



**Parliament of Montenegro  
Parliamentary Institute  
Research Centre**

Research paper:

**Comparative experiences on valorization (utilization) of military and  
cultural heritage sites for tourism-related industries**

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## FOREWORD

„Cultural heritage is a visible expression of our common European culture and history, a tangible testimony of our roots without which our present would be impoverished and our future would become sterile. As such, it is an essential element of our local, regional, national and European identity.“<sup>1</sup>

As many reports and studies have shown, cultural heritage, i.e. its historical and natural components are able to create a wide range of economic benefits, such as benefits to individuals as a result of new job opportunities or the higher prices commanded by homes with historic features, and benefits to entire communities thanks to the regeneration of run-down historic areas. The economy also benefits directly from a vibrant and expanding tourist industry, much of which depends upon a high quality historic and natural environment to attract new visitors.<sup>2</sup>

Social interest grounded on preservation of historic values and tradition is very often suppressed by individual needs and subjective assessments of what's beautiful and useful. Inadequate use and presentation of cultural heritage may cause irreparable damage to values of state cultural identity. Principles of preservation and protection of cultural values very often hinder economic development, which is why it is necessary to find efficient mechanisms in order to prevent changes which cause irreparable damage to the cultural heritage. Ministry of Culture and state institutions competent for preservation, presentation and evaluation of cultural heritage should be actively engaged in development projects which involve changes on a cultural property or its protected surroundings. In order to achieve this goal, full commitment and coordination among professional, political, civil and private segments of the society is needed, which is based on a long-term vision of sustainable development.<sup>3</sup>

Types and categories of cultural property, methods of establishing protection, the system and measures of protection, rights and liabilities of owners and holders of cultural property and other matters important for the protection and preservation of cultural property in Montenegro are governed by the Law on Protection of Cultural Property<sup>4</sup>.

Article 78 of the Constitution of Montenegro guarantees protection of natural and cultural heritage:  
*Everyone shall be obliged to preserve natural and cultural heritage of general interest.*  
*The state shall protect the natural and cultural heritage.*  
<http://www.skupstina.me/index.php/me/just-av-crne-gore>

At the sitting, held on 12 February 2015, the Government determined Proposal for a Decision on granting a long-term lease of Island Lastavica with fortress Mamula – Municipality Herceg Novi. Given that the legal basis for the adoption of the Proposal for the decision is Article 39 of the Law on State Property (Official Gazette of Montenegro N<sup>o</sup> 21/09, 40/11), which stipulates that goods in ownership of Montenegro or property of the municipality may be leased by contract for a period up to 30 years by virtue of decision of the Government, or competent authority of municipality, and for a period up to 90 years by virtue of decision of the Parliament at the proposal of the Government; the Government submitted to the Parliament the proposal for consideration together with the Proposal for Contract on a long-term lease. Proposal for a Decision states that a long-term lease of location Island Lastavica with fortress Mamula – Municipality Herceg Novi is granted for a period of 49 years, including a cadastral parcel, with a total area of 31,484 m<sup>2</sup>, for the purpose of building an open type exclusive tourist complex. Activities for initiating the process of obtaining long-term lease of the location-Island Lastavica with fortress Mamula, on the

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<sup>1</sup> Position Paper of Europa Nostra, the Pan-European Federation for Cultural Heritage, Adopted by the Europa Nostra Council at its meeting on 2 June 2005 in Bergen (Norway)

<sup>2</sup> Ibid.

<sup>3</sup> Nacionalni program razvoja kulture 2011-2015, Ministarstvo kulture Crne Gore, mart 2011. godine (pristupljeno 17.6.2015)

<sup>4</sup> Sl. list Crne Gore, br. 49/10 od 13.08.2010, 40/11 od 08.08.2011.

basis of public-private partnership, have been initiated in accordance with 2013 Privatisation Plan. A public tender was issued in order for this location to be provided an adequate and comprehensive development, to be transformed into a five star exclusive tourism complex of open type, which would offer relaxation and recreational activities, while conceptually, esthetically, functionally and ecologically integrated into the existing ambience, with a special accent on cultural/historic character of the fortress and its natural environment. Upon terminating the procedure involving the public call and considering submitted bids, the Council for Privatisation and Capital Projects agreed to accept a bid submitted by Orascom Development Holding AG, Switzerland, following which an agreement has been reached with the bidder on crucial matters.<sup>5</sup>

Proposal for a Decision on granting a long-term lease of Island Lastavica with fortress Mamula – Municipality Herceg Novi was considered by the Committee on Economy, Finance and Budget at the 98<sup>th</sup> meeting, held on 29 April 2015. After the voting, Proposal for the Decision did not obtain the required majority.<sup>6</sup>

For the purpose of collecting data on comparative experiences of countries related to valorization of former military property or cultural monuments for tourism purposes, as well as legal solutions which provide for such practices, the Research Centre submitted a questionnaire through the European Centre for Parliamentary Research and Documentation (ECPRD)<sup>7</sup> to national parliaments of states, which are members of the Network. The questionnaire contained questions concerning the manner of regulating ownership rights over military and cultural heritage property, granting a long-term lease of such immovable property under ownership of the state, regulations which regulate this issue, specific examples of valorization of military and cultural heritage immovable property for tourism purposes (building hotels, restaurants, etc.), as well as the role of the Parliament in determining the long-term lease contract.

The remainder of the research paper contains information involving the following countries: Albania, Andorra, Estonia, Finland, Greece, Georgia, Netherlands, Croatia, Iceland, Italy, Cyprus, Latvia, Lithuania, Hungary, Norway, Portugal, Slovakia, Slovenia, Serbia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland. In addition to the replies submitted within the questionnaire, the research paper also covers information from other available sources.

The complete document in Montenegrin language can be found at:

<http://www.skupstina.me/images/dokumenti/biblioteka-i-istrazivanje/2015/14.pdf>

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<sup>5</sup> Ibid.

<sup>6</sup> Odbor za ekonomiju, finansije i budžet, Izvještaj o razmatranju Predloga odluke o davanju u dugoročni zakup lokaliteta ostrvo Lastavica sa tvrđavom „Mamula”, opština Herceg Novi  
[http://www.skupstina.me/~skupcg/skupstina/cms/site\\_data/DOC25/ZAKONI%20I%20IZVIJESTAJI/768/768\\_2\(1\).pdf](http://www.skupstina.me/~skupcg/skupstina/cms/site_data/DOC25/ZAKONI%20I%20IZVIJESTAJI/768/768_2(1).pdf)  
(pristupljeno 4.6.2015)

<sup>7</sup> ECPRD Request 2831 *Utilization of military/cultural heritage sites for tourism-related industries*, 5 May 2015