector is provided.

A. Non-governmental organizations (NGOs)

In the Law on Environment special attention is given to NGOs. They are considered as ecological organizations and associations that represent the organized public participation in decision-making regarding the environment.

The most notable results of the activities undertaken in the past by NGO sector include raised awareness about values of PAs and threats they are facing, promotion of PAs and of the cross-border cooperation, concrete improvements related to the protection of certain species and habitats, contributions to research and biodiversity information, initiatives for protection of new areas, and improvements in cooperation with local communities.

Some of the key national NGOs that have been active in nature protection area in Montenegro in the past few years include²⁵:

25 Source: NGO directory for South Eastern Europe, REC. http://rectivitysrv.rec.org/fmi/xsl/NGO_Directory_SEE/recordlist.xsl?find=Search&lay=web&-max=20&-sortfield.1=sort_name&Activity2=A20&Country=Montenegro&Topic2=T4

— **Green Home**: this NGO based in Podgorica counts 400 members. Its work is related to air quality / air pollution, animal protection / wildlife biodiversity, certification and labelling, energy/ renewables, energy efficiency, environmental education/ education for sustainable development, environmental legislation, nature protection, sustainable development, sustainable/ green consumption, tourism/ sustainable and eco-tourism, urban environment, waste issues, and water issues. Some of the most important projects which “Green Home” implemented were: Dinaric Arc Sustainable Hydropower Initiative, Towards the designation of Lake Shkodra/Skadar as Trans-boundary Biosphere Reserve, Performing the Integrated Environmental Management Plan at local level in the Shkodra Lake Ecosystem - EMA Plan, EKOPlan – Monitoring of implementation of sustainable spatial development principles and environmental protection in spatial planning documents in Montenegro, Case Study of participatory process related to Moraca River Hydro Power dams, Partnership actions for biodiversity protection in Western Balkan, Supporting the proposed Trans-boundary Biosphere Reserve of Lake Skadar area through a participatory approach, Sharing Waters - Protection of Priority Wetlands for Bird migration in the Dinaric Arc Ecoregion IV phase Equipment donation, 2009/2010 Sustainable Rural Development Policies, Serbia, Montenegro and Natura 2000: Strengthening capacities of Government and civil sector to adapt to EU Nature Protection Aquis ect.

— The **Center for Protection and Research of Birds of Montenegro**: this Podgorica based NGO has already implemented more than 40 projects in the following fields: animal protection/ wildlife, biodiversity, environmental education/ education for sustainable development, nature protection, sustainable/ eco-tourism.

— **The Greens of Montenegro (NVO Zeleni Crne Gore)**: Some activities carried out by this NGO include organizations of international expert meetings (e.g. *Energy in the Ecological State*) and roundtables (such as *Sustainable Development in Montenegro, Place and Role of Small Hydroelectric Power Stations in Montenegro, Technologies and Treatment*

of Solid Waste;), organization of clean-up activities for Long Beach in Ulcinj, Breznica riverbed in Pljevlja and similar. development of the project idea entitled *Eco Agro Tourist Village Bijela - Savnik*; and development of a concept design on *Ecological Protection of Lake Biogradsko*.

- **Nautilus**, Kotor: This NGO deals with animal protection, wildlife, biodiversity, environmental education, education for sustainable development and water issues.
- **MedCEM**²⁶: Mediterranean Center for Environmental Monitoring in Sutomore (Montenegro) was founded in 2005 by a group of various experts. The idea was to raise awareness on ecosystems of Adriatic Sea, Coastal region and Skadar Lake. The implemented activities relate to management, application of knowledge and provision of technical support in field of nature protection, as well as data collection, analysis and presentation of information related to ecology and sustainable development.

Furthermore, a number of international organizations such as **WWF**, **REC** (Regional Environment Centre), **IUCN**, **UNEP** and **UNDP** have also actively contributed to meeting the nature protection objectives and promoting PAs.

B. Private Sector

Private sector did not play an important role in PA management and financing so far. There is a large room for improvement in this area since there is a growing number of a business that depends on/ are benefiting from PAs. The economic sectors in which these businesses operate include tourism, forestry, agriculture, collection and marketing of non-timber forest products etc. Application of the concept of Corporate Social Responsibility is another tool through which private sector can get involved in supporting the PA system. Examples include experience with one of the mobile phone operators initiating cell phones recycling campaign to collect revenues to fund small scale biodiversity protection actions on Skadar Lake and in the coastal area and a campaign of one of the banks with promoting national parks and providing small scale financial assistance to them.

According to the data of National Tourist Organisation, around 210 agencies are currently operating in Montenegro. Around 140 of these are based in coastal municipalities, 50 of them in Podgorica, while less than 15 are operating in the municipalities of the northern region (e.g. 4 in Zabljak, 3 in Kolasin, etc.). Among the national parks, it is only Skadar Lake and Durmitor who have had some direct cooperation with tourist agencies in organising visitation/ boat tours and rafting.

The Law on Nature Protection does not exclude a possibility of private entity or and NGO being appointed as a manager of a protected area²⁷, but detailed regulations on such

²⁶ http://medcem.org/?page_id=83&lang=en

²⁷ The Law does not explicitly mention this possibility either, but the only requirements for the PA managers that are stipulated in the Law refer to their professional qualification and capacities to manage the area in line with its protection status. PA managers are appointed by the public institutions responsible for their proclamation and financing (that is either by national or local governments).

arrangements are still not in place and there are no practical experiences with such arrangements.

C. Public participation

The Law on Nature Protection (Article 3.7) acknowledges the principle of publicly available information as one of the fundamental principles of nature protection and improvement. The principle refers to *the right on free access to information on the state of nature, the right on timely information about damages inflicted on nature and the measures taken to remove the damages, as well as the right to have an opportunity to participate in decision-making on issues of importance for nature*".

Moreover, Article 109 on informing the public states:

The bodies referred to in Article 55 of this Law are obliged to enable the participation of the public and interested parties in the process of preparing the acts of designation and protected areas management plans. The bodies referred to in paragraph 1 of this Article are obliged to inform the interested public on the start of the preparation of designation acts and protected areas management plans by publishing a notice in at least one printed media distributed on the territory of Montenegro. Interested agencies and organizations shall be notified by mail, fax or in electronic form. The notice referred to in paragraph 1 of this article contains information about the manner, time and place for public disclosure of relevant documents as well as on the manner and timeframe for submission of objections and opinions.

Public participation is mandatory and is provided in the form of **public hearings** and debates in the processes of adopting the laws, regulations and strategic planning documents in all the relevant sectors as well as in procedures of establishing new protected areas.

Reports on the state of biodiversity are prepared every year since 2008 (based on the annual monitoring programmes) and include partly information regarding protection of marine and coastal biodiversity on selected locations.

II. STAKEHOLDERS

Interested parties or stakeholders can be defined as anyone who is interested in establishment of marine (or other) protected areas, or who can be directly or indirectly influenced by their establishment. This includes citizens, groups of people, institutions (state and local level), as well as private companies that may be interested in the outcome of the establishment of marine protected areas.

The first step in formulating the appropriate strategy for involvement of stakeholders is to identify the right ones. In order to do this, it is necessary to consider who are the potential interested parties having in mind the legal and ownership issues in the area, dependence on economic, social and cultural resources of the area, the level of interest for governance issues, who is interested in establishing the area in relation to strategic, developmental and political plans and aspects, etc.

There are numerous divisions of stakeholders but the most common is:

- Government and public sector: ministries, government agencies, institutes, public enterprises
- Civil society: NGOs, research organizations, local communities, fishermen’s associations, diving associations, etc.
- Private sector: companies, travel agencies, hotels, etc.
- The general public.

In the identification of stakeholders, it is also very important to determine the role of stakeholders by:

- Defining the key stakeholders - those who have the strongest impact on the success of the establishment of marine protected areas
- Primary and secondary stakeholder parties who may have the benefits of establishing the areas

- Active stakeholders who can make or influence decisions
- Passive stakeholders that may be affected by the decision
- Significant stakeholders whose needs are important in relation to the establishment of protected areas.

Based on the criteria that need to be considered in developing a strategy to involve interested parties and identified stakeholders in Montenegro, an analysis of their level of participation and influence in the process of establishing marine protected areas was done and is presented below.

The roles and responsibilities of potential stakeholders from the institutional and social set-up are determined by their legal responsibilities and interest in the establishment of protected areas.

Table 7. Stakeholder analysis

| Institutions | Level of participation | Level of influence |
|--|------------------------|--------------------|
| Ministry of Sustainable Development and Tourism | High | High |
| Ministry of Agriculture and Rural Development | High | High |
| Ministry of Economy | Low | High |
| Ministry of Science | Medium | Medium |
| Ministry of Culture | Low | Medium |
| Ministry of Education | Medium | Medium |
| Ministry of Finance | Low | High |
| Ministry of Transport | Low | Medium |
| Agency for Environmental Protection | High | High |
| Public Enterprise for management of maritime domain <i>Morsko Dobro</i> | High | High |
| PE “National Parks” | High | High |
| Institute of Marine Biology | High | High |
| Port Authority | Medium | Medium |
| Maritime Safety Administration | Medium | High |
| Directorate for protection of cultural heritage | Low | Medium |
| Administration for inspection supervision | Medium | High |
| Local Government (Municipalities of the coastal region) | High | High |
| International GOs (RAC/SPA; IUCN; UNDP) | High | High |
| Local stakeholders | | |
| Local communities | High | Medium |
| Fishermen | High | Low |
| Diving Centers | Low | Low |
| NGOs | High | Medium |
| PUBLIC AND OTHER OPERATORS | | |
| General public | Low | Low |
| Media | Low | High |
| Tourist operators | Low | Medium |
| Foreign investors | Low | High |

A. Procedure for the involvement of stakeholders

As stipulated in the Law on Nature Protection (Article 109 cited above), adequate steps have to be made to ensure access to information in the processes of establishing and developing management plans for protected areas as well as to ensure participation of different stakeholders through public debate (submission of objections and opinions). **This should be considered as a minimum requirement in relation to the involvement of stakeholders. The Law does not preclude the possibility to involve stakeholders in the process from the very beginning, and this possibility should be used given the significance of consultation process for successful establishment and management of protected area.**

III. MAIN GAPS IN EXISTING PROCEDURES OF ESTABLISHMENT OF MANAGEMENT OF PROTECTED NATURAL ASSETS

The existing system does not allow an effective management of protected areas in the coastal zone. The mechanisms for integrated management of protected areas haven't been provided, jeopardizing integrity of the natural assets of the protected areas and ecologically important locations which are partly inside the borders of public maritime domain and partly in the wider area of the coastal zone. The lack of integrated management mechanism is especially evident in those situations where interface and integrity of marine and related coastal ecosystems are necessary. Definition of competences and jurisdiction of the involved institutions and coordination of their functions are not sufficient to ensure successful establishment of a representative, well managed and effective MPA system. Institutional arrangements relevant to coastal zone management are complex in terms of involvement of different levels of government as well as in terms of sectorial competencies (number of ministries and government bodies, and local secretariats and agencies). The complexity of the institutional organization is additionally complicated by fragmentation and inadequate distribution of competencies among institutions, with cases of overlapping jurisdictions and those where jurisdiction is not defined at all.

Some specific examples of weaknesses are provided below:

- Use of mechanisms (e.g. joint consultative bodies or co-deciding procedures) which enable inter-sectorial institutional coordination as well as coordination between administrative bodies at national and local levels in the implementation of coastal strategies, plans and programs and approval of various activities is missing.
- The capacities of existing institutions for nature protection are limited in terms of human, technical and financial resources, as well as in terms of knowledge and practical experiences. This is especially evident at local level (all the municipalities have an environmental department or specialised staff, but there is no specific organization within local self government units for the establishment, management and control of protected natural assets)
- The lack of funding for the implementation of technical activities and scientific research and projects important for the improvements in protection of the natural heritage of the coastal areas is also an apparent problem

IV. ONGOING INTERNATIONAL PROJECTS AND NETWORKING

In relation to activities developed within the framework of the Barcelona Convention, two important projects were developed since 2004 in Montenegro: the Strategic Action Plan for Biodiversity (SAP/BIO) and the Coastal Area management Plan (CAMP-Montenegro).

The Strategic Action Plan for the Protection of Biological Diversity in the Mediterranean Region of the Mediterranean (SAP/BIO) was developed in compliance with the requirements of the Barcelona Convention and its SPA/BD Protocol on specially protected areas and biodiversity of the Mediterranean. A report on the status, problems and preservation of marine and coastal biodiversity in Montenegro was drawn up and integrated within SAP BIO final version in 2004, when the country joined the Barcelona Convention.

The report included an assessment of the situation of biodiversity in the coastal area of Montenegro and identified the key problems and the measures for nature protection that need to be implemented. Five priority actions (out of 24) were prepared in the form of National Action Plans aiming at being implemented within SAP/BIO:

- Inventory and mapping of the sensitive areas,
- Action plan and protection of Dalmatian Pelican (*Pelecanus crispus*),
- Assessment and review of the status, regime and management practice of protected areas,
- Identification of new protected areas in the coastal zone and analysis of the possibilities, and
- Formulation of an adequate Funding Strategy for Marine Biodiversity Protection.

Following a request presented by the Government of Montenegro, the Contracting Parties to the Barcelona Convention approved the decision to carry out the Coastal Area Management Programme (CAMP) Project for Montenegro at their 14th Ordinary Meeting held in 2005 in Portoroz, Slovenia. The decision to start with preparations of the CAMP Montenegro was adopted at the meeting in Split in 2006.

As a result of meetings that took place in 2010 (with representatives of the then Ministry of Spatial Planning and Environment) and 2011 in Podgorica (with representatives of the Ministry of Sustainable Development and Tourism), a number of pre-CAMP activities took place. These included preparation of an analysis of the implementation of Article 8 of the ICZM Protocol in the spatial planning system in Montenegro and preparation of expert guidelines for the Terms of Reference for the Special Purpose Spatial Plan for the Coastal Zone of Montenegro. These assessments, as well as changes in terms of institutional and legislative framework for implementing the national environmental and spatial planning policy led toward the necessary redefinition of the CAMP activities to be fully tailor-made for the ICZM Protocol implementation. The CAMP Agreement was signed in May 2011 in Budva.

The CAMP Montenegro Project is based on an integrated approach to managing marine, coastal and river basin

environment and development problems. This means that the project activities cut across protection and development problems, in order harmonise public sector priorities and private sector pressures, and provide an integrated strategy for the common goal of achieving development in the region within a sustainable management policy framework. The main goals of the CAMP Montenegro are:

- to create necessary mechanisms that can help achieve sustainable development of the coastal area;
- to support implementation of national policies and ICZM Protocol;
- to promote integrated and participatory planning and management in the coastal area;
- to build national and local capacities for ICZM and raise awareness on the importance of the coastal area, complexity and fragility of its ecosystems and on the need for integrated approaches in managing them; and
- to facilitate the transfer of knowledge on ICZM tools and approaches.

CAMP outputs related to the analyse of the present status and transformation of the coastal area of Montenegro in regard to the requirements of arising from the Protocol on Integrated Coastal Zone Management were presented to the Prime Minister and the Government in December 2013. The project results and in particular those related to strengthening the spatial planning system were assessed as highly significant, hence the Montenegrin Government declared that integration of all CAMP results is obligatory for the spatial plans (regional and the local ones). There is ongoing final phase of CAMP Montenegro that will result with expected adoption of the National Strategy on Integrated Coastal Zone Management in December 2014. It is important to mention that pilot project in Boka Kotorsak Bay with the aim to test EcAp implementation and green economy modalities has been realized as the component of CAMP Montenegro with support of MEDPOI, SPA/RAC and SCP/RAC. The Study on the status of the biodiversity in coastal area of Montenegro is realized with support of SPA/RAC in 2012 as the input analyse for the assessment of the status of coastal zone in the scope of CAMP Montenegro.

A. International projects

Projects that have been undertaken and are related to the establishment of Marine Protected Areas are listed below:

- **MedMPAnet Project** (Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas Network through the boosting of MPAs Creation and Management), the objective of which is to enhance the effective conservation of regionally important coastal and marine biodiversity features through the creation of an ecologically coherent MPA network in the Mediterranean region, as required by Barcelona Convention's SPA/BD Protocol. The MedMPAnet project is part of the MedPartnership GEF full size project "Strategic Partnership for the Mediterranean Sea Large Ecosystem" led by UNEP.

For Montenegro, the project activities were outlined in consultation with the national authorities represented by the Ministry for Sustainable Development and Tourism. They consist of an assessment of legal and policy needs, a small scale fisheries status study, a rapid evaluation of natural habitats and the assistance to the identification of management needs to support the creation of at least one MPA in Montenegro in the period 2011-2013.

Specific project aims are to:

- Provide the basis for the official proclamation of an MPA in Montenegro ;
- Build management capacity locally and raise public awareness on environmental protection issue;
- Provide decision makers with consistent and reliable scientific information on important biodiversity resources and ecosystems along the Montenegrin coast, in view of creating a national system of MPAs.

In September 2011 and June 2012, two field surveys were undertaken by the MedMPAnet for the assessment of coastal habitats in order to help prioritize new areas in need of a protection status²⁸. These missions were executed by RAC/SPA international experts and local experts appointed by Montenegro. The experts' team assessed the main environmental values of the surveyed areas and recorded implemented activities, information and aspects identified as relevant for each studied area, mainly through underwater techniques. This activity focused on obtaining results to support of the definition of specific protection/ management measures in at least three of the following areas: Ulcinj, Katic, Platomuni, Bar, Buljarica, Jaz, Tivat and Kotor.

In 2013, building on the results of the rapid assessments undertaken in 2011 and 2012, and in close consultation with the Ministry of Sustainable Development and Tourism, Boka Kotorska Bay has been selected as a pilot site for further research. Under the MedMPAnet project implementation, RAC/ SPA has contracted an international consultancy firm which carried out a fishery study and an ecological survey of the Kotor Bay marine area, using the side scan sonar technique. The data collected from the MedMPAnet Project particularly from the habitat assessment survey contributed to the establishment of a GIS database for the purpose of CAMP Montenegro project. Furthermore, RAC/SPA is joining efforts to PAP/RAC and SCP/RAC in the "Pilot Project on Testing the Ecosystem Approach (EcAp) application in Boka Kotorska Bay". The focus is on development of support for green entrepreneurship in the area, especially for ecotourism and other activities aiming to reduce the impacts of human activities on the environment.

- Project "**Establishment of EMERALD network in Montenegro**" was financed and carried out in cooperation with the Council of Europe, with the aim of implementing

Bern Convention. The project lasted from 2005-2008, under the responsibility of the then Ministry of Tourism and Environment.

- **Strengthening the sustainability of the Protected Areas System of Montenegro**, PAS/UNDP (2009-2012). It was co-financed by GEF and UNDP and implemented by UNDP and the then Ministry of Tourism and Environment of Montenegro. Project Objective: Enhance coverage and management effectiveness of the protected area system of Montenegro by developing the capacity in protected area institutions to design, plan and manage a more representative system of protected areas.
- "**Start up of Katič marine protected area in Montenegro and assessment of marine and coastal ecosystems along the coast**" (MPA2 project). This activity was a part of project realized in two phases under the framework of bilateral cooperation between the Ministry of Sustainable Development and Tourism and the Italian Ministry of Land, Sea and Environment.

B. Networking

- The Public Enterprise National Parks of Montenegro is a member of the Europarc Federation (Federation of European national parks)
- The **MedPAN**²⁹, Network of MPAs Managers in the Mediterranean.
- The national NGO, MedCEM (Mediterranean Center for Environmental Monitoring) is partner of the MedPAN network

MedPAN's vision of the roadmap for 2020:

"To achieve by 2020 a connected, ecologically representative, effectively managed and monitored network of Marine Protected Areas which ensures the long term conservation of the key components of the marine biodiversity and gives solid support to the sustainable development of the region. "

Four strategic objectives of the roadmap for 2020 are:

- Establish an ecological network of MPAs which is representative and connected
- Achieve an effective, efficient and sustainable management and a good governance in the Mediterranean MPAs
- Develop a territorially and sectorially integrated governance of Mediterranean MPAs while promoting the sharing of environmental and socio-economic benefits
- Increase the allocation of financial resources to establish and maintain an ecological network of effectively managed MPAs

The roadmap is justified by the challenges still faced by the region as far as MPAs are concerned. Indeed, there's still a need for:

- A stronger political commitment,

28 <http://www.themedpartnership.org/med/pf/publish/p/doc/459c913084ea587074459d1a775ce3e2>, http://www.medmpaforum2012.org/sites/default/files/medmpanet_forum_antalya.pdf

29 <http://www.medpan.org>

- Further efforts on a national level as well as greater cooperation, coordination and mutual assistance on a Mediterranean level,
- New integrated management and governance approaches at all levels that are translated into political commitments.

Montenegro is also member of the All, Adriatic-Ionian Initiative.³⁰

The All was originally founded with the aim of providing common and concerted solutions to shared problems, from fighting against organized crime to the need to protect the natural environment of the Adriatic-Ionian Sea.

Many years after the establishment of the Adriatic-Ionian Initiative the geopolitical environment around has deeply changed. Out of the All Participating Countries, Slovenia in 2004 and Croatia in 2013 entered the EU while the other Adriatic-Ionian east side coastal countries (Albania, Bosnia and Herzegovina and Montenegro), even if with different timeframes and conditions, are gradually approaching the EU within the Stabilization and Association Process framework, as a prelude to a future EU membership. Notwithstanding these changes, the reasons which had grounded the establishment of All still persist, and they have even become stronger across time.

Adriatic-Ionian Macroregion

The basic task of the Adriatic-Ionian Macroregion is connecting the territories with the aim to promote their sustainable development and, at the same time, to protect the fragile sea, coastal and inland environment.

The Macroregion is not a geographical region with predefined boundaries; it is a functional area, composed of national, regional, and local bodies coming together to tackle a number of shared issues and territorially it comprises Albania, Bosnia-Herzegovina, Croatia, Greece, Italy, Montenegro and Slovenia.

Adriatic Protected Areas Network (**AdriaPAN**)³¹ is a *bottom-up initiative* the aim of which is *to make contacts between Protected Areas in the Adriatic easier, to improve their partnership effectiveness, both in management and planning activities. AdriaPAN is a growing network with a great potential for joining efforts in environmental protection and sustainable development.* It is an integral part of the wider MedPAN.

30 <http://www.aii-ps.org/>

31 <http://www.adriapan.org/index.php/en/home-en>



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Part III

General Recommendations for Improvement of Marine Protected Areas System in Montenegro

The comments and recommendations were drawn from the analysis of the legal and institutional framework as well as from discussions during the national wrap-up workshop organised in July 2013 (see Annex II for details). Furthermore, using results of CAMP Montenegro and national expertise, recommendations were developed in more detailed manner in order to guide authorities to overcome the identified gaps in the legislation and existing institutional arrangements in the most optimal and appropriate manner.

Many of recommendations for improving the existing legal and institutional framework for MPAs as well as regarding some other priorities identified by the country are based on general principles presented in 4 major documents:

- “Guidelines for Protected Areas Legislation” published in 2011 by the IUCN Environmental Law Centre³². Mainly the Part III, Chapter 2: Special issues for marine protected areas.
- “Guidelines for Applying the IUCN Protected Area Management Categories to Marine Protected Areas” published in 2012 by IUCN³³.
- “Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types” published in 2013 by IUCN WCPA³⁴.
- Analysis of Legislative and Institutional Framework for MPA Management - Start Up of Katič Marine Protected Area

32 Lausche, Barbara. (2011). *Guidelines for Protected Areas Legislation*. IUCN, Gland, Switzerland. xxvi + 370 pp.

33 Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Gland, Switzerland: IUCN. 36pp.

34 Dudley, N. (Editor) (2008). *Guidelines for Applying Protected Area Management Categories*. Gland, Switzerland: IUCN. x + 86pp. WITH Stolton, S., P. Shadie and N. Dudley (2013). *IUCN WCPA Best Practice Guidance on Recognising Protected Areas and Assigning Management Categories and Governance Types*, Best Practice Protected Area Guidelines Series No. 21, Gland, Switzerland: IUCN. xxxpp.

in Montenegro and Assessment of Marine and Coastal Ecosystems along the Coast published in December 2012 by DFS Engineering Montenegro.

In addition to principles contained in these documents, drawing up of recommendations was supported by IUCN experience in the field of legal and institutional country assessments regarding protected areas as well as by experience and good practices gained when applying IUCN management categories and analysing governance models for PAs in general and MPAs in particular.

I. CONCLUSIONS, GENERAL AND SPECIFIC RECOMMENDATIONS

In Montenegro there are still no marine protected areas. However, according to the Constitution, the country was proclaimed an ecological state, which stresses the will and the potential of the country to protect its environment. Moreover, the process of harmonization of the national legislation with the *Acquis Communautaire* gives the country an extra drive for protecting its environment and its marine environment in particular. Despite a strong political commitment to consolidate the existing, and to establish new protected areas the extent of the protected area system has not met the national targets³⁵ set in the National Strategy on Sustainable Development, Spatial Plan of Montenegro until 2020 and the National Biodiversity Strategy and Action Plan 2010-2015 due to:

- limited incentives to encourage use rights holders and land owners to incorporate land into a protected area;
- on-going disagreements between stakeholder institutions and land use rights holders within the existing protected area system;
- lack of clarity about the institutional arrangements for, and financing of, the different categories of protected areas (excluding national parks); and

35 Source: Natasa Kovacevic, 2011. Study on forestry and nature protection in Montenegro. WWF Protected Areas for a living Planet-Dinaric Arc Ecoregion Project

— conflicts between areas with valuable biodiversity and planned land uses set under different spatial and sectorial plans (what has been elaborated and confirmed in analyses of the present status of coastal area under umbrella of CAMP Montenegro).

A. Legislation and policy

In Part I, Chapter III a number of gaps were recognized, related to existing procedure of proclamation and establishment of protected areas as well as to establishment of management structure.

Also in general, participants to the national workshop also recognized that:

— There is poor harmonization of legal and inter-institutional responsibilities

Regarding analyses of the gaps in legislation and policy framework, general recommendations would be:

— **To clearly define marine protected areas³⁶ and their objectives in the new versions of the Law on Nature Protection and the Law on National Parks through specific Articles on MPA-s**

As recommended by IUCN Guidelines for Protected Areas Legislation, legal framework and national strategies should be *tuned to the special threats, scientific knowledge and management challenges faced for MPAs.*

Today, scientists and policy experts alike recognize that MPAs require special legal consideration to address their distinct features. In response, states are increasingly enacting legislation to take into account the unique challenges of marine ecosystem management and conservation. Thus it is important to review aspects of the marine environment that present special challenges which need to be reflected, as appropriate, in legislation.

A number of characteristics of marine ecosystems make them inherently different from terrestrial systems. These differences, it is now recognized, require special legislative treatment if the legal framework is to be effective in supporting marine and coastal protected areas.

— **To consider development of a specific national strategy for MPAs and define objectives for declaring future sites for an MPA network**

Policies on marine and coastal protected areas could emphasize general goals such as the following:

(a) Establish and maintain a network of MCPAs that is comprehensive and representative for the purpose of conserving the full range of marine habitats and ecosystems, giving priority protection to those which are rare or unique;

(b) Advance through national action the worldwide network of MCPAs;

(c) Promote regional cooperation on shared marine resources and important marine ecosystems;

(d) Provide for the continued social and economic well-being of people affected by the creation of MCPAs;

(e) Promote the use of a wide range of governance approaches for the management of MCPAs"

(Guidelines for Protected Areas Legislation, IUCN)

— **Activities that are being carried out within the CAMP project should serve as a basis for general assessment of the needs for protection of marine and coastal biodiversity features and ecosystems in the coastal zone**

Baseline Study on Nature Protection in the Coastal Zone had been carried out within the framework of CAMP Montenegro. Starting point information for this Study was retrieved from the coastal area screening that has been undertaken within the MPA2 project and from other on-going projects like Natura 2000, MedMPAnet regional project of RAC-SPA, and GEF/UNDP's projects *Catalyzing financial sustainability of the protected area system in Montenegro* and *Strengthening the Sustainability of the Protected Areas System*. Information from other relevant studies and research results were also used.

As a result of the Study, 7 priority areas along the Adriatic coast were recognized as locations of interest for protection.

— **During the revision of the NBSAP, in order to support the country in the implementation of the Aichi target, specific section should be developed on the marine environment including the consideration of marine biodiversity (flora: algae and sea grasses; fauna: benthic and pelagic species with a particular attention to fishes, marine turtles, marine mammals and seabirds), marine activities (tourism, fisheries, pollution, traffic, others), marine spatial planning (in connection with land use planning in a context of integrated coastal zone management) and management (including in particular marine protected areas and fishery reserves).**

— **The national legislation framework for marine protection should be fully harmonized with the European and international legislation, especially regarding appropriate assessment procedures, compensatory measures and determination of public interest**

— **Having in mind marine environment is under the national jurisdiction, it seems a new system for designation procedures of the other categories has to be developed. According to that, existing steps in procedures for proclamation of protected areas in the Law on Nature Protection should be revised in the way that initiation of the process for establishment of protected areas (development of Study on Nature Protection) should be done by the state administration (Ministry of Sustainable Development and Tourism) for all categories of protection, with consultation of the**

³⁶ See definition of marine protected area and management categories in Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. *Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas*. Gland, Switzerland: IUCN. 36pp.

opinion local authorities and PE Morsko dobro that is defined as the manager of all MPAs in accordance with the present Law on Nature Protection. Budget for the development of the Study on Nature Protection and consultation process should be planned in national budget and other available funds. This proposal should be subject of further consultations with relevant national authorities.

- The Law on Nature Protection should allow for revision of the existing protected areas (in coastal area of Montenegro) to be initiated by the Ministry for Sustainable Development and Tourism, Local Governments, Appointed Manager, Environmental Protection Agency or scientific institutions. Any such initiative should be communicated to and approved by Ministry. Revision should be done based on the development of the Study on Nature Protection and the results of the revision should be approved by the administration body-Environmental Protection Agency. Based on the results of the revision Ministry has to launch the legal procedure for adjustments of the status of protected areas to the results of the process of revision. This proposal should be subject of further consultations with relevant national authorities.
 - Description of existing types of protected natural areas and categories of protection in the Law on Nature Protection should be made in compliance with description and definition of IUCN categorization as follows:
- The stakeholder involvement procedure prescribed under the Law on Nature Protection should be revised in order to ensure participation of all relevant stakeholders from the early stages of decision making process for the selection and proclamation of Marine Protected Areas.
 - Possibilities for additional options for delegation of MPA management (NGOs, private, local communities) or co-management between the public and private sectors as a new model of governance, should be further analysed and consequently decision on providing related legal provisions should be done.
 - A more clear definition of competences and jurisdiction of the involved institutions is needed in existing legal framework as well as a good coordination of their functions. Those are the key elements for an efficient management of Marine Protected Areas. Possible modalities of coordination mechanisms will be further elaborated below, in the section related to institutions and management.
 - A protocol or a bylaw containing precise determination of the steps in exercising jurisdiction over marine space and steps for conducting inspection controls should be developed to enable managers to establish efficient control mechanism of marine protected areas.
 - By taking into account content and legal status of the Spatial Plan of Special Purpose for the Coastal Area of Montenegro, it has to be the only spatial planning document that defines the location for proclamation of

| | |
|--|--|
| Ia Strict Nature Reserve | Strictly protected areas set aside to protect biodiversity and also possibly geological/ geomorphical features, where human visitation, use and impacts are strictly controlled and limited to ensure protection of the conservation values |
| Ib Wilderness Area | Usually large unmodified or slightly modified areas, retaining their natural character and influence without permanent or significant human habitation, which are protected and managed so as to preserve their natural condition |
| II National Park | Large natural or near natural areas set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area, which also provide a foundation for environmentally and culturally compatible, spiritual, scientific, educational, recreational, and visitor opportunities |
| III Natural Monument or Feature | Area set aside to protect a specific natural monument, which can be a landform, sea mount, submarine cavern, geological feature such as a cave or even a living feature such as an ancient grove. They are generally quite small protected areas and often have high visitor value |
| IV Habitat/ Species Management Area | Aim to protect particular species or habitats and management reflects this priority. Many Category IV protected areas will need regular, active interventions to address the requirements of particular species or to maintain habitats, but this is not a requirement of the category |
| V Protected Landscape/ Seascape | Where the interaction of people and nature over time has produced an area of distinct character with significant, ecological, biological, cultural and scenic value: and where safeguarding the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values |
| VI Protected area with sustainable use of natural resources | Conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems. They are generally large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims of the area |

(Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas. Day J., Dudley N., Hockings M., Holmes G., Laffoley D., Stolton S. & S. Wells, 2012. Gland, Switzerland:IUCN.)

the protected areas of nature and indicate conditions for their protection. There is no need to make the planning process more complex than it is now. The laws on nature protection and spatial planning need to be aligned as regards type of protected natural assets for which it is mandatory to prepare special purpose spatial plans. The spatial planning legislation and practices need to be expanded to include marine spatial planning (as one of the important tools for designation and management of MPAs).

- **In the process of Management Plan approval the expert institutions should be involved (Environmental Protection Agency or Institute for Marine Biology)**
- **Evaluation of management effectiveness may be an important, even essential part of the management cycle of a protected area in particular with a focus on adaptive management strategies, so monitoring of PA management (efficiency and results) need to be introduced within the legislation as an obligation that has to be conducted on the regular basis.**
- **A bylaw on budgeting and financial planning for MPA management should be developed.**

B. Management mechanism and management structure for marine protected areas

Considering the large number of stakeholders and complexity of the responsibilities of institutions in terms of surveillance, control and other issues relevant to the management of marine protected areas, the appropriate establishment of management mechanism should be based on a model that would enable participation of all major stakeholders in the decision making process. In the proposed model all duties and responsibilities of the competent institutions, in accordance with the existing range of competencies that are determined by specific laws, should be defined in a way to ensure optimal and best solution for efficient management function.

In establishing management mechanisms for marine protected areas, possibility of forming a **joint management structure** should be explored. On a functional level, this structure would include the most important institutions already identified under the existing laws. Moreover, at a committee level – a board with a decision-making mandate should be composed comprising the key stakeholders.

During the development of the 2012³⁷ Analysis of Legislative and Institutional Framework the aim of which was to propose a MPA management model, three possible scenarios were outlined with a view to establishment of a joint management structure for MPAs in the existing institutional and legislative context of Montenegro. These scenarios are:

- Scenario 1: All MPAs are National Parks
- Scenario 2: MPAs are locally managed
- Scenario 3: A hierarchical system of MPAs is created

In order to highlight strengths and weaknesses of the proposed scenarios, a SWOT analysis was performed for each of them.

37 Start Up of Katič Marine Protected Area in Montenegro and Assessment of Marine and Coastal Ecosystems

Scenario n.1: MPAs are all declared National Parks

In this scenario the focus is on the national and international importance of the habitats and species to be protected. In order to ensure the highest level of protection, all MPAs are established as National Parks and are managed by the Managing Authority (PE *Morsko dobro*) in full coordination with the PE National Parks.

In view of declaring the MPAs as National Parks, the procedure for proclamation shall be the following:

Box 2. Proclamation procedure and SWOT analysis for National Parks

| Proclamation Procedure | |
|--|--|
| Degree of Importance | International and national importance |
| Category | Category I-II |
| Type of protected natural asset | National Park |
| Protection Regime | Zoning for Protection Regime I-II-III |
| Study on Nature Protection | EPA in collaboration with IMB Stakeholder participation |
| Proclamation procedure | Proclamation Act to be issued by the Parliament |
| Management Plan | Management Plan to be adopted by the Government |
| Manager | PE <i>Morsko dobro</i> |

This scenario can be related with the Case Study on the MPA system in France (see Annex I, Case Study 2) where the Management Structure of the MPAs is fully centralized to national institutions, where the designation of MPAs is by Ministerial Decree and the Management of MPAs is assigned to a specialized National Agency.

This model ensures full coordination of policies for marine protection, MPA Management Plans and related implementation programmes, including the financial and cost management and the monitoring of effectiveness of the MPA network.

This case reflects the current model that is applied in Montenegro for National Parks.

| SWOT ANALYSIS | |
|---|--|
| STRENGTHS | WEAKNESSES |
| <ul style="list-style-type: none"> — Appraisal of the importance of marine and coastal habitats and species and ecosystem services of marine and coastal environment at the highest level — National role and jurisdiction of PE <i>Morsko dobro</i> — Established institutional functions and capacity — Coherence with the international legislation framework (EU Directives, International Conventions) — Enhanced attractiveness of the coastal zone | <ul style="list-style-type: none"> — Top-down approach enacted — Lack of specific legal, jurisdiction and financial profile for PE <i>Morsko dobro</i> as a manager of MPAs as National Parks — Strict protection measures and limitations on use of resources — Lack of involvement of local government and stakeholders in decision making and management of National Parks — Limited direct benefit to the local communities — Long time required for establishment |
| OPPORTUNITIES | THREATS |
| <ul style="list-style-type: none"> — Coordination and integration of national policies, plans and implementation programmes for biodiversity protection — Integrated management of Marine National Parks with the existing system of terrestrial National Parks and ecological network — Assignment of dedicated financial provisions for management of Marine National Parks — Coordination with international programmes on MPAs — Creation of trans-boundary Marine Parks with neighbouring countries | <ul style="list-style-type: none"> — Duplication of management structures — Weak coordination with other competent institutions both at the national and local levels — Limited capacity of PE MD (staff, equipment, financial provisions) to carry out important functions for effective management of Marine National Parks — Possibilities for a multiple use of resources are limited and can prevent acceptance of the protected area from the local communities |

Scenario n.2: MPAs are all declared Regional Parks or Park of Nature

The Marine Protected Areas are locally managed to ensure the highest level of participation of local communities. Despite the recognition of the international and national importance of marine and coastal habitats and species to be protected, it is decided to assign a “lower” category to these protected natural assets and declare them Regional Parks or Park of Nature.

The Managing Authority is PE *Morsko dobro*.

In view of declaring the MPAs as Regional Parks, the procedure for proclamation shall be the following:

Box 3. Proclamation procedure and SWOT analysis for Regional Parks

| Proclamation Procedure | |
|---------------------------------|--|
| Degree of Importance | International, national and local importance |
| Category | Category III |
| Type of protected natural asset | Regional Park |
| Protection Regime | Zoning for Protection Regime I-II-III |
| Study on Nature Protection | EPA in collaboration with IMB Stakeholder participation |
| Proclamation procedure | Proclamation Act to be issued by the Assembly of Local Self-government Units |
| Management Plan | Management Plan to be adopted by the Assembly of Local Self-government Units |
| Manager | PE <i>Morsko dobro</i> |

This scenario can be related with the Case Study on the MPA system in Italy (see Annex I, Case Study 1).

In Italy, the problem of overcoming the centralization of the decision making process related to the establishment of MPAs was solved with the delegation of the MPA management function from the IMELS to other institutions (in the case of Montenegro, the Management Authority shall be the future Agency for Coastal Zone - now Public Enterprise for Coastal Zone Management or PE *Morsko Dobro*) and creation of a **Commission for the MPAs** (chaired by a representative of the IMELS) that supports the Management Authority.

| SWOT ANALYSIS | |
|---|--|
| STRENGTHS | WEAKNESSES |
| <ul style="list-style-type: none"> — Appraisal of the importance of local community participation in MPA management — Local competence of PE <i>Morsko dobro</i> — Effectiveness — Direct benefits to local communities | <ul style="list-style-type: none"> — Lack of specific legal, jurisdiction and financial profile for PE <i>Morsko dobro</i> as Manager of MPAs as Regional Parks — Lack of coordination between local self-government units — Separation of MPAs system from the national system of terrestrial Protected Areas — Lack of coordination with other national and international initiatives on protected areas — Lack of coordination with other national institutions — Lack of institutional capacity of local governments for marine and coastal protection |
| OPPORTUNITIES | THREATS |
| <ul style="list-style-type: none"> — Enhancement of role and responsibility of local communities in environmental and biodiversity protection — Improved coordination and integration of local and national policies, plans and implementation programmes on the coastal zone — Multiple use of the protected area is possible | <ul style="list-style-type: none"> — Duplication of management structures — No harmonization with the national system of protected areas (National Parks, Natura 2000) — Low level of protection enacted — Weak coordination between Manager and other competent institutions both at the national and local levels — Lack of jurisdiction of local government on important functions for MPA establishment — Lack of dedicated financial provisions |

Scenario n.3: A Hierarchical System of MPAs is created

The Marine Protected Areas form a network that combines National and Regional Parks.

In this scenario, the focus is on the balance between the national and international importance of the habitats and species to be protected and the appraisal of the importance of local communities in management of marine protected areas.

Marine National Parks are established in areas where the highest level of protection is needed in order to ensure conservation of marine biodiversity and ecosystem services. Regional Parks are established in areas where the objectives of biodiversity protection are compatible with multiple use of the protected area.

In view of declaring the MPAs as National and Regional Parks, the procedure for proclamation shall be the following Box 4.

In order to ensure that the national system of MPAs is representative, coherent and coordinated, it is foreseen that all MPAs are endorsed by the Parliament.

The current procedure for approval of the Management Plan for National or Regional Parks is maintained as it is foreseen in the Law on Nature Protection.

This scenario can be partially related with the Case Study on the MPA system in Croatia (see Annex I, Case Study 3), where the declaration of Protected Areas follows different procedures according to the category of protected areas to be established. The same general model is applied in Montenegro for the declaration and management of protected areas.

In this scenario it is proposed that the potential lack of coordination between the national institutions that develop policies, strategies and plans for protection of marine

Box 4. Proclamation procedure and SWOT analysis for National Parks and Regional Parks

| Proclamation Procedure | |
|--|---|
| Degree of Importance | International, national and local importance |
| Category | Category I-II-III |
| Type of protected natural asset | National Park and Regional Park |
| Protection Regime | Zoning for Protection Regime I-II-III |
| Study on Nature Protection | EPA in collaboration with IMB Stakeholder participation |
| Proclamation procedure | Proclamation Act to be issued by the Parliament |
| Management Plan | Management Plan for Marine National Park to be adopted by the Government Management Plan for Marine Regional Park to be adopted by the Assembly of Local Self-government Units |
| Manager | PE <i>Morsko dobro</i> |

biodiversity and ecosystems is overcome through a modification of the MPA declaration procedure, to allow a more flexible interpretation of categories of Protected Areas and identification of the most suitable Management Authority structure in relation to the local context.

A new element of this scenario is that the designation of the new MPA is endorsed by the Parliament as for higher level categories of Protected Areas.

| SWOT ANALYSIS | |
|---|--|
| STRENGTHS | WEAKNESSES |
| <ul style="list-style-type: none"> — Modulation of strategic objectives for MPAs, according to the existing biodiversity values — Appraisal of the importance of marine and coastal habitats and species and ecosystem services of coastal environment at the highest level — Coherence with the international legislation framework — Involvement of national and local government and local communities in management of MPAs — National profile of PE <i>Morsko dobro</i> — Attractiveness of MPAs | <ul style="list-style-type: none"> — Combined Top-down and Bottom-up approach in setting the MPA network — Lack of specific legal, jurisdiction and financial profile for PE <i>Morsko dobro</i> as Manager of MPAs — Interpretation and adjustment of legal procedure for proclamation — Long time required for establishment |
| OPPORTUNITIES | THREATS |
| <ul style="list-style-type: none"> — Coordination and integration of national policies, plans and implementation programmes — Integration with the existing system of terrestrial National Parks — Assignment of dedicated financial provisions for MPA management — Coordination with international programmes on MPAs | <ul style="list-style-type: none"> — Complex joint management structure may be difficult to implement and less effective than a fully national or local one — Difficult coordination of management structures at the national and local levels — Weak coordination of Manager with other competent institutions both at the national and local levels — Lack of jurisdiction on important functions for MPA management |

C. Coordination with existing Marine and Coastal Management Structures

Establishing of a strong coordination mechanism for planning and management of MPAs within the planned scheme of coordination mechanism for ICZM

As a result of CAMP Montenegro project, the need for establishment of overall coordination is recognized. The establishment of appropriate coordination mechanisms should be established at two levels:

- level of decision-making, and
- professional-administrative level.

Establishment of the ICZM Council (by the Government) could provide an effective inter-sectorial coordination mechanism at the political, policy implementation and decision making level, as well as a mechanism for institutional vertical and horizontal coordination, between competent authorities and institutions at national and local levels.

In case that the new Council couldn't be established, the alternative scenario would be that National Council for Sustainable Development and Climate Change is transformed to perform its functions as the National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change. This would entail increase in the number of members to cover the issues related to integrated management of coastal zone. National Council for Sustainable Development, Integrated Coastal Zone Management and Climate Change could also serve as a coordinating mechanism at the level of decision-making and policy, both horizontally and vertically, as well as for planning and management of marine protected areas.

At professional-administrative level, the Department for Integrated Coastal Zone Management within the Ministry of Sustainable Development and Tourism could be established to strengthen cooperation with other relevant ministries, professional and academic institutions, and with bodies in local self-government units. This solution could contribute to the goal of harmonization of sectoral policies with the requirements of integrated coastal zone management as well as encourage cooperation between relevant national and local authorities.

A working group acting as a coordinating body for integrated coastal zone management could be set up and play an important role for managing the protected area system in the coastal zone in a way as to ensure their integrity and wholeness.

Composition of the Coordinating body for integrated coastal zone management would be as follows:

- Chair: representatives of local governments and of the future Agency for coastal zone management would chair the meetings of the Coordinating body on rotating basis;
- Co-Chairmen: representative of the Department for Integrated Coastal Zone Management in the Ministry of Sustainable Development and Tourism;

- Members: Representatives of all the departments within the Ministry of Sustainable Development and Tourism with a policy mandate for spatial planning, infrastructures, tourism, environmental protection, a representatives of the Coastal Agency department for marine protection (who also performs the function of chairman at a time when the Agency Marine Working Group), representatives of professional institutions (such as the Institute of Marine Biology), representatives of all 6 local governments from the coastal region (Herceg Novi, Kotor, Tivat, Budva, Bar and Ulcinj), other relevant members representatives of stakeholders.

Permanent secretariat to support the work of the Coordinating body would be organizational unit of the future Agency for Coastal Zone Management responsible for integrated coastal zone management.

Coordinating body would have two basic functions:

- To serve as an open "think-tank" forum for discussion of issues related to integrated coastal zone management;
- To review and evaluate materials pertinent to integrated coastal zone management.

The management of marine protected areas should therefore relies on the establishment of a joint management structure that will act at a functional level, including the most important institutions and administrations with a decision making mandate in terms of permits, control and enforcement with the involvement of the most important stakeholders.

As regards the MPA **joint management structure**, an optimal solution for the inclusion of key stakeholders in the process of decision-making would be formation of the Steering Committee (Board). The Board could consist of representatives from: the future Agency for Coastal Zone Management, local self-governments, the Ministry of Sustainable Development and Tourism, Agency for Environmental Protection and Institute of Marine Biology. The Board would have the mandate to adopt management plans, strategic and other decisions of the importance for protected areas.

The coordination of management at operational level would be entrusted to JP *Morsko dobro* (the future Agency for Coastal Zone Management of Montenegro). To perform these tasks, the Agency should employ rangers that will have main supervisory function. Mode of actions in relation to the management procedures on operational level could be determined by a specific protocol or a bylaw which would define individual responsibilities for control activities of communal police, port authority, port administration, the inspections (primarily ecological and fisheries inspection) and Police (Department of Border Security).

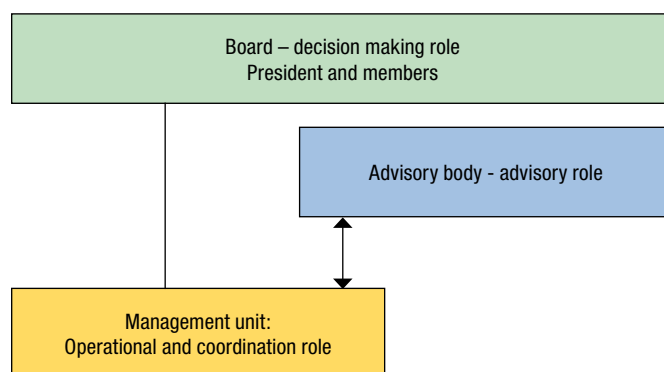
Financing of protected areas as well as the distribution of income should be defined between PE *Morsko dobro* (the future Agency for Coastal Zone Management) and the Municipalities by special agreement which would take into account the existing applicable legal regulations and decisions (the Law on Public Maritime Domain, Off. Gazette of Montenegro no. 14/92 and new regulations on the coastal zone management).

Agreement should define the percentage of profit and purpose of funds obtained by activities within the protected area. The funds should be mainly used for protection measures and development of the area.

If necessary, an Advisory body could be created in order to provide expert advices to the management unit (PE *Morsko dobro*) and the Board. Advisory body might include representatives of different institutions (expert level) and other ministries, especially the Ministry of Agriculture and Rural Development, the Ministry of Culture, as well as the local tourist organizations, NGOs, representatives of fishermen's associations, businessmen, representatives of local communities in the area etc.

A Public Forum on Marine Protected Areas should be activated by the manager for maintaining constant communication with public, local communities and other civil society organization.

Figure 2. Joint management structure



II. STRENGTHENING TECHNICAL AND HUMAN CAPACITIES OF MANAGERS

A. Address Priority Training Needs for Capacity Building for MPA Management

Some training activities are proposed aimed at improving the technical capacity of future MPA management staff for implementation of appropriate environmental protection and management actions and for monitoring the marine environment in Montenegro.

The capacity building should involve all the key institutions and the University of Montenegro - Faculty of Biology (Box 5).

Box 5. Priority training needs

| Theme | Type of Training | Target Institutions |
|-------------------------------|---|--|
| MPA Management | IUCN categories applied to MPAs International legislation framework for marine protection and MPAs networks Surveillance, inspection and control in Marine Protected Areas | <ul style="list-style-type: none"> ▪ MSDT ▪ EPA ▪ PE <i>Morsko dobro</i> ▪ PE National Parks ▪ IMBK |
| | Monitoring, field surveys and scientific research in MPAs Field Techniques for rapid assessment of marine ecosystems: — Assessment of benthic assemblages — Identification and mapping of marine habitats and biocenosis — Qualitative and quantitative assessment of the state of <i>Posidonia oceanica</i> meadows Professional Scuba Diving training | <ul style="list-style-type: none"> ▪ IMBK ▪ EPA ▪ JP <i>Morsko dobro</i> ▪ University - Faculty of Biology (Master degree or PhD students) |
| Information Management | Training on remote sensing techniques for spatial analysis | <ul style="list-style-type: none"> ▪ MSDT Environmental, Spatial Planning and GIS Departments ▪ EPA |
| | GIS database design and management | <ul style="list-style-type: none"> ▪ MSDT Environmental Department ▪ EPA ▪ IMBK ▪ JP <i>Morsko obro</i> |

III. MECHANISM FOR STAKEHOLDERS INVOLVEMENT

A Public Forum on Marine Protected Areas should be established in order to enable stronger involvement of stakeholders. The main steps in stakeholder involvement are:

— Informing

This is the lowest level of participation. It is a “top-down” approach. At this level groups and individuals are provided with the information about proposed actions without any opportunity to change them.

— Consulting

Stakeholders are informed about the project or plan and their views are sought. The views of the stakeholders are taken into account, however, not necessarily acted upon.

— Deciding together

This participation occurs when affected parties are involved in the decision-making process. They are invited to learn the issue, discuss it and take part in decision-making process.

— Acting together

This level gives the possibility for shared decision-making process and shared responsibility for implementation of those decisions.

— Supporting independent community interests

Communities are setting their own agendas and implementing decisions they take. The role of experts and other agents is to provide the community with information and help to take informed decisions. This level of participation presents a “bottom-up” approach.

IV. FINANCING SOURCES FOR MPAS

General provisions integrated in the current policy and legal framework can be assessed as being (in principle) favorable for sustainable financing of PAs and application of a diversified set of financing mechanisms, however there is a large room for improvement. The previous analyses (including preparatory studies for the UNDP/ GEF project *Catalyzing financial sustainability of the protected area system in Montenegro*) showed there were substantial weaknesses in financing the existing system of protected areas and that the challenges would grow as the system is expanded in line with national and international biodiversity protection objectives and targets. Establishment of Marine Protected Areas will certainly expand the list of issues that need to be addressed in designing a financing system that will be sustainable in the long run.

The key revenue figures for the PE National Parks in Montenegro for consecutive years within the time span of the past five years are shown in the Table 8.

A substantial growth in revenues (own income) was recorded over the observed period, with revenues collected by the national parks in 2013 being 40% higher than in 2007. In absolute terms, contribution from the national budget remained on average at the same level. In 2013, transfers from the

national budget accounted for 28% of the total income. Main revenue earners in different parks are shown in the table 9.

Even though financial planning practices are applied for currently managed protected areas in Montenegro, there is no differentiation between basic and optimal management needs and business plans are not developed. Results of previous analyses indicate there is a substantial financial gap when optimal management needs are considered. It should be also kept in mind that for a large share of existing PAs there are no allocations of management funds whatsoever.

There are significant possibilities for improving cost-effectiveness of PA management, even though this is to some extent limited by the small size of some of the PAs. Improving cost effectiveness and financial/ business planning capacities of the existing PA managers and developing them for the new ones (when established) is very important. There is also a need to ensure more robust funding from government sources. Possibilities to apply innovative funding mechanisms need to be explored and proposed, and fund raising capacities improved.

UNDP/ GEF Financial Sustainability Scorecards completed in the course of preparations for the *Catalyzing financial sustainability of the protected area system in Montenegro* project in 2009 assessed the overall financial status of the protected areas system. The main conclusions of the assessment were as follows:

- Total score for the financial sustainability of the PA system in Montenegro (comprising PE National Parks as the only operational PA manager at that time as well as other institutions relevant for the PA management) was rather low receiving 50 points or 26% of the total possible score.
- When the total score was disintegrated to the three constituent components of the scorecard, the following conclusions were made:
 - The highest score (31%) was recorded for the first component on legal, policy, regulatory and institutional frameworks affecting PA financing systems;
 - The second component for financial planning, accounting and business planning received a score of 27%;
 - Ability of the PA system to attract and take advantage of all existing and potential revenue mechanisms (component 3 of the scorecard) received the lowest score of only 18%.

As corroborated by the recorded growth in generated income, the situation has improved significantly compared to 2009, however the key findings of the assessment seem to be still applicable. Having also in mind the expected establishment of MPAs, the need for further improvements of legal provisions on PA financing and of capacities for financial and business planning and fund raising become even more important.

Establishment of an eco-fund was envisaged under the 2008 Law on Environment and according to some of the preliminary analyses for its establishment, the purpose of such an institution would have been to provide for subsidized funding

Table 8. Revenues of the PE National Parks for selected years in the period 2007-2013

| Income (total by NP, in EUR) | 2007 | 2008 | 2012 | 2013 |
|----------------------------------|------------------|------------------|------------------|------------------|
| Durmitor | 538,070 | 426,513 | 472,281 | 694,808 |
| Skadar Lake | 343,874 | 448,986 | 591,116 | 643,094 |
| Biogradska gora | 133,750 | 101,161 | 122,129 | 132,685 |
| Lovcen | 55,629 | 60,286 | 105,761 | 33,513 |
| Prokletije | - | - | - | 7,411 |
| Generated income | 1,071,323 | 1,036,946 | 1,291,287 | 1,511,512 |
| Support from the national budget | 452,500 | 720,000 | 550,000 | 579,316 |
| TOTAL INCOME | 1,523,823 | 1,756,946 | 1,851,287 | 2,090,828 |

Sources: Preparatory studies for the GEF/ UNDP project *Catalyzing financial sustainability of the protected area system in Montenegro* and PE National Parks Annual Report 2013

Table 9. Main revenue generating instruments

| Main* revenue sources in 2013 (in EUR) | National parks | | | |
|---|----------------|----------------|----------------|----------------|
| | Durmitor | Skadar L | Biograd. | Lovcen |
| Entrance fees | 304,953 | 291,974 | 83,626 | 66,835 |
| Fishing licences and fishing concessions | 112,655 | 68,070 | - | - |
| Rafting | 208,183 | - | - | - |
| Leases | - | 50,587 | 16,272 | - |
| Use of parks resources | - | - | - | 28,591 |
| Donations | - | 52,430 | - | - |
| Total from main revenue sources | 694,808 | 643,094 | 132,685 | 105,761 |
| Share of the total income | 90% | 72% | 75% | 90% |

* Revenues accounting for approximately 10 or more percentages of the total are listed in this table; for Lovcen National Park, structure of revenues in 2012 is shown as 2013 was an atypical year due to cancelation of entrance fees

Source: PENP Annual Report 2013

(grants, soft-loans and similar) for national environmental priorities, including nature protection. Revenues of the fund were supposed to include, among other sources, economic instruments such as environmental taxes, charges and fees. A comprehensive feasibility assessment for establishment of such a fund has not been conducted yet (despite the fact that various projects assessed different possibilities), and there is no final decision on how would this institution function, what exact revenue sources would it have etc.

Croatian environmental fund (Fund for Environmental Protection and Energy Efficiency) has been often mentioned as a possible model that could be applied in Montenegro. In 2013, Croatian Fund had a total revenue of HRK 1.3 billion (cca € 170 million) and a staff of around 230 persons. The main revenue sources include air emissions, motor vehicles and (by far the most significant) waste management charges. A

minor share of Fund's revenues came from national budget and EU funds. Total disbursements in 2013 were around HRK 1.1 billion, with 2/3 of the total expenditures being channeled to waste management. Nature protection projects and programmes were supported with a modest amount of HRK 1.9 million (around 250,000 euros), which accounted for less than 0.2% of total disbursements.

It is important to note that environmental funds were established in all the countries acceding to the EU and that depending on specific country situations, some of them played a very important role in financing nature protection needs over time. With this in mind, further efforts should be undertaken to implement provisions of the Law on Environment and establish an environmental fund in Montenegro paying particular attention to possibilities for contributing to Pas/MPAs financing.

Based on discussions presented above, the following key recommendations on financing the establishment and management of MPAs can be made:

- An overall **strategy on MPA financing** should be developed assessing potential of existing nature protection charges, possibilities to use shares of existing fiscal instruments (such as water charges, concessions, tourism taxes etc.) as well as looking into possibilities for development of new instruments (e.g. payments for ecosystem services, possibilities related to carbon markets and others.) The strategy should also address the fact that procedures for revenue sharing with local communities are currently not in place and that budgeting at government level (determination of budgetary transfers for PA management) is not based on financial needs to meet management objectives. Coverage of at least part of the basic needs (such as enforcement and monitoring) would need to be secured from national or local budgets.
- Based on the findings and recommendations of the financing strategy, **improvements of the legal framework on MPAs financing** need to be undertaken.
- An **environmental fund should be established to secure a steady flow of revenues for nature protection** over time to address national, EU and international priorities.
- **Capacity development initiatives** for PA/ MPA managers should be implemented focusing particularly on:
 - diversification of financing instruments and revenue generation, fund-raising, business planning and improving cost-effectiveness, strategic financial planning and development of mutually agreed criteria for revenue sharing (between sites, between providers of common services and sites, as well as with local communities);
 - further transfer of good international practices and development of solutions that are applicable in Montenegrin context regarding innovative financing instruments and options.

Annexes

ANNEX I

CASE STUDIES OF MPA NETWORK MANAGEMENT: ITALY, FRANCE AND CROATIA

The management of network of Marine Protected Areas varies from country to country, depending on the historical framework of legislation and institutional organization. Three case studies provide examples of very different management organizations:

- In **Italy**, the planning, establishment and control of the MPAs is under the Ministry of Environment, Land and Sea management, and all MPA are formally established as National Park unless they are part of existing Protected Areas, but the management can be delegated to several types of institutions, depending on the local context and the specific objectives of each MPA
- In **France**, the network of MPAs is managed by a national Agency (Agence des Aires Marine Protégées) that manages several types of Protected Areas that are established according to specific conservation objectives related to the requirements of the national legislation framework
- In **Croatia**, the management of Protected Areas, including MPAs, is very similar to Montenegro, as the environmental legislation framework derives from a common structure that was built under the former Socialist Federal Republic of Yugoslavia. The planning, establishment and management of Protected Areas is under the Ministry of Environment with the support of the national Institute for Nature Protection. According to the category of a PA, the management can be assigned to national institutions, local organization and also NGOs (in Croatia the NGO Sunce is very active in supporting management planning, monitoring and other operational activities within Protected Areas, including MPAs).

Case Study 1: Management of the national MPA network in Italy

The MPA network

Marine Protected Areas in Italy are a *category of nature protected areas* and are regulated by the Framework Law on Protected Areas n. 394/1991 and by the Law on Protection of the Sea n. 979/1982.

The Register of Nature Protected Areas that is managed by the Italian Ministry of Environment, Land and Sea (IMELS) and its last update of 2010, includes 24 national parks, 27 marine reserves, 3 other Nationally protected areas (including one international marine reserve the Pelagos sanctuary for marine mammals between Monaco, France and Italy), 134 regional parks and 365 regional natural reserves and 171 other regional natural protected areas, 147 national natural reserves, for a total number of 871 protected areas on the national territory.

The MPA network includes:

- 27 marine reserves with a total sea area of 228,000 ha, without considering the area of 2.5 million ha of the Pelagos

sanctuary in the Italian territorial waters, and 700 km of coastline (about 7% of the entire coast of Italy).

- 10 MPAs of Italy and the Pelagos marine sanctuary are included in the list of 32 SPAMI (Special Protection Areas of Mediterranean Interest) of the Barcelona Convention.
- 11 MPAs are in the process of establishment, and additional 6 are in the proposal stage.

The Italian network of protected areas account for some 57,000 animal species, that is about 1/3 of the European total number, and 5,600 vegetation species, out of which 13.5% are endemic, that is about half the European total amount.

In addition to the “official” protected areas that are formally identified in the Law on PAs, the Italian system of protected areas also includes the elements of the Natura 2000 network: the Special Areas of Conservation (SAC) for the protection of habitats and species of Community Importance and the Special Protection Areas (SPA) for wild birds that are identified and delimited by regional authorities according to the Decree n. 357/1999 (implementation of EU Directives 92/43/CEE “Habitats Directive” and 79/409/CEE “Birds Directive”).

Also the wetlands of international importance (Ramsar sites) are included in the national system of protected areas.

Declaration of MPAs

According to the Law on Protected Areas n. 394/1991 and Law on Sea n. 979/1982 the process for establishing Marine Protected Areas is undertaken by the Ministry of Environment Land and Sea, in consultation with the Ministry of Mercantile Navy and the Ministry of Treasure. The Declaration of a MPA is made by Decree of the IMELS that must be approved by the **National Committee for Environmentally Protected Areas** in consultation with the relevant regions and municipalities.

The Law on PA defines different types of protected areas and sets the national register of protected areas, where all the areas that correspond to the defined criteria are listed. The register is managed and updated by the National Committee for protected areas.

The law defines the following types of protected areas (article 2):

- **national parks:** Terrestrial, fluvial, lake and eventually shoreline areas that include one or more intact or partially modified ecosystems, one or more physical, geological, geo-morphological, biological formations of national or international relevance for their naturalistic, scientific, aesthetic, cultural, educational and leisure values;
- **regional or interregional parks:** terrestrial, fluvial, lake and eventually shoreline areas of naturalistic and environmental value, that form a homogeneous system within one or more neighbouring regions, as defined by the environmental and aesthetic values of sites, and by the landscape, artistic and cultural values of local traditions;
- **natural reserves:** terrestrial, fluvial, lake and eventually shoreline areas that contain one or more relevant flora and fauna species, or that include one or more ecosystems

that are important for biodiversity or for genetic resources conservation. Natural reserves can be national or regional, depending on the relevance of the naturalistic elements that they represent;

- **other protected areas:** not included in the above categories. They are divided into areas of public competence (defined according to regional laws or equivalent regulations) and areas of private competence (identified with public agreements or equivalent forms);
- **terrestrial and marine areas of retrieval:** sites whose conservation needs the institution of protected areas, that are identified under Law **394/1991** and Law **979/1982** on the protection of the sea.

Each Marine Protected Area is subdivided into zones where differentiated protection is applied. The **three different protection levels**³⁸ applied to Italian MPAs are structured as follows:

- **Integral reserve (A).** Only authorized personnel have permission to enter the reserve for monitoring, research and maintenance purposes.
- **General reserve (B).** Low-impact tourism is allowed (self-guided trails allow educational activities; boating, swimming, snorkelling, fishing and scuba-diving are allowed with restrictions on numbers, size and types of boat and fishing technique).
- **Partial reserve (C).** Usually, this is a buffer zone between external areas and more restricted protected zones, where normally the park's administrative and educational facilities are located and allowing restricted recreational navigation and some sporting and commercial fishing activities.

Management of MPAs

The management of the MPA should be carried out through two bodies, the "**Commission for the MPA**" and the "**Managing Authority of the MPA**"; the former having the duty of supporting the MPA Managing Authority in its evaluations and decisions.

The Commission is established at the MPA Management Authority and chaired by one representative of the Ministry of Environment, and works with the MPA Management Authority in order to formulate proposals and recommendations. In particular, the Commission for the MPA is consulted on the **Implementing Regulation** of the decree establishing the MPA. The Regulation is prepared by the Management Authority, and must be approved with decree of the Ministry of Environment.

The **Managing Authority of the MPA** can be chosen among a set of different bodies/institutions:

- Public bodies (e.g. local authorities);
- Scientific institutions and
- Registered associations (e.g. environmental NGOs).

38 (Tunesi and Diviacco, 1993),

The **surveillance and enforcement of the MPA** is carried out by the Port authorities.

The **Italian Federation of Parks and Nature Reserves** of Italy, founded in 1989, joins over 160 bodies managing National and Regional Parks, marine protected areas, regional and state nature reserves, and consists of Regional Coordination Offices³⁹. Since June 2008, the Federparchi has also been established as the Italian Section of Europarc Federation.

The **Management Plan** is the tool for defining the **development strategies** for the Marine Protected Area. It ensures that the objectives of nature conservation will match those of socio-economic development. In trying to reach such a purpose, the Management Plan should be built upon **consultation with local stakeholders** that will play a major role in the promotion of MPA activities. The following paragraphs describe the actions needed for formulating the Management Plan (also called planning tool) for Italian MPAs, the role and involvement of stakeholders in this process, as well as the identification of the managing authority and regulations of the MPA.

The **Regulation of the MPA** establishes the norms and prohibitions in the protected area and the timetable for implementing the actions, depending on ecosystems needs. The Regulation is proposed by the Managing Authority upon consultation of the Reserve Commission and the approval of the Ministry for Environment. Prior to the formulation of the Regulation, the Management Authority can apply temporary rules within the MPA in order to meet the environmental objectives set in the establishing decree.

There is not a pre-determined **management structure** that applies to all MPAs of Italy.

In case the MPA belongs to an existing National Park, the Managing Authority responsible for the management of the terrestrial area is also responsible for the marine area. In all the other cases the designation of the Managing Authority is made within the Decree of declaration of the MPA.

The MPA Management Authorities in Italy are Regional Government, or consortia of the Local Governments of the inland area where the MPAs are located, or Municipalities, or other organizations and NGOs.

Case Study 2: Management of the national MPA network in France

The French existing Law on Protected Areas (Law 14th April 2006) has been modified and widened as to enable and incorporate the technical and legal specific themes of the marine environment. France has applied the notion of marine protected areas arising from international commitments and European directives into its own laws. Six MPAs are established in France, and four are in the evaluation and approval process.

The coverage of Marine Protected Areas within the 12 n.m. zone of France is 2,809 km² which represents 11.43% of territorial waters of France (the total area of 12 n.m. zone is

39 Federparchi <http://www.parks.it/federparchi/index.php>

24,568 km²). In addition, 58 sites of the Natura 2000 ecologic network are established in the territorial waters of France, with a total area of 14,776 km².⁴⁰

MPA categories

The Law on Protected Areas defines 9 main categories of marine protected area; each of them meeting specific objectives whilst complementing each other. Marine protected areas are seen as tools to enable sustainable management of the marine and coastal environment. They are defined as “a defined space that meets the objective of protecting nature over the long term, not excluding a controlled economic development, for which management measures are defined and implemented”; thus incorporating the concept of people’s involvement and participation in the definition of uses and management of PAs.

MPA establishment and management

When the protection of species or habitats established by law is common to all MPAs, each of them has an objective which makes it different from the others. **The size of marine protected areas** depends on the specific objectives that have been set in the establishment process; while the management, and in particular the choice of the parties involved in the decision-making process, depends on the local context.

Main objectives for the creation of MPAs are listed as follows:

- **F1.** The healthy state of listed and heritage species and habitats or those that deserve to be protected under other circumstances (rare species threatened species);
- **F2.** The healthy state of unlisted species and habitats (exploited halieutic species, very locally abundant species giving biogeographical value to the site);
- **F3.** The yield of key economic functions (spawning grounds, nurseries, productivity, resting, food supply, migration);
- **F4.** The healthy state of marine waters;
- **F5.** The sustainable use of resources;
- **F6.** The sustainable development;
- **F7.** The maintenance of maritime cultural heritage;
- **F8.** Added value (social, economic, scientific, and educational).

Table 10. Categories of marine protected area as from law and Potential objectives of the creation of a marine protected area

| Categories of marine protected area as from law 14 th of April 2006 | Potential objectives of the creation of a marine protected area | | | | | | | |
|--|---|----|----|----|----|----|----|----|
| | F1 | F2 | F3 | F4 | F5 | F6 | F7 | F8 |
| Natural reserve with a maritime section | X | X | X | | | | | X |
| Natura 2000 site at sea | X | | | | | | | |
| National Park with a maritime section | X | X | X | X | X | X | X | X |
| Natural Marine Park | X | X | X | X | X | X | X | X |
| Maritime sections of MPD being managed by Coastal Conservation | X | X | X | | | X | X | X |
| Biotope protection order with a maritime section | X | | | | | | | |

Regarding the process for establishing a MPA, in French maritime domain **the role of the government is predominant in terms of decision-making**. It lies within its responsibility to establish the different categories of marine protected areas (e.g.: creation of Natura 2000 sites and instructions for the creation of natural marine parks). Governing bodies are established for management purposes and to ensure the successful integration of maritime bodies in the decision-making: Natura 2000 steering committee, national parks executive board, Coastal Conservation land management committee are some examples of these governing bodies.

⁴⁰ Agence des Aires Marines Protegee <http://www.aires-marines.com/>

The AAMP (Agence des aires marines protégées) is a French public establishment of an administrative nature, is placed under the governance of the Ministry of Ecology, Sustainable Development, Transport, and Housing. Its government is exercised by an executive board on which other deliberating authorities are dependent (the Natural Marine Park management advisory councils and board) and a consultative instance (the Scientific Council). The Agency is therefore responsible for **supporting the creation and management** of marine protected areas.

Marine protected areas with different statutes can be superimposed on the same territory, which sometimes makes it difficult to understand the logic regarding their boundaries and governance. This is why the policy makers have planned for Natura 2000 sites that are included in natural marine parks, to be managed by the park.

National Agency for MPAs: Bodies, Duties and Tasks

Deliberating authorities

The Executive Board

The Executive Board is the main decision-making authority of the MPA Agency. Its members are appointed for three years and the President is selected among internal members .

The executive board is made up of two colleges

- State representatives (16 members)
- elected members, users, and associations (23 members)

Article R334-8 of the Environmental Code defines the duties of the executive board, which include the definition of Natural Marine Park and Marine Protected Area management policies in its sphere of competence (creation, management, evaluation). The executive board meets approximately 3 times per year.

The Executive Committee

Within the Executive Board there is an Executive Committee which includes the executive board president, the vice presidents, a representative of the governing ministry, a representative of the ministry responsible for the sea, a representative of the ministry responsible for maritime fishing and marine farming, a representative of the ministry responsible for overseas departments, a representative of regional authorities, a president of the Marine Natural Park Management Council, a representative of another category of Marine Protected Areas, the establishment employee representative, and another qualified person.

The committee prepares reports, monitors the implementation of executive board decisions, and exerts the powers entrusted by the executive board. It also meets approximately 3 times per year.

Natural Marine Park Management Councils: Local Governance

The Marine Natural Park Management Council gathers main local people involved and representing the different stakeholders of the maritime area; maritime professionals and leisure users, environmental protection and cultural heritage associations, elected representatives, qualified celebrities,

State department and others. The decree which establishes the natural park is also laying down the composition of its Management Council.

The objective of a Park Management Council is to inform and involve stakeholders in the decisions concerning the marine environment and its management. The Park Management Council should have a participatory structure and functioning.

The Management Council is the decisional authority of the park. It drafts the management plan, a document specifying the park's objectives over 15 years, action plans, means, and monitoring indicators to be put in place in the marine area. The management council can issue simple or compliant opinions when activities are likely to have a notable effect on the Marine Park environment (article L 334 – 5 Environmental Code).

To implement relevant policy measures, the management council has delegations of the executive board of the MPA Agency, and the possibility of using a team of agents and financial and technical means provided by the Agency.

Agency Consultative Authority

Scientific Council

The Scientific Council is consulted by the president of the executive board or the director of the Agency for any issue concerning the duties of the Agency, including Marine Natural Parks. (refer to article R 334-17 of the Environmental Code).

The Scientific Council is usually consulted as concerns the creation of Marine Natural Parks and their management plans. The Scientific Council is composed by 10 people appointed by the governing ministry, because of their competence in the fields of protection, restoration or sustainable development of the natural marine heritage.

Agency duties and tasks

The main assignments of the Agence des Aires Marines Protégées are:

- support public policies for the creation and management of marine protected areas in French territorial waters,
- create and maintain a MPA network,
- provide technical and financial support to marine natural parks,
- Strengthen French presence in international negotiations concerning sea issues.

Supporting public policies for the creation and management of MPAs

The agency contributes to public policies for the development and management of the MPA network through different actions:

- Collect and spread technical and scientific information.
- Identify marine sites with a strong potential for becoming MPAs.
- Create 10 marine natural parks by 2010.
- Coordinate and implement research for the creation of new marine natural parks

- Provide human, technical, and financial means for marine natural parks once they have been created.
- Support the management of Natura 2000 sites
- Support the creation and management of the AGOA marine mammal sanctuary in the French West Indies
- Partnerships with Polynesian and New Caledonian authorities for the creation and the implementation of a strategy for MPA creation

Create and maintain a MPA network

The Agency supports MPA management teams in order to strengthen exchanges. This is achieved through:

- Providing technical and financial support to existing management networks like the management team forum, the Natural Areas Technical Workshop, the Mediterranean managers network
- Participating in the development of new networks
- Being the liason between state departments and public establishments regarding MPAs and actions carried out by the Agency.

Provide technical and financial support to marine natural parks

The agency participates in the acquisition of knowledge regarding the Marine environment, monitoring processes, and diagnostic actions in French waters and marine protected areas in several sectors:

- Contributing to the nature and landscape information system (SINP) through the collection of data on remarkable natural heritage.
- Participating in the monitoring and management process for French waters as part of the objectives set out by the marine environment strategy management plan Developing a dashboard of marine protected areas in partnership with MPA management teams
- Carrying out awareness campaigns concerning the marine environment and MPAs in partnership with the scientific community and institutions to gather data for the implementation of a coherent MPA network.

Strengthen French presence in international negotiations concerning sea issues

The Agency supports the fulfillment of international obligations as concerns the protection of the marine environment and the creation of MPAs and the enforcement of maritime policies.

Case Study 3:

Management of the national MPA network in Croatia

Legislative framework about Marine Protected Areas – Nature Protection Act

The basic Croatian legislation regulating nature protection is the **Nature Protection Act** (2003, amended in 2005 and 2008). The **National Strategy and Action Plan for the Protection of Biological and Landscape Diversity** (NSAP) is the fundamental strategic document for nature conservation in the Republic of Croatia (OG 81/99 and 143/08).

The Nature Protection Act in Croatia protects 433 areas, of which the most beautiful and valuable areas are placed under protection in 8 national parks (95,472 ha) and 11 nature parks (419,621 ha), which in total cover 515,093 hectares. The Protected area system of Croatia has a total area of 696,709 hectares.

Because of their value and uniqueness, many parks have been included in the lists of internationally valuable areas and thus the National Park Plitvička jezera (*Plitvice Lakes*) is listed in the UNESCO World Heritage List. The Nature Park Velebit, whose area also includes National Parks Paklenica and Sjeverni Velebit (*Northern Velebit*), is listed in the World Network of Biosphere Reserves under the UNESCO programme “Man and Biosphere” – MAB. Nature Parks Kopački rit and Lonjsko polje are on the List of Wetlands of International Importance under the Convention on Wetlands (RAMSAR). Concurrently, Lonjsko polje and Vransko jezero (*Vransko Lake*) are included in the List of European Important Bird Areas (IBA).

Under the current Nature Protection Act (OG 70/05, 139/08 and 57/11), there are 9 area protection categories in Croatia. These are: **strict nature reserve, national park, special nature reserve, nature park, regional park, nature monument, important landscape, forest park, park/architecture monument.**

Proclamation of PAs

The procedure for proclaiming natural features as protected is laid down under Articles 21-30 of the Nature Protection Act.

The procedure for proclaiming a protected area begins at the State Institute for Nature Protection, where the value of an area is determined. Based on this, an “expert base proposal” is drafted to propose protection and best management practices for the area. The “expert base proposal” together with the statement on funds allocation for the management of the protected areas, is used to draw up the **draft act on proclamation**. Depending on the category of protection which has been identified for the proposed Protected Area, the area is proclaimed protected by the Croatian Parliament, the Government, county assembly or city assembly of the City of Zagreb.

The Nature Protection Act (OG 70/05 and 139/08) defines **9 categories** of protected areas. The national categories largely correspond to the internationally recognized IUCN protected area categories. The table below lists the protected area category, the management level and the establishing body.

Table 11. Proclamation of PAs

| PROTECTION CATEGORY | PURPOSE | MANAGEMENT LEVEL | ESTABLISHING BODY |
|-----------------------------------|---|------------------|----------------------------------|
| STRICT RESERVE | Conserve intact nature, monitor the state of nature and education | COUNTY | Government |
| NATIONAL PARK | Conserve intact natural values, scientific, cultural, education and recreation intent | NATIONAL | Parliament |
| SPECIAL RESERVE | Conservation due to its uniqueness, rarity or representativeness, and of particular scientific significance | COUNTY | Government |
| NATURE PARK | Protection of biological and landscape diversity, education, cultural, historical, tourism, recreation intent | NATIONAL | Parliament |
| REGIONAL PARK | Protection of landscape diversity, sustainable development and tourism | COUNTY | County Assembly of City Assembly |
| NATURE MONUMENT | Ecological, scientific, aesthetic or educational intent | COUNTY | County Assembly of City Assembly |
| SIGNIFICANT LANDSCAPE | Conservation of landscape values and biological diversity, or cultural and historical values or landscape of preserve unique characteristics, and for rest and recreation | COUNTY | County Assembly of City Assembly |
| PARK FOREST | Conservation of natural or planted forests of greater landscape value, rest and recreation | COUNTY | County Assembly of City Assembly |
| PARK ARCHITECTURE MONUMENT | Conservation of artificially developed areas or trees having aesthetic, stylistic, artistic, cultural, historic, ecological or scientific values | COUNTY | County Assembly of City Assembly |

The body proposing protection is obliged to inform the public of the proposal, which means that the public is given access to the proposed act and to the expert base proposal with complete documentation. Depending on the category of the proposed protected area, the Ministry carries out a public consultation procedure on the proposal for: **national parks, nature parks, strict and special reserves**, while the counties or the City of Zagreb carry out this procedure for other categories of protection.

An area, for which it have been found by the expert statement, reasons for placing it under protection, or where a procedure for placing it under protection has already started, shall be designated to be under preventive protection. The decision on preventive protection shall be endorsed by the competent ministry, who shall establish the protected area and the related period of preventive protection (maximum of three years).

The reference database and only official source of information on protected areas in the Republic of Croatia is the Protected Areas Register kept by the Nature Protection Directorate of the Ministry of Environmental and Nature Protection. The Register is public, except in specific cases when confidentiality is required.

According to the Protected Areas Register of the Ministry of Environmental and Nature Protection (as of 12th of July 2012), a total of 433 areas have been protected in the Republic of Croatia in various categories, with 5 areas under preventive protection.

Baseline Study for permanent protection

The State Institute for Nature Protection drafts an expert base proposal for the protection of an area in order to establish the value and define the best management methods for the areas. The expert base proposal contains a detailed description of the area's characteristics and values, an assessment of the state of the area, the consequences arising from the proclamation of protection, with particular reference to ownership rights and existing commercial activities, and review of funds to implement the act proclaiming a protected area.

In addition to the procedure for protecting new areas, the expert base proposal is also drawn up for changes in categories and/or changes in boundaries of an existing protected area.

The content of the expert baseline study varies depending on the category of protection and the values to be protected in a given area.

Protected Areas establishment and management

National parks and nature parks are managed by Public Institutions founded by the Government of the Republic of Croatia, while other protected areas are managed by county public institutions and their role is to protect, maintain and promote protected areas. Public entities managing nature parks and regional parks also control the method of carrying out authorized business activities with the purpose of safeguarding rational and sustainable use of natural resources.

In order to ensure rational, efficient and sustainable management of protected areas, the following management documents have to be endorsed: governance plan and spatial plan of the area distinguished by particular features.

The governance plan for strict nature reserves, national parks, nature parks, regional parks, special nature reserves or protected landscapes is adopted for a period of ten years and is setting out development guidelines, the method of implementing protection, use and management of the protected area, as well as more detailed guidelines for protection and conservation of natural assets of the protected area, taking into consideration the needs of the local population.

A spatial plan of the area distinguished by particular features regulates the spatial arrangement, method of use, planning and protection of space in a national park or nature park, and it is adopted by the Croatian Parliament.

For the purpose of improved and more efficient management of protected areas, the Ministry established an **integral geo-information system (GIS) of protected areas** including national parks, nature parks and county public institutions as one of the strategic goals of nature protection. This has allowed the strengthening of the control and management system as well as providing availability of information to the wider public for participation in decision making concerning nature protection issues.

ANNEX II
REPORT OF THE NATIONAL WORKSHOP ON MPAS
HELD IN PODGORICA, MONTENEGRO IN JULY 2013,
ORGANIZED BY THE MINISTER OF SUSTAINABLE
DEVELOPMENT AND TOURISM, RAC/SPA AND IUCN-
MED

The following is an extract of the “Report of the national consultation regarding Priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas in Eastern Adriatic”, issued in September 2013.

CONTEXT

In the framework of the activity entitled “Assessment and support to Adriatic countries’ priority needs for legal, policy and institutional reforms to strengthen the creation processes and the management of marine protected areas” of the the **MedMPAnet Project** – Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management (<http://medmpanet.rac-spa.org/>), the Regional Activity Centre for Specially Protected Areas (UNEP/MAP – RAC/SPA) and the Centre for Mediterranean Cooperation of the International Union for the Conservation of Nature (IUCN-Med) organized national workshops on MPAs legal and institutional frameworks in Albania, Croatia and Montenegro.

Those events were held in the different countries at the following dates:

- For Albania: preparatory meeting in Tirana on April 2012 and review meeting in Tirana on July 2013
- For Montenegro: preparatory meeting in Podgorica on July 2012 and review meeting in Podgorica on July 2013
- In Croatia: review meeting in Zagreb on June 2013.

OBJECTIVE

The objective of those workshops was to review with national stakeholders, experts and NGOs the findings of the study conducted in the countries concerning the assessment of the Legal, Policy and Institutional Framework for MPAs, then to examine options for improving the declaration and management of marine protected areas, including participatory mechanisms.

Outputs of the national consultations carried out in the countries by mean of those workshops will be used in country reports expected at the end of the project:

PARTICIPANTS

Representatives of the relevant ministries, national institutions and public institutions in charge of MPA management (and if not specific to MPA, Protected Area), relevant bilateral or multilateral programme agencies, research institutes, relevant NGOs and experts were invited.

In Montenegro (13 participants) were present:

1. Lakievic Nada, Ministry of Agriculture and Rural Development
2. Biljana Krivokapic, Opstina (Municipality) Tivat
3. Ratko Perisic, Opstina (Municipality) Tivat
4. Jadranka Peranovic, Opstina (Municipality) Kotor
5. Milasevic Svetlana, Opstina (Municipality) Budva
6. Jelena Knezevic, Ministry of Sustainable Development and Tourism
7. Andrej Lakic, Ministry of Sustainable Development and Tourism
8. Damir Masovic, Municipality of Bar
9. Borko Vulikic, UNDP
10. Vasilije Buskovic, Environmental Protection Agency
11. Nemanja Malovrazic, PE for Coastal Zone Management
12. Ivana Bulatovic, Environmental Protection Agency
13. Milena Batakovic, Environmental Protection Agency

AGENDAS

Each workshop lasted one day. All workshops followed the same general agenda. Topics covered during the workshops concerned:

1. The state of the art of the legal and policy framework as well as the institutional arrangements for MPAs
2. The existing system for stakeholders participation in the identification, establishment and management of MPAs
3. The presentation of a general stakeholder participation toolkit
4. A priority needs diagnosis and options for improvement

The time dedicated to each topic during the day was adapted to each country necessity (for example, in Croatia, participants didn't feel the need to spend much time on stakeholder participation toolkit while in Montenegro, consultation process being more advanced, much effort was dedicated to the Priority needs diagnosis).

Table 11. Agenda

| Agenda Montenegro, Podgorica , 26 of July 2013 |
|---|
| 08:30 - Registration of participants |
| 09:00 - 09:15 Opening: Presentation of the study and objectives of the workshop |
| 09:15 - 10:30 Session 1 : Findings of the study (state of the art) |
| 10:30-11:00 <i>Coffee break</i> |
| 11:00 – 13:00 Session 2: Priority needs diagnosis |
| 13:00-14:00 <i>Lunch</i> |
| 14:00-15:00 Session 2 bis: Recommendations on Priority needs diagnosis |
| 15:00-16:00 Session 3: Stakeholder participation toolkit |
| 16:00-16:30 <i>Coffee Break</i> |
| 16:30 – 17:00 Conclusions |
| 17:00-17:15 Closure of the workshop |

CONTENTS

The workshops were all facilitated by IUCN-Med, Alain Jeudy de Grissac.

Opening presentation summarized the findings of the first phase of the study. The first phase was basically a bibliographical research and brief analysis based on legal documents in order to draft a state-of-the art. Those findings had previously been sent for revision to all countries' National Focal Points for SPA (in Montenegro: the Department for Nature Protection, Monitoring, Analyses and Reporting of the Environmental Protection Agency) and some key national stakeholders (other governmental agencies and NGOs).

In Montenegro, the meeting was co-hosted by the Ministry of Sustainable Development and Tourism.

The following three working documents were distributed to the participants prior to all meetings for comments and review:

- Legal and Institutional country assessment for MPAs;
- Matrix summarizing the existing framework and identifying priority needs to improve the establishment and management of MPAs;
- General Stakeholder Participation Toolkit.

COMMENTS OF WORKSHOPS' PARTICIPANTS TO THE WORKING DOCUMENTS

In Montenegro

The following general comments were done by the participants during the workshops:

- Legislation should be improved with proper definition of MPAs
- Creation of fisheries reserve is under process
- Law of the sea: navigation routes definition is missing
- Definition of Maritime domain needs to be linked with ICZM protocol
- PE "Morsko Dobro": Ministry need to look for proper institutional set up for the management of MPAs that will enable joint management structures with involvement of local authorities and other stakeholders.
- Within the NBSAP 2010-2015 goals regarding MPA-s should be better defined
- An assessment of the sea and coasts regarding potential MPA sites is being done with Italian bilateral support. 6 areas are recognize as a potential Marine Protected areas
- Vision for MPAs is needed: national policy or strategy
- Spatial planning should consider sites that are recognized as a potential Marine Protected areas.
- Law on nature protection could be revised regarding definition of marine protected areas (see sections 22 and 23 of the matrix)
- Participants were informed by Ms. Knezevic on activities and results from CAMP Montenegro project
- Participants also stressed that issues such as fish reserves, management structures for MPAs, inspection control responsibilities should be better defined by relevant laws

Participants were invited to give specific comments discussing the matrix (below) presented by IUCN-Med

| | Items for assessment | Status and planned changes | Priorities to consider |
|---|--|--|--|
| | Protected Areas Generic Legal Framework | Protected Areas Generic Legal Framework | Protected Areas Generic Legal Framework |
| 1 | Provide an overview of the country (economic situation, status of the natural resources and ecosystems, surface covered by the Marine Protected Area national system, etc...). | | |
| 2 | What are the primary protected area legal instruments? Give the full title of each (if there is more than one) and the year adopted or issued. Does the legal instrument govern the protected areas system overall (both terrestrial and marine protected areas), or is there a specific instrument for the marine protected areas system; explain | | |
| 3 | Identify the level of government that enacted the instrument (national parliament, sub-national parliament, ministerial level, etc.) | | |
| 4 | Identify the Minister or other policy level body with overall powers for implementation of the PA instrument. | | |
| 5 | Identify any specialized protected areas agency/department responsible for daily implementation/oversight of the protected areas system (both terrestrial and marine PAs or only MPA)? | | |
| | Scope of legal framework | Scope of legal framework | Scope of legal framework |
| 6 | Does the legal framework for the PA system recognize governance and management options? Centralized approach where the protected area is entirely publicly 'state' owned property and managed by government at national level; Decentralized approach where management of public land may be delegated to provincial/state or local government units; Public/private partnership through a co-management arrangement between the government and other stakeholder(s), including communities; Private management: protected areas are owned and voluntarily managed by private sector entities (Private Protected Areas [PPAs], both non-profit and for-profit); Management by the indigenous peoples and local communities. | | |

| | Items for assessment | Status and planned changes | Priorities to consider |
|----|---|--------------------------------------|--------------------------------------|
| | Marine Protected Areas Policy | Marine Protected Areas Policy | Marine Protected Areas Policy |
| 7 | Does the legal instrument identify a marine protected areas policy, goals and objectives by which the area(s) should be established and managed; explain. | | |
| 8 | Are there other policy documents referenced in the legal instrument as part of the policy framework for the system or site – e.g., national biodiversity strategy; national sustainable development strategy, etc? Specify. | | |
| 9 | Are there legal provisions in the PA system referencing other international law commitments (e.g. CBD) or regional agreements (e.g. Barcelona Convention) as policy and objectives for the protected areas system or site? If so, specify. | | |
| 10 | Does the PA system incorporate the following international environmental principles? Precautionary Principle. Public participation and access to information. Does the protected areas legal instrument or other established legal or administrative practice provide for (public consultation, access to information, right to review proposals for establishing protected areas) Recognition of local communities and indigenous peoples. Are there any (special policy provisions recognizing rights or status of local communities or, in countries where this applies, indigenous peoples rights) Cultural values. | | |
| | Objectives | Objectives | Objectives |
| 11 | Is the legal instrument explicit about objectives for the protected areas system, and if so, provide the language. | | |
| 12 | Indicate if there is explicit language that the primary objective of protected areas is conservation, and if so, provide the language. | | |

| | Items for assessment | Status and planned changes | Priorities to consider |
|-----------------------------------|--|-----------------------------------|-----------------------------------|
| Definitions | | Definitions | Definitions |
| 13 | <p>Is there a definition in the legal instrument for the term “protected area”, and if so please provide.</p> <p>Is this definition consistent with the IUCN definition?⁴¹</p> <p>Is the term ‘marine protected area’ defined in the legal instrument; if so, give language</p> | | |
| 14 | <p>Does the legal instrument define different management categories of protected areas by conservation objective (national parks, marine protected areas, habitat conservation areas, cultural sites, etc.), and, if so, please provide</p> <p>Are any of the IUCN management categories applied to marine protected areas; explain.</p> | | |
| Institutional Arrangements | | Institutional Arrangements | Institutional Arrangements |
| 15 | <p>Who has authority to establish the marine protected area(s), is that authority identified in a legal instrument; explain.</p> | | |
| 16 | <p>Does the legal framework provide for other entities to have responsibility for management functions? If so, provide details.</p> <p>Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.); explain.</p> | | |
| 17 | <p>Are mechanisms provided for interagency cooperation among main government agencies responsible for marine matters (e.g., marine conservation, fisheries, shipping, customs, etc.); explain.</p> | | |

41 A protected area is a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values (IUCN Definition 2008). For FAO and marine protected areas for fisheries, the definition is as follow:” any marine geographical area that is afforded greater protection than the surrounding waters for biodiversity conservation of fisheries management purpose is considered as a MPA”.

| | Items for assessment | Status and planned changes | Priorities to consider |
|----|---|--|--|
| | MPA System Planning | MPA System Planning | MPA System Planning |
| 18 | <p>Does the legal framework for marine protected areas require preparation of a plan for the protected areas system to guide its development and management? and if so, please indicate:</p> <p>What are the general purposes and content of a plan;</p> <p>Who or which entity is responsible for preparing, maintaining and using the plan.</p> <p>What are the key elements that should be taken into account when adding new protected areas to the system (e.g., representativeness, uniqueness, international compliance, supporting essential ecological processes or biodiversity, etc.)</p> <p>Is there a requirement for periodic review and assessment of the system plan with respect to overall goals and objectives of the protected area system; explain</p> | | |
| 19 | <p>Does the legal framework for marine protected areas authorize or provide for:</p> <p>zoning,</p> <p>no-take zones,</p> <p>strictly protected zones,</p> <p>marine science research by permit,</p> <p>Environmental monitoring.</p> | | |
| 20 | <p>Are there special requirements for how boundaries are defined for a marine area as a whole and any zones within the area; is there a requirement for stakeholder or local community consultation in setting the boundaries; explain.</p> | | |
| 21 | <p>Are there provisions authorizing the designation of buffer zones for marine protected areas or conservation corridors between marine areas; explain.</p> | | |
| | Establishment, amendment, abolishment of MPAs | Establishment, amendment, abolishment of MPAs | Establishment, amendment, abolishment of MPAs |
| 22 | <p>Who has the authority to establish, amend, and abolish a protected area?</p> <p>Are these powers all held by the same authority? If the same authority does not have all three powers, identify who is the authority for the different powers, and explain why these powers have been divided.</p> | | |
| 23 | <p>What is the procedure for establishing, amending or abolishing a protected area?</p> | | |

| | Items for assessment | Status and planned changes | Priorities to consider |
|--|--|----------------------------|------------------------|
| Finance | | | |
| 24 | Does the protected area legal framework authorize special financing tools for the marine protected area system? | | |
| Management Plan | | | |
| 25 | Is there a requirement for a management plan; if so, describe the provisions Including: provisions on the required content of the plan, possibility of zoning for different classifications and conservation purposes procedures for the preparation of the plan (circulation and consultation among scientific and technical bodies inside and outside of government; requirements and procedures for public and stakeholder participation) Authority(ies) responsible for implementing the management (co-management agreements with other authorities) | | |
| Environmental Impact Assessment (EIA) | | | |
| 26 | Does the protected areas legal framework require environmental impact assessment (EIA) for any proposed project or activity, public or private, where there may be significant environmental impacts to the protected area, and if so, explain, including any procedures or specific requirements that may be specified, including for preparation, review, public comment, decision-making authority, and appeal. | | |
| Other | | | |
| 27 | If applicable, identify and discuss other legal instruments (e.g. in fisheries, tourism, etc) which provide authority for some form of protection, whether partial or full, of specific sites, ecosystems, or species habitats; indicate their potential impact on the protected areas legal framework and, as relevant, how the various instruments are or should be harmonized, networked, or coordinated. Indicate any other special features unique to the marine protected areas legal framework, e.g., part of a large marine ecosystem project, part of a transboundary marine protected area, , specific species protection, special status under international law (e.g., IMO, World Heritage Site, etc.). | | |

ANNEX III PLAN FOR FUTURE MPAS IN MONTENEGRO

The Special Purpose Spatial Plan for the Coastal Zone of Montenegro (2007) provides basis for three MPA areas: Platomuni, Katici islands and Old Ulcinj island.

Documents that are basis for the proclamation of two areas Platomuni and Katič were developed by :

- The GEF funded project “Strengthening the sustainability of the protected area system of Montenegro” carried out by UNDP, started in 2009, includes development of a new MPA in Platomuni.
- The project “Management Plan “Katič” Pilot Marine Protected Area Montenegro” developed by DFS Engineering Montenegro in 2009-2010, within the Italy-Montenegro cooperation for the implementation of the National Strategy for Sustainable Development of Montenegro.
- In 2012 an assessment of the coastal zone was carried out by DFS Montenegro within the project “Start Up of Katič Marine Protected Area in Montenegro and Assessment of Marine and Coastal Ecosystems along the Coast” (MPA2 project) to identify the areas of the Montenegrin coast where the most significant and valuable marine ecosystems occur, as potential sites of a future network of Marine Protected Areas. As a result of this screening, 7 areas were selected: Mamula bay down to Rt Mačka; Rt Traste to Platomuni; MPA Katič; Rt Vulujica to Dobra Voda town; Rt Komina to Rt Stari Ulcinj; Valdanos bay to Velika Plaža ; and Seka Djeran and southern Velika Plaža to the Bojana delta.

Through the Regional Activity Centre for the Specially Protected Areas (RAC SPA), UNEP/MAP supported implementation of field surveys on marine biodiversity (benthic and fish communities) in order to identify potential marine protected areas (MPAs) in Montenegro based on detected habitats and benthic and fish communities of significance for protection, the following recommendations were made:

- Protection from fisheries aspect: Platomuni (from Platomuni Cape to Žukovac Cape) and Seka Albaneze (in order to allow for regeneration of fish stocks it is recommended to establish two to three ‘no take’ zones);
- Prevention of disturbances from diving and tourism: area near Petrovac (Katič island and Dubovica);
- Protection of coral reefs and sponge communities in Bokotorski Bay by establishing a micro-reserve to safeguard communities from mechanical damages;
- Protection of the area from Mendra (lighthouse) Cape to Old Ulcinj by establishing marine protected area;
- Additional surveys are necessary for Sveti Nikola Island and Mamula.

Source: Information on the State of the Environment 2011

New Spatial plan for special purposes for Public maritime Domain is under development and it is expected to include 7 identified locations that are recommended by mentioned projects. Future efforts will be focused on the more detailed researches and revisions of the proposed sites in order to prepare documents requested by legal procedure for designations of the protected areas,

Short term priorities will be focused on the discussion to finalize proclamation of:

- Katič area
- Platomuni area (currently is under development Feasibility assessment and agreed designation plan for establishment of Marine Protected Area “Platomuni”)
- Rtac sa Žutokrljicom area (Study on Nature protection was developed)



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MedMPAnet Project

Regional Project for the Development of a Mediterranean Marine and Coastal Protected Areas (MPAs) Network through the boosting of MPA Creation and Management (<http://medmpanet.rac-spa.org/>)

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