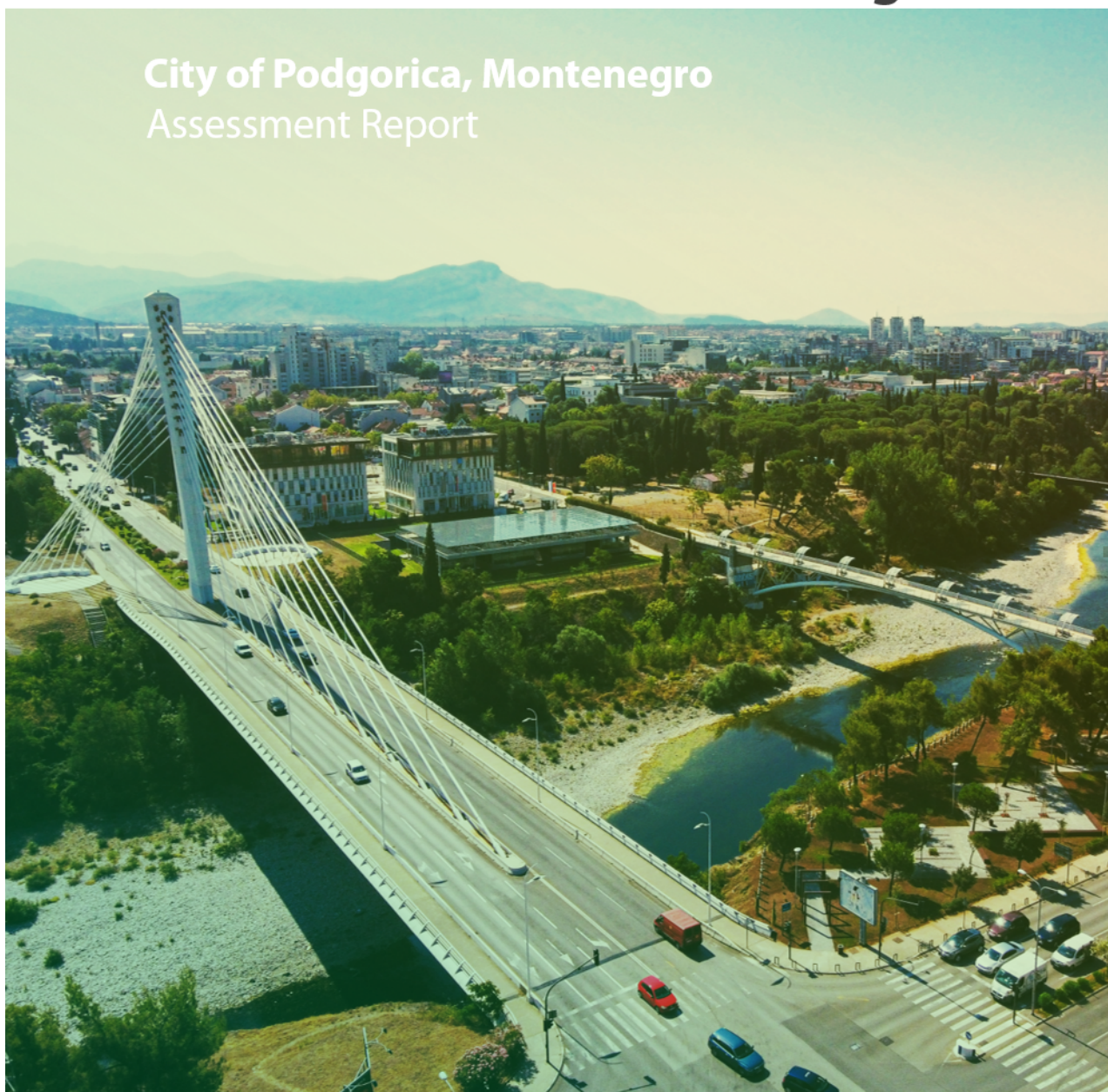


UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

Post COVID-19 Recovery for Informal Settlements in the UNECE region

City of Podgorica, Montenegro
Assessment Report



UNITED NATIONS



ACKNOWLEDGMENT

This Report has been prepared by Ms. Suzana Stijović, under the supervision of the Urban Research Institute in Tirana, Albania.

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LIST OF ABBREVIATIONS AND ACRONYMS

Ministry	Ministry of Ecology, Spatial Planning and Urbanism
Municipality	Local self-government unit, Podgorica
Law	Law on Spatial Planning and Construction of Structures
IDF	Investment and Development Fund of Montenegro
DUP	Detailed Urban Plan
Zagorič	“Zagorič – park šuma” (<i>Zagorič – forest park, trans. example</i>), informal settlement
EU	European Union
WHO	World Health Organization
EUR	Euros
GDP	Gross domestic product
UNECE	United Nations Economic Commission for Europe
OECD	Economic Co-operation and Development

NOTE: This report is prepared by Suzana Stijović, a consultant assigned to this project from Montenegro to complete the assignment based on data collected for the Assessment Report. The content of this Report is based on data, information and assessments of the relevant state administration authorities. These are the Ministry of Ecology, Spatial Planning and Urbanism, former Ministry of Sustainable Development and Tourism (hereinafter Ministry), as well as data, reports, information and assessments obtained by the local government body of the Secretariat for Spatial Planning and Sustainable Development, and other relevant institutional and official resources that participate in implementation of some segments of spatial planning.



1. INTRODUCTION

The project “Post COVID-19 Recovery in Informal Settlements in the ECE Region” aims to strengthen the capacity of national and local governments in UNECE countries to address the needs of the most vulnerable groups living in informal settlements. This would enhance socio-economic recovery following the pandemic and contribute to urban resilience in participating cities and countries. It will also build capacities of national and local authorities in the four pilot countries for development of recovery and for upgrading informal settlement plans. The project will also develop a Post COVID-19 Recovery Action Plan for Informal Settlements for countries in the ECE region, as well as recommendations for the four pilot cities to upgrade informal settlements and support their recovery from COVID-19 pandemic.

The COVID-19 pandemic hit the most vulnerable people the hardest. These include those living in informal settlements in the ECE region, especially women, old people, young people and migrants. Informal settlements are particularly vulnerable to the impact of disease outbreaks, as disease monitoring and containment can be difficult due to lack of adequate data for appropriate policy responses. Such data would include number of inhabitants per household, details on access to adequate healthcare facilities and basic services, as well as means of employment and stability of work which could indicate the ability to enforce a quarantine. Urgent action is needed to enable residents to stay safe and healthy and so increase resilience to future pandemics and natural disasters.

The UN Framework for the Immediate Socio-Economic Response to COVID-19 states that “The crisis will exacerbate inequalities, especially in vulnerable settings and fragile locations such as informal settlements and slums which are already underserved by social services, and where information and strategies such as testing, hand-washing, self-isolation and quarantine will be particularly difficult due to lack of space, water, resources and services.”

Post COVID-19 recovery plans need to prioritize informal settlements, including the legalization of informal buildings. Integrating informal constructions into formal land markets provides clear ownership and security of tenure, and through this, economic security to residents as it gives them the access to credit and mortgages. In turn, security of tenure encourages residents to invest in their homes. Formalization therefore not only increases economic rights, but also protects and promotes human rights. Furthermore, these newly-formalized settlements should be upgraded and connected with basic services and infrastructure to ensure access to adequate sanitation and facilities that would safeguard against future pandemics. They should then be made liveable – energy-efficient, healthy, with well-planned urban spaces, accessible services, and good transport links.

2. COUNTRY INFORMATION

- There are 192,242 households in Montenegro - 56,847 are in Podgorica, 30 per cent of the total.



- The Register of illegally constructed buildings before the legalization process was compiled from the Cadastre, referred to as "*under legal load due to illegal construction*".
- Updating the Register of illegally constructed buildings based upon applications for construction permits has begun in parallel with the legalization process.
- According to the 2019 report on the state of spatial planning, 44,178 constructions were registered in Montenegro with legal restrictions on building permits, and 17,142 in Podgorica.
- As of July 2020, 50,922 applications for legalization of illegally constructed buildings/structures have been submitted in Montenegro.
- 1,010 permits have been granted.
- Local government has charged € 1,353,005 (around 64 per cent) in utility remediation fees for illegal facility use.

Population of Montenegro 1st January 2011	620,029
Area of Montenegro, km ²	13,888
Population density	45/km ²
Capital	Podgorica
Metropolis (Old Royal Capital)	Cetinje
Number of municipalities – As on December 2018	24
Number of settlements	1 307
Number of households in Montenegro (2011)	192,242
Average household members	3.2

Background

In 2006, Montenegro's parliament declared independence from the State Union of Serbia and Montenegro. Since then, Montenegro has strengthened its determination for membership in the European Union, achieving the set goals. These are:

2008: The new independent country applied for EU membership

2010: The EU Council granted candidate status by issuing a favourable opinion on Montenegro's application, identifying 7 key priorities that would need to be addressed for negotiations to begin

2011: In December, the Council launched the accession process

2012: In June, the Council opened negotiations

2017: After eight years of accession negotiations all the 33 screened chapters were opened, of which 3 are provisionally closed. Montenegro became the 29th member of NATO on 5 June 2017ⁱ

Montenegro
Crna Gora



		Municipalities in Montenegro Flag 
Capital and largest city	Podgorica  42°47'N 19°28'E	
Official languages Languages in official use	Montenegrin Serbian, Bosnian, Croatian	
Government Type Legislature President Prime Minister President of the Parliament	Parliamentary Republic Unicameral Assembly or Skupstina (81 seats) Milo Đukanović Zdravko Krivokapić Aleksa Bečić	
Area Total: 13,812 sq km Land: 13,452 sq km Water: 360 sq km	Population 609,858 (July 2020 est.) Density: 45/km ² (116.5/sq. mi) (133rd)	
Economy GDP (PPP) Total Per capita GDP (nominal) Total Per capita	2020 estimate \$13.081 billion \$20,977 (74th) \$5.685 billion \$9,116 (72nd)	
Gini (2017)	Negative increase 36.7 (medium) [6]	
HDI (2018)	Increase 0.816 (very high) [7]	
Currency	Euro (€)(EUR)*	
*Adopted unilaterally; Montenegro is not a member of the eurozone.		

*Source: CIA – The World Factbook, Wikipedia

Demography from the perspective of spatial development.

Montenegro's population growth has been relatively flat, and its current estimated population (622,359) is slightly lower than the 2011 census figure of 625,000. The country has a fairly low population density of just 45 people per square kilometre (116/sq. mi). There have been recent significant changes in demographic and spatial development, characterized by a reducing and ageing population, as well as uncontrolled urbanization and suburbanization, accompanied by dispersed informal settlements. These changes resulted in the expansion of

illegal construction and marginalization. Furthermore, they depleted the population of rural areas, especially in the north of the country. ⁱⁱ

2011 Census MONSTAT Data - Number and structure of households, dwellings, and families in Montenegro

Households

There are 192,242 households in Montenegro, with an average of 3.2 members. A “household” means any family or other community of persons who reside together and spend their income jointly for settling basic living needs.

Families

The total number of families in Montenegro is 167,177, with an average of 3.2 members. The primary family is defined as a community of two or more persons living in the same household who represent marital or common-law-marriage partners with or without children, or one parent with children.

Dwelling usage basis

Of the total number of households, 78.2 per cent (150,288) are owners or co-owners of the dwelling they live in. A total of 9.6 per cent (18,425) are tenant households or households renting their dwelling. A total of 5.7 per cent (10,980) of households live with parents, children, or other relatives.

Spatial planning and illegally built structures. Montenegro's EU commitment requires it to maximize efforts to apply EU standards. This means applying policies related to legalization of illegally built structures in the context of spatial planning and housing policies. For many years, Montenegro has been coping with illegal construction – there are tens of thousands of illegally-built constructions. The Vienna Declaration on Informal Settlements in Southeast Europe, which Montenegro signed in September 2004, was supposed to achieve a complete regional solution to informal settlements by 2015. This Declaration obliges signatories to regularize and improve informal settlements, unless they undermine urban development by violating rights, or endanger environmental protection or cultural heritage. In the past decade, Montenegro has witnessed rapid urbanization fuelled, among other factors, by significant foreign direct investment. This has especially been the case on the Adriatic coast, the capital city Podgorica, and in mountain resorts. This growth, which has significantly increased the GDP of the country for several years has also caused negative effects. The most prominent of these is many informally-built constructions without a construction permit, both commercial and residential.

Data on the progress of legalization of illegal constructions

Current situation. The process of legalization of illegal structures began with the 2017 Law on Spatial Planning and Construction of Facilities, and was further improved by the adoption of a set of amendments. The most recent version was released on the 6th of August 2020.

Remarks: The data refer to July 2020, the period in which the old law was still valid, so updated data will more realistically show the situation after the most recent amendments. An increased number of legalized buildings should be represented, because in addition to compliance with urban parameters, buildings which meet planning document guidelines can be legalized, provided that the building is retrievable on the orthophoto (Oblique Aerial Imagery).ⁱⁱⁱ

In Montenegro, a register of illegally-constructed buildings was compiled by the Cadastre before the legalization process began. These constructions are marked as, "*under legal load due to illegal construction*". Updating the register of illegally constructed buildings based on applications for construction permits has started in parallel with the legalization process and is ongoing. The data obtained from the Cadastre refer to the number of reported illegal buildings out of the total number of reported cases for obtaining a construction permit.

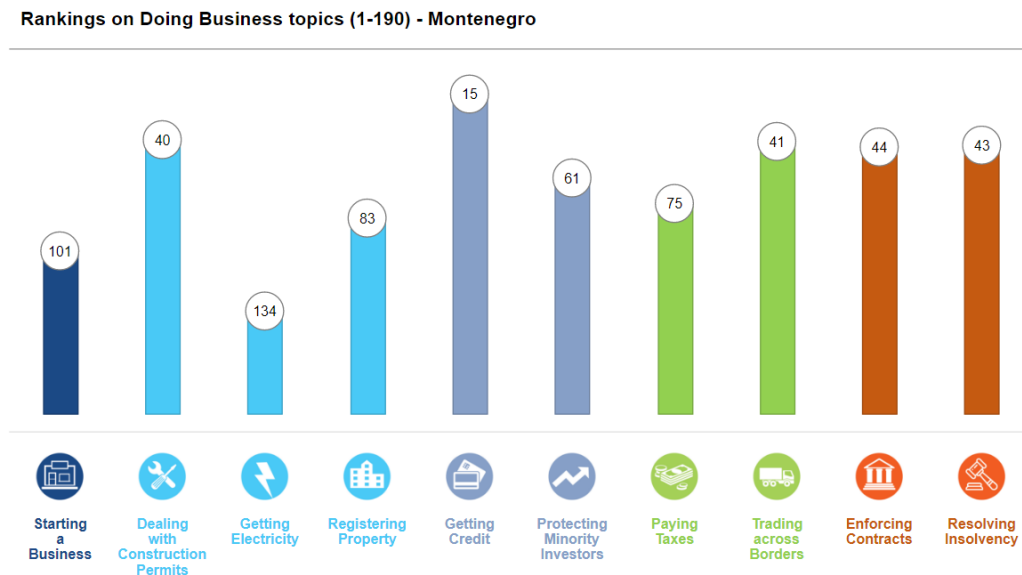
“Doing Business” in Montenegro ranking.

In the World Bank “Doing Business 2020 report^{iv}”, in the section "Ease of doing business ranking" which measures 190 countries’ regulatory practice and calculates an “ease of doing business” score, Montenegro is in 50th place. Under the topic “Dealing with Construction Permits” it is in 40th place. This ranking indicator refers to legal implementation which further improved the construction process, revoking construction and permit use, and combining technical inspection and expert supervision except for complex engineering facilities.

Montenegro data. Data from cadastral records as of July 2020, show there are 50,922 applications submitted for legalization of illegally constructed buildings or facilities. Of these, 43,137 have been processed, 1,010 permits granted, 5,832 cases ceased the procedure, 35,296 cases required supplementary documentation, and 2,801 cases were rejected for missing the deadline. It is worth nothing that under the new Law, there is no deadline for submitting the application.³

According to the “Report on the state of Spatial Planning for 2019^v”, local governments receive around 64 per cent (€1,353,005) of the total calculated €2,121,111 income from the utility fee for illegal facilities.

Figure 1: Rankings on doing Business in Montenegro



3. CITY INFORMATION

- The capital, Podgorica, is the largest city, with a population of 156,000, or 30 per cent of Montenegro's population. Area: Capital city: 108 km²; Metro: 1,441 km².



- Over two-thirds of illegally constructed buildings are in Podgorica and the municipalities on the Adriatic coast.
- As of July 2020, 12,978 applications for legalization have been submitted, of which 11,954 were processed, and 100 permits were approved.
- As of January 2020, €257,729,74 (around 48 per cent) of the utility remediation fee for illegal facilities was charged from the municipal government of Podgorica.

Background

Podgorica lies in the north of the Zeta Basin, at the intersection of five rivers. During its 2000-year history, it has experienced multiple transformations of its political, social, and built fabric.



It is the largest city, with a population of 156,000, or 30 per cent of the country's population. It covers 108 km² (42 sq miles, of which the metropolitan area is 1,441 km² (556 sq miles)). The Plan for Converting Informal Settlements into Formal and Regularization of Building Structures with Special Emphasis on Seismic Challenges of the Government of Montenegro^{vi} shows that over two-thirds of illegal settlements are concentrated in Podgorica and the municipalities on the Adriatic coast. Furthermore, these are often spatially concentrated, forming relatively large settlements within the urban nucleus.

Figure 2: Montenegro's geographical map

Data on the progress of legalization of illegal constructions

Podgorica data. These refer to the period up to July 2020. From the day of entry into law, 12,978 legalization applications were submitted, of which 11,954 have been processed, and 100 permits approved. 1,365 cases ceased the procedure, 10,476 required supplementary documentation, and 307 were rejected for missing deadlines.

Data processing officials noted that applicants generally do not have complete documentation. The overview of processed cases until January 2020 for Podgorica:

Table 1: Processed cases in Podgorica until January 2020

No. of legalization approvals	No. of requests for the calculation of utilities fee sent to Agency*	Contracts concluded by the Agency*	Utility fee amount (EUR) (agreed)	Utility fee amount (EUR) (charged)	No. of ceasing procedure decisions	No. of cases for supplements requested
40	250	64	534,244,91	257,729,74	991	7803

**Public company founded by the capital city of Podgorica – Agency for Construction and Development*

Basic information and preconditions to the legalization process

According to the former law, owners of illegal buildings could apply for legalization up to July 16, 2018; all applications submitted after this were rejected. The new Law allows applications to be submitted without this restriction. According to this Law, a decision on legalization can be made in favour of an illegally-built facility that follows the basic parameters of a valid planning document. If this is not the case, the procedure is suspended until the General Regulation Plan of Montenegro is approved. Proceedings can also be suspended if the land on which the facility was built does not follow the basic parameters of a valid document. After resolving these issues, proceedings may continue.

According to the 10`9 Report on the state of Spatial Planning many requests lacked basic information, so officials were unable to confirm where the construction was located, or ask the applicant for the information. This issue was addressed by publishing requests for information on the Secretariat advertisement boards.

4. INFORMAL SETTLEMENT DESCRIPTION

- The clear distinction between illegal settlements or structures and slums is set by Montenegrin Law. Different laws and departments affect illegal settlements or constructions, and social housing: the Ministry of Labour and Social Welfare, the Law on Social Housing, and the Social Housing programme.
- The basic characteristics of Montenegrin housing stock are determined by their age. Almost all dwellings have electricity, a few less have water and sewage installations, but only about 39 per cent are connected to the public sewerage system.
- For constructions built without a building permit, it is impossible to accurately determine seismic risk.
- Five illegal settlement zones are identified within the territory of Podgorica.
- The area of Zagorič contains the illegal settlement identified for this assessment. It represents a "role model" for informal settlements in Podgorica in terms of legal-property relations, physical appearance, utilities, detailed analysis performed prior to the development of the DUP, and data availability.
- In April 2018, the detailed urban plan (DUP) for "Zagorič 5", the informal settlement areas within Zagorič, has been published.
- The area of the plan is approximately 68.8 ha.
- DUP "Zagorič 5" notes it is predominantly a residential zone with residential buildings and family housing.
- The planned purpose in DUP "Zagorič 5" is for low density housing, cemetery areas, sports and recreation, green landscaped public surfaces, road traffic, and railway traffic.

- Ground floor area, consisting of main buildings and auxiliary facilities is 90,208m². The gross area is 147,411m².

Table 2: DUP “Zagorič 5”

DUP “Zagorič 5”	zone A	zone B	zone C	zone D	zone E	TOTAL
zone area	121,871	98,953	201,358	149,731	120,705	692,619
ground floor area	12,198	15,117	19,499	22,329	21,066	90,208
gross construction area	20,454	25,348	31,701	32,293	37,615	147,411
occupancy index	0.10	0.15	0.10	0.15	0.17	0.13
construction index	0.17	0.26	0.16	0.22	0.31	0.21
area of the housing unit	150	150	150	150	150	150
number of housing units	136	169	211	215	251	983
number of household members	3.5	3.5	3.5	3.5	3.5	3.5
number of citizens	477	591	740	753	878	3440
inhabitants per hectare	39	60	37	50	73	50

Table 3: Number of buildings constructed - by ownership of the land

Number of buildings constructed - by ownership of the land	
Zone of the Capital	572
Stamatovići zone (family name of the private owners)	213
Vučinići zone (family name of the private owners)	168
Other private owners’ zone	43
TOTAL	996

Background

Before providing a thorough description of informal settlements in Podgorica and the one chosen for the purpose of this Report, the legal definition of illegal structures and consequently informal settlement should be explained. It is important to clarify the definition of illegal settlements or buildings under Montenegrin Law, to avoid misinterpretation of these as “slums”.

Definition by the Law: In Montenegrin Law, the definition of Illegal structures is set by Article 152, para. 1: “*Illegal structures shall be deemed to be buildings constructed contrary to regulations which were, during the construction period, without a building permit. The illegal structure set out in para.1 of this Article shall be a residential, commercial or commercial-residential building on which rough structural civil works of at least one floor were carried out, constructed without a building permit or contrary to a building permit. Illegal structures can also be a part of a building constructed without a building permit or contrary to it, when the auxiliary structure serves as a building. Physical description: Rough structural civil works set out in para.6 of this Article shall be executed foundations, columns with beams, walls and slab above the walls or a roof structure.*” Furthermore, the Illegal Structure Serving for Primary Residence definition is set by Article 153, para. 1: “*Illegal structures serving as primary residences shall be deemed to be a structure with net construction area of up to 200m². They must be occupied by the illegal-structure owner and members of his family household permanently resident when the structure was constructed, if the owner and the members of*

his family household are not owners of another residential structure in the territory of Montenegro.”

In addition, according to **Definition of Terms** (Article 5) of the Law:

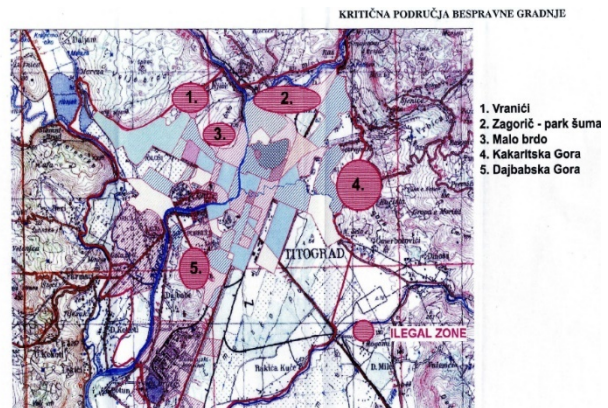
13) **settlement** means an area defined by the law governing the territorial organization of Montenegro.

14) **structure** means the spatial, functional, structural, architectural, aesthetic, technical and technological or biotechnical whole, with or without installations, plants and equipment being incorporated into it. These might include buildings, engineering structures, public green areas or cemeteries.

These definitions set by Montenegrin Law are also aligned with the definition given by the Organization for Economic Co-operation and Development (OECD) ^{vii} which states that:

“Informal settlements are:

1. Areas where groups of housing units have been constructed on land that the occupants have no legal claim to, or occupy illegally.
2. Unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing).”



Zones of illegal settlements in Podgorica

According to the guidelines for development of municipal spatial plans and General Urban Plans (GUP) from the Spatial Plan of Montenegro until 2020, Podgorica is part of the Central Region development zone and is part of Zeta plain on the north of Skadar Lake. The defined administrative territory of the city area covers an area of approximately 144,100 km².

According to data provided by the Ministry and the Municipality, as well as by the Report on the state of Spatial Planning for 2019, Podgorica is committed to sustainable development. Five aspects should be considered particularly important during urbanization for sustainable development of cities:

- control of physical expansion
- mixing functions and social groups
- rational and economical management of urban resources and ecosystems
- better accessibility to transport that is not only efficient but also environmentally friendly
- the preservation and development of natural and cultural heritage.

Podgorica adopted the Spatial Urban Plan (PUP) to create preconditions for rational and purposeful use of space and define directions of development in line with the principles and requirements of sustainable development. In addition, the current planning documents were

unsuitable for modern needs. In this sense, Podgorica aims to be a promoter of sustainable development planning and seeks a consensus of needs for an efficient economy, a healthy environment, and humane human relations.

Arrangement and utility equipment of locations.

Definitions of Terms (Article 5, the Law) related to the subject:

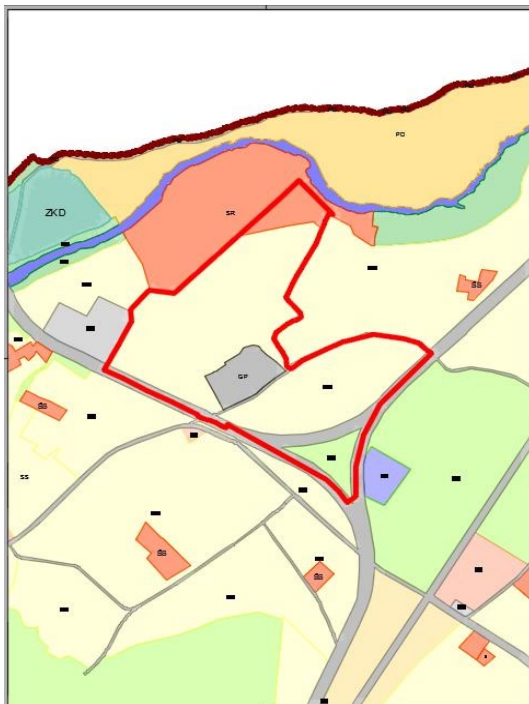
*10) **Infrastructure** means utility, transport, energy, electronic and other communications, which ensure joint supply, services, and other forms of increasing quality of life in a settlement or for occupants in a particular area.*

*26) **Urban remediation** is a set of planning measures and requirements that improve the character of the built part of the construction area and public areas devastated by illegal construction, as well as undertaking measures of urban remediation to remediate partially executed investments.*

Utility infrastructure corresponds to the current socio-economic status of Podgorica. However, utility equipment is not up to modern requirements and will limit future development. Important factors for the future development of utility infrastructure are electricity supply, water supply, wastewater treatment, solid waste regulation, telecommunications and internal traffic. These should be catalysts for development, not limitations.

The condition of Podgorica is a vital aspect of Montenegrin socio-economic development. Full attention should be paid to reform of building management, land management and arrangement system with efficient governance mechanisms of land policy.

What is common to both formal and informal settlements is provision of a regular water supply, electricity supply and waste collection service. Where they differ, and this is a major and immediate challenge for local authorities, is in having an adequate and complete sewerage system.



Other differences include lack of street and house number signs on informal buildings, and the roads which pass through such settlements are mostly constructed by the inhabitants and are usually unpaved. These settlements also do not include markets, parks or public lighting, except in certain parts such as Malo Brdo.

Identified informal settlement to be assessed

According to the findings of the *Plan for Converting Informal Settlements into Formal and Regularization of Building Structures with Special Emphasis on Seismic Challenges*, five illegal settlement zones were identified

within the territory of Podgorica: Vranići, Zagorič – park šuma, Malo brdo, Kakaritska Gora, and Dajbabaska Gora.

The one that will be analysed within this Report is “Zagorič – park šuma” (Zagorič – forest park), more precisely referred to as DUP “Zagorič 5” which is part of Zagorič – park šuma (hereinafter Zagorič).

Rationale of choice.

This informal settlement as a subject for assessment was proposed by Mr Miljan Barović B.Sc., the Secretary of the Secretariat for Spatial Planning and Sustainable Development of Podgorica, and approved by the Ministry. DUP “Zagorič 5 was chosen to represent a "role model" for informal settlements in Podgorica and even at the national level. It is representative in terms of legal-property relations, physical appearance of the location, utilities, and other challenges to local and central authorities while legalizing and utility-equipping informal settlements. Furthermore, a detailed analysis was performed for this location before the beginning of DUP development, and data is available for all DUP parameters.

Informal settlement description and characteristics^{viii}

Description of the boundary and the area covered. On April 2018, the DUP for “Zagorič 5” was ordered to be published by decision of the City Assembly of Podgorica #01-031/16-2211.

Document title: Detailed Urban Plan "Zagorič 5" in Podgorica

Client: Agency for Construction and Development of Podgorica

Processor: Republic Institute for Urban Planning and Design (RZUP) - *Republički zavod za urbanizam i projektovanje, a.d. Podgorica (in MNE)*, (lic.no.01-688/2 from 10 Sep 2013).

The area covered by the Detailed Urban Plan "Zagorič 5" - is bounded on the south side by Podgorica-Nikšić railway, on the west by the Zagorič substation building. It goes north straight to the Morača riverbed, further north along the riverbed, and further along the border with the DUP "Zlatica B", continuing east of the Podgorica-Belgrade railway. According to the Decision, the area of the plan is approximately 68.8 ha. The territory covered by the Plan in question extends to the cadastral municipality of Podgorica 2.

Guidelines for the development of the Plan are contained in the Spatial Urban Plan of Podgorica ("Official Gazette CG - municipal regulations", no. 06/14.

Analytical part

Topography of the area: The area covered by the DUP is mostly flat terrain, at an elevation between approximately 53 m and 60 m above sea level.

Engineering geological characteristics: The geological structure of this terrain consists of gravels and sands of uneven granulometric composition and variable degree of binding. Terrain capacity ranges from 300-500 kN/m² for category I. Due to the unexpressed slopes, the entire terrace area belongs to the category of stable terrain.

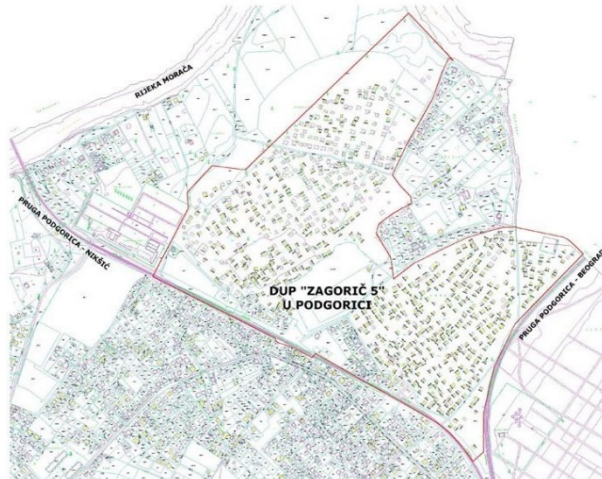
Degree of seismic intensity: From the macro seismic point of view, Podgorica is located within an area with very pronounced seismic activity. According to the Seismological Map, the city area is covered by 8^o MCS scale as the maximum intensity of the expected earthquake for a return period of 100 years, with a 63 per cent probability of occurrence.



area is covered by 8^o MCS scale as the maximum intensity of the expected earthquake for a return period of 100 years, with a 63 per cent probability of occurrence.

Seismic hazard for this area:

- seismicity coefficient K_s 0.079 - 0.090
- coefficient of dynamism K_d 1.00 > $K_d > 0.47$
- soil acceleration $Q_{max}(q)$ 0.288 - 0.360
- intensity in (MCS) 90 MCS



Assessment of natural conditions.

From the aspect of natural conditions, this area has many advantages for construction and urbanization. Flat terrain and good terrain stability support construction. Climatic conditions are, as in the entire city,

favourable for construction throughout the year. However, part of the area belongs to the sanitary protection zone of the Zagorič water intake, so construction of facilities is constrained by implementation of measures to protect the Zagorič water intake.

Analysis of current purposes and capacities of the area covered by the Plan

In the central part of the area is a city cemetery. Around this, an informal settlement was spontaneously formed, mostly made up of illegally-constructed buildings. These are mostly family houses and some multi-family housing. Inside the boundary of the Plan there are 1,019 constructions which are recognized.

The subject Plan partly belongs to the narrower sanitary protection zone of the Zagorič water intake. Sanitary protection zones are not protected in a timely manner, so illegally-constructed buildings are also located within these zones. Based on the analysis of available data, 3,445 inhabitants live in the intervention zone, making a population density of 50/ha.

Physical structures, infra facilities and superstructures.

In the subject area of approximately 69.26 ha, 1,019 buildings were identified. The largest number of buildings are intended for family housing. Building heights range from ground floor only to three additional storeys. Degree of preservation ranges from poorly preserved to good condition.

Materials and construction

Most of the buildings were built in the second half of the 20th century, so modern materials such as bricks and concrete have been used. The roofs of residential buildings are mostly wooden, with adequate roofing. More recently, reinforced concrete slabs have been used. Facades are mainly finished with painted plaster.

Water supply

There is a partially-built city water supply network in the area. In the eastern part of the project, next to the cemetery on the east side, there is a DN225 PEVG water pipeline, which continues along the northern boundary of the project as DN150 AC C. DN110 PEVG and DN90 PEVG lines were built in the north-western part. The supply of other facilities is disorganized: a large number of connections have been built illegally and improperly by private citizens. The eastern part of the plan is in the narrower protection zone of the Zagorič water source. Within this are illegally-built family housing facilities.

Wastewater sewerage

Along the same route as the aqueduct, east of the cemetery and further along the northern boundary to the east, is located the primary collector for wastewater drainage. Two existing street collectors DN250 and DN200 flow into it, collecting wastewater from the southeastern part of the project. There are no other wastewater sewage lines at the considered location. Individual facilities often use septic tanks.

Atmospheric (rainwater) sewerage

Atmospheric water drainage in the intervention zone is not provided through the atmospheric network sewers. The waters flow freely into permeable areas along the roads. The entire catchment area generally has a slope to the south.

Electricity network

All facilities are connected to the city electricity network.

Electronic communication infrastructure

Only a small part of DUP "Zagorič 5" has an electronic communication infrastructure. This is owned by *Crnogorski Telekom*, providing users with connection to the electronic communication node *RSS Zagoric*, the contact zone of this DUP. The condition of the electronic communication infrastructure does not satisfy current or future user needs.

However, all three mobile telephone operators are present in the area, and the area is also covered by a TV signal distributed by *Telemach Montenegro*.

Housing characteristics

Given the number of residential buildings in the total construction fund, it can be concluded that DUP "Zagorič 5" is predominantly a residential zone.

Residential areas are defined in four categories: small, medium, large, and large areas of housing density. Lower housing density is up to 120 inhabitants/ha. In residential areas, shops (up to 450m²) and handicrafts shops can be allowed (up to 150m²) which serve the everyday needs of local residents. Also allowed are apartment-based businesses, catering facilities up

to 250m², smaller accommodation facilities, administration facilities, religious facilities, facilities for culture, health and sports, and other facilities for social activities serving local residents.

Urban greenery: Areas for landscaping and elements of the urban greenery system are classified according to mode of use. City greenery for public use includes parks, forest parks, recreation zones between residential areas, greenery along the road, as well as greenery on areas of central activities and mixed use. Urban greenery includes sports and recreational areas, greenery in residential complexes or used for education, culture and tourism. The category of city greenery for special purpose covers cemetery greenery. Sports and recreation areas may be open or require payment for entry, such as stadiums, sports halls, sports fields, swimming pools, aqua parks and golf courses. The ratio between built and unbuilt areas is 40 per cent built areas to 60 per cent undeveloped, of which at least 30 per cent are green areas. Open playgrounds are treated as undeveloped areas.

Analysis of the influence of contact zones: The purpose of the areas covered by the planning document is compatible with the purpose area in adjacent planning documents, and especially in contact zones.

The purpose of the contact areas of the project DUP "Zagorič 5" are:

- within the contact zone from the north-west side of DUP "Zlatica B"; the predominant purpose is low-density, mixed-use housing for education and social protection;
- within the contact zone on the west side is the forest park "Zlatica";
- within the contact zone from the north-west side is the DUP "Zagorič 3 and 4-zone 2"; predominant purpose is the low-density housing, central activities, and areas for education and social protection;
- within the contact zone on the south side is DUP "Zagorič 2"; predominant purpose is the low-density housing and areas for education and social protection.

Limitations

- Unplanned, illegal construction
- Illegal construction in the zone of the infrastructure area
- Illegal construction in the narrow protection zone of the Zagorič water source

Advantages

- Position in the immediate city zone
- Good traffic connection
- Flat terrains that are in the category suitable for urbanization

Note: Data on the dimensions of the objects are given as a guide (based on satellite images). The accuracy of these data will be checked and determined in the process of legalization of facilities.

Explanation: The objects in question are not on the topographic-cadastral basis obtained from the Real Estate Administration and during the updating of the background they were not recorded, in the largest number cases, because the users of the space did not allow it. The processor recorded orientated dimensions of the objects in question in order to obtain more accurate records of the existing one conditions in the area of the Plan.

Table 4: Indicators of the current situation

<i>DUP "Zagorič 5"</i>	<i>zone A</i>	<i>zone B</i>	<i>zone C</i>	<i>zone D</i>	<i>zone E</i>	<i>TOTAL</i>
zone area	121871	98.953	201358	149731	120705	692619
ground floor area	12.198	15.117	19.499	22.329	21.066	90.208
gross construction area	20.454	25.348	31.701	32.293	37.615	147.411
occupancy index	0,10	0,15	0,10	0,15	0,17	0,13
construction index	0,17	0,26	0,16	0,22	0,31	0,21
area of the housing unit	150	150	150	150	150	150
number of housing units	136	169	211	215	251	983
number of household members	3,5	3,5	3,5	3,5	3,5	3,5
number of citizens	477	591	740	753	878	3440
inhabitants per hectare	39	60	37	50	73	50

Table 5: Number of buildings constructed - by ownership of the land

Number of buildings constructed - by ownership of the land	
Zone of the Capital	572
<i>Stamatovići zone (family name of the private owners)</i>	213
<i>Vučinići zone (family name of the private owners)</i>	168
Other private owners' zone	43
TOTAL	996

Several satellite images of the area





Spatial planning and purpose of constructions within the settlement

General guidelines for family housing facilities and multi-family housing facilities

- The maximum occupancy index is 0.3
- The maximum construction index is 0.9
- The maximum gross area of residential buildings is 500m² with a maximum of 4 residential units
- The maximum number of storeys of buildings is P + 2

Formation of openings towards the neighbouring plots is possible provided they are at least 2.0m from the plot border. A one-storey garage or auxiliary building can be built on the plot, area up to 30 m², provided that planning parameters are observed: distance from neighbour, index occupancy and construction index.

Roofs are sloping, gabled or multi-pitched - it is possible to design a flat roof. Parking may be provided within the building or in an open parking space within the plot. Border fencing is possible, including a transparent fence no higher than 1.40m or a hedge green fence.

Some examples of the planned multi-housing facilities to be built within the zone A, UP1 and UP141-UP154

Figure 3:Planned multi-housing facilities to be built within the zone A, UP1 and UP141-UP154



Areas for sports and recreation

It is possible to plan the construction of sports facilities including:

- Stadiums for football, athletics, handball, basketball, volleyball, tennis and so on
- Sports fields for outdoor sports



- Homologated tracks for various sports competitions
- Accompanying facilities, including locker rooms, showers, storage rooms for sports equipment

The following can also be planned on these areas:

- Catering facilities
- Smaller facilities for accommodation of visitors and athletes
- Facilities and contents of business, commercial and service activities

Areas for health care

Constructions that can be planned: health centres, ambulance, health station or other health facilities under the regulations of this plan.

Areas for central activities

These would be for a 'town centre' - business, commercial and service activities.

Area for cemeteries

On the urban plot 230 within zone C there is a cemetery with accompanying facilities. Planned interventions include arrangement and maintenance of the existing cemetery.

Traffic areas and other public areas

The plan includes areas for roads, sidewalks, parking lots, paths, and approaches. Roads are defined with rank, profiles, regulations and levelling. Precise guidelines are given in the chapter "Traffic Infrastructure".

In addition to this, it is necessary to provide urban and technical conditions for unimpeded movement of persons with disabilities (PwDs). It is necessary to enable access of PwDs to all public facilities, which includes providing unhindered wheelchair movement, access to appropriately dimensioned elevators, and sanitary facilities.

Greenery

The subject plan defines plots to be landscaped for public purposes. Greenery is also represented in the plan in housing and business areas. Landscaping is done within the plan within the guidelines given under "Landscape Architecture".

Electricity infrastructure

The subject plan defines the plots on which substations are located. Precise guidelines are presented in the Chapter "Electricity Infrastructure".

Urban indicators of the planned situation

Table 6: Total spatial and urban indicators of the plan

TOTAL SPATIAL AND URBAN INDICATORS OF THE PLAN	
Surface area	69.26 ha
Area of urban plots	515,979 m ²
Gross construction area under buildings	131,014 m ²

Gross construction area of buildings	360,365 m ²
Gross building area for residential purposes	340,732 m ²
Average area of a housing unit	180 m ²
Number of housing units	1,893
Gross construction area for business purposes	17,933 m ²
Average business unit size	60 m ²
Number of business units	299
Gross construction area for central activities	100 m ²
Gross construction area for health care	1,200 m ²
Gross building area for sports and recreation	400 m ²
Population (hab./households * 3.5)	6,625
Housing density	96 residents/ha
Occupancy index in relation to the plan coverage	0.19
Construction index in relation to the plan intervention	0.52
Occupancy index in relation to the area of urban plots	0.25
Construction index in relation to the area of urban plots	0.70

Programme of the spatial arrangement of Podgorica for 2020 for the relevant area

ref.no.	Description of works	Budget
8	The main project of the reconstruction of the road next to the City Cemetery in the settlement of Zagorič within DUP "Zagorič 5"	9.438,00€
87	Road next to the City Cemetery within DUP "Zagorič 5"	26.400,00€

5. INSTITUTIONAL CHART RELATED TO INFORMAL SETTLEMENTS

Figure 4: Institutional chart

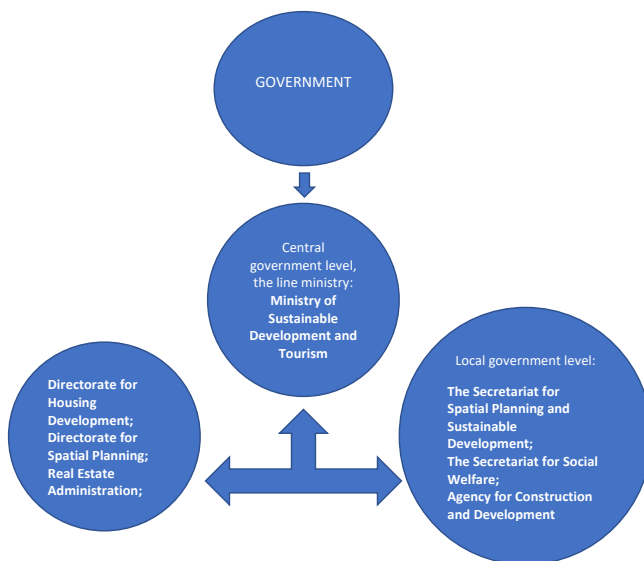


Central government level

- **The Ministry of Ecology, Spatial Planning and Urbanism** is responsible for implementing the law, using its Directorates for Housing Development and Spatial Planning.
- **Local government** implements the legalization process with its Secretariat for Spatial Planning and Sustainable Development, the Secretariat for Social Welfare, and the Public company founded by the municipality – the Agency for Construction and Development.

The Directorate for Housing Development performs activities related to:

- Development of strategies, programmes and projects in housing, social housing and illegal construction.
 - Monitoring their implementation.
 - Drafting and proposing laws and other regulations in the field of housing, social housing and legalization of illegal buildings.
 - Building a system of housing relations, including social housing.
 - Participation in the harmonization of national legislation with EU legislation in housing and social housing.
 - Housing cooperatives.
 - Private-public partnership in the field of housing, social housing and legalization of illegal buildings.
 - Management and maintenance of housing stock.
- **Directorate for Spatial Planning - department within the Ministry** - performs tasks related to:
 - Development of policies, strategies, projects, and programmes in spatial planning and



development, as well as monitoring and taking measures for their implementation.



- Participation in harmonization of national legislation with EU legislation on spatial planning.
 - Monitoring and implementation of international conventions in this area.
 - Drafting and proposing laws and other regulations on spatial planning and maritime property.
 - Participation in the preparation and giving of opinions on regulations prepared by other bodies.
 - Giving expert instructions and opinions.
 - Monitoring.
 - Conducting second-instance administrative procedure and making decisions in administrative matters and matters of administrative supervision within the competence of the Directorate.
 - Keeping records about the area.
- **Real Estate Administration of Montenegro** provides:
 - Security of ownership and lease.
 - Protection of State interests.
 - Loan guarantees.
 - The basis for land and property taxation.
 - Land market monitoring.
 - Reduction of conflicts of interest.
 - Implementation of land reform.
 - Improving the urban plan.
 - Land policy management - a system of statistical data.

The Director of Real Estate Administration, Mr. Dragan Kovačević, said in an interview for “Dnevne novine” newspaper, that the entire Montenegrin territory would be surveyed by 2023.^{ix}

“So far, how much of the territory of Montenegro has been surveyed?”

Mr Kovačević: “From 2010 up to date, we surveyed 606.000 hectares, out of total of 1.382.000 hectares. It’s almost half of the territory. Hopefully, we’ll finish it by 2023. We have bought a drone to record smaller cadastral municipalities.”

Local government level

- **The Secretariat for Spatial Planning and Sustainable Development** performs administrative tasks relating to:
 - legalization of illegal structures
 - systematizing and defining the list of illegal structures for which an application has not been submitted or which have not met legalization requirements, and applying to the relevant inspection and local administration authorities for a decision on alternative accommodation
 - keeping records on illegal structures

This Secretariat has created a special page within the Podgorica website where any interested citizen can gain detailed information about planning documentation, issued permits and other documentation for which the Secretariat is responsible.

Users also have access to other documentation not prescribed by the Law as mandatory – for example contracts, decisions on assignment, complete drafts of planning documents, or remarks from public hearings. This is part of the transparency of the Capital in preparing planning documentation.

- **The Secretariat for Social Welfare** oversees monitoring and enforcing laws and regulations in the area of:
 - i. spatial planning and construction of structures providing alternative accommodation for owners of illegal facilities and other regulations related to exercising the administrative body's functions.
 - ii. conducting administrative procedures providing alternative accommodation for owners of illegal facilities.
- **Public company founded by the municipality – Agency for Construction and Development.** This Agency is responsible for arranging construction land, including preparation for utility equipment and equipping construction land. According to the Decision on the fee for urban remediation, the Agency calculates the fee, estimates the costs of utility equipment and prepares the agreements. The Capital concludes these with the investors and the Agency represents the Capital in any disputes with them.

6. NATIONAL LEGISLATION ABOUT INFORMAL SETTLEMENTS

- *The key law is the Law on Spatial Planning and Construction of Structures, last amended on 06th of August 2020.*
- *Decision on the fee for urban remediation from 06 November 2020, "the amount, conditions, manner, deadlines and procedure for payment of the fee for urban remediation".*
- *Real estate taxes, fees for spatial usage – incomes from these will be used to build the missing infrastructure in these areas.*

1) The Law on Spatial Planning and Construction of Structures ("Official Gazette of Montenegro", No. 064/17 of 06.10.2017, 044/18 of 06.07.2018, 063/18 of 28.09.2018, 011/19 from February 2019 to June 2020) is the key Law that regulates *"the system of spatial planning, the manner and conditions of construction of facilities, legalization of illegal facilities and other issues of importance for spatial planning and construction of facilities."* (**Subject-matter, Article 1**)

"As of the day of entry into force of the present Law, the Law on Regularization of Informal Structures (Official Gazette of Montenegro 56/16, 13/17 and 47/17) and the Law on Spatial Development and Construction of Structures (Official Gazette of Montenegro no. 51/08, 34/11, 35/13 and 33/14) shall be repealed, except for the provisions of Articles 7, 16, 63, 64, 65, 67,67a and 162c which shall apply until the adoption of the General Regulation Plan of Montenegro." (**Repealing of law, Article 244**).

The provisions of this law were discussed earlier in this Report.

2) The Decision on the fee for urban remediation ("Official Gazette of Montenegro - Municipal Regulations", No. 039/20 from 6th November 2020) is directly related to the law, and prescribes *"the amount, conditions, manner, deadlines and procedure for payment of the fee for urban remediation"*.

There is continuous communication with local self-government which carries out this process, aimed at enforcing the law efficiently. It will result in an increased municipal budget through collection of fees for urban remediation, but also through collection of income from real estate taxes, as well as fees for space usage. These funds will be used to build missing infrastructure in these areas, resulting in an increase in quality of life.

The obligation to make an orthophoto of the territory of Montenegro is also provided by law. The orthophoto has been available on the Ministry's website since June 11, 2019. As required by law, orthophoto data was submitted to the Real Estate Administration to overlap orthophoto images with cadastral backgrounds. The next step is to cross-check the data on submitted requests for legalization with the data on Geoportal, which will result in local government discharging their legal responsibility of registering illegal buildings.

The Law also regulates "Alignment of Separate Laws", Article 243 which states that *"the provisions of separate laws and regulations regulating planning and construction matters shall be aligned with the present Law within 120 days as of the date of entry into force of the present Law."*

Bylaws for the implementation of legal provisions prescribing the legalization procedure

According to Article 164 of the Law, local self-government is are obliged, with ministerial consent, to adopt bylaws prescribing the conditions, manner, deadlines and procedure for paying a fee for urban remediation for illegal buildings.

Under the same article, with ministerial consent, local self-government units are obliged to adopt bylaws that will prescribe detailed conditions, procedure, and criteria for providing alternative accommodation. In case of removal of illegal primary residential housing local government is obliged to provide this to the owner and members of his family household.

Other related laws, bylaws, decisions, etc.

Constitutional provisions, Environment, Article 23

"Everyone has the right to a healthy environment. Everyone has the right to timely and complete notification of the state of the environment, in order to have a chance to influence important environmental decisions and the legal protection of these rights."

"Everyone, especially the state, has an obligation to protect and improve the environment."

Protection of natural and cultural heritage, Article 78

"Everyone is obliged to preserve the natural and cultural heritage of general interest. The state protects the natural and cultural heritage. "

Amendments to the Criminal Code

"from July 2008, construction without a construction permit is a criminal offense liable to imprisonment from 6 months to five years."

Law on Property Relations ("Official Gazette of Montenegro, No. 19/09")

“which regulates the right of ownership and other real rights on movable and immovable goods, as well as the manner of acquisition, transfer, protection and termination of these rights.”

Law on State Property ("Official Gazette of Montenegro No. 21/09")

“which regulates the use, management and disposal of goods that belong to Montenegro or local government.”

7. MAJOR FORMALIZATION EFFORTS AND PROJECTS ABOUT INFORMAL SETTLEMENTS AND UPGRADING OF THE INFORMAL SETTLEMENTS AT A COUNTRY AND CITY LEVEL – MUNICIPALITY

- e-Cadastre Project
- Geoportal of the Real Estate Administration
- Management Plan for Municipal Wastewater in Montenegro (2020-2035)
- Construction Programme for collection systems and facilities for the treatment of municipal waste
- The project "Collection and treatment of wastewater in Podgorica", related to wastewater sewerage construction plans within both formal and informal settlements

During 2019, the Real Estate Administration within the Land Administration and Management Project (LAMP)^x has implemented the e-Cadastre Project. This is a web application which downloads transcripts of real estate sheets and title deeds in electronic document form, using a qualified certificate with an electronic signature issued on a cryptographic token.

Also during 2019, a new **Geoportal of Real Estate Administration** was implemented, which enables searching and browsing services for metadata, spatial data and internet services for professional as well as public users. Currently available data include orthophotos for the entire territory of Montenegro map scale 1: 25,000, excerpts from the digital plan for cadastral municipalities, and real estate cadastre records.

On October 3, 2019 the Government of Montenegro adopted a Management Plan for Municipal Wastewater in Montenegro (2020-2035), an Implementation Plan of Urban Wastewater Directive 91/271 / EEC (DSPI), and Information on preparation and main elements of the Municipal Wastewater Management Plan in Montenegro (2020-2035). On November 28, 2019, they also adopted the Construction Programme for collection systems and facilities for the treatment of municipal waste.

On 24th January 2019, the Government implemented the project "Collection and treatment of wastewater in Podgorica". This was funded by a credit arrangement for 35 million euros between the German Bank for Development (KfW) and the Government of Montenegro. These projects are related to wastewater sewerage construction plans within both formal and informal settlements.

Procedure for delimitation of state and municipal property (determination of property rights)

Previously, the Ministry of Finance cooperated with the Property Administration of Montenegro and the Real Estate Administration, as well as municipalities in Montenegro to

implement activities set out in the Action Plan for the establishment of unique records of state property: a real estate register. To do this, the Ministry of Finance organized meetings with representatives of all regional units of the Real Estate Administration, the Property Administration, and representatives of municipalities. These meetings precisely defined the activities for establishing and keeping a state property record.

8. PROCESS OF REGISTRATION OF INFORMAL SETTLEMENTS IN THE PILOT CITY

- *Rulebook on Application Forms, Statements and Reports in the Procedure of Legalization of Illegal Structures ("Official Gazette of Montenegro", No. 92/2020 of 9th September 2020):*

"Within the procedure of legalization of illegal objects, the following are to be submitted:

1) request for the legalization of an illegal object given to form 1

2) request for the legalization of a part of an illegal object given on form 2

3) report of the company authorized to audit technical documentation and expert supervision on the existence of an illegal object on the orthophoto and compliance of the illegal object with the basic urban parameters and/or guidelines of the valid planning document given on Form 3

4) statement of the auditor that the illegal object was built by the basic urban parameters and/or guidelines of the valid planning document, which is given on Form 4

5) a statement from the company authorized to prepare technical documentation and construction, which examined the static and seismic stability of the illegal building with a net area of up to 500 m², that the building is suitable for use given on form 5

6) a statement from the company licensed for the preparation of technical documentation and construction that the illegal facility with a net area of over 500 m² is suitable for use, which is given on form 6

7) statement of the owner of the illegal object, that they are responsible for the damage caused to third parties caused by the use of the object given on form 7

8) request for land purchase, given on form 8

The forms referred to in paragraph 1 of this Article are an integral part of this Rulebook."

Submitting the applications for legalization

- The procedure for legalization of an informal structure is initiated by the owner filing an application.
- This should be accompanied by a survey of the informal structure's condition made by a licensed geodetic organization which certifies the Cadastre.
- Photos of all facades of the informal structure must be submitted in jpg format with a minimum resolution of 2 megapixels.
- A recognized company must submit a report about the informal structure on the orthophoto image and its compliance with basic urban guidelines, verified by an auditor's statement.
- Records of the structure must be submitted: an excerpt from the real estate Cadastre or other appropriate real estate records.

If the applicant meets these requirements, the relevant authority is obliged to send an invitation to the submitter within 15 days to submit the following documents within 120 days: (Art. 158, Law)

- vi. Proof of resolved property-legal relations on the land on which the illegal structure was built.
- vii. Proof of regulation of relations concerning fee payments for urban remediation.
- viii. Proof of regulation of relations in terms of special fee payments for legal investments regulating the regional water supply of the Montenegrin coast.
- ix. Analysis by a recognized company examining static and seismic stability of any illegal structure with a net area below 500m², and their statement that the building is suitable for use.
- x. Analysis by a recognized company examining static and seismic stability of any illegal structure with a net area over 500m², and their statement that the building is suitable for use.
- xi. For a primary residential housing and ancillary facility with an area of up to 40m², a certified statement of the facility owner may be submitted instead of proof of seismic stability, stating they are responsible for damage to third parties caused by facility use.
- xii. In addition to evidence of right of ownership of land or structure, the following documents should be submitted:
 - confirmation of number of household members,
 - confirmation their residence in the place where the informal structure has been built,
 - that the owner and the household members do not own another residential structure, or residential unit in Montenegro.

Land repayment

If the State owns or manages the land on which an illegal structure has been built, transfer can be carried out legally by direct agreement based on the application of the illegal structure owner that filed the legalization application. The value of the land may be repaid through a maximum of 240 equal monthly instalments for illegal structures serving as primary residences. For other illegal structures the maximum is 120 equal monthly instalments.

Fee for urban remediation

The owner of an informal structure pays a fee for urban remediation; this is paid for all informal structures and is determined by the relevant local government body. The amount depends on the zone, the degree of land utility, average costs, costs of urban remediation measures affected by the informal structure, methods of payment and the type and purpose of the facility.

For informal structures, the fee is increased by five per cent if the increased amount is paid in one tranche, or 20 per cent if the owner of the informal structures requires that the increased amount be paid in instalments. For informal structures of primary residence, the fee is increased by 2.5 per cent whether it is paid in one tranche or in instalments.

The amount, conditions, manner, deadlines, and procedure for fee payment for urban remediation are set by the relevant local government body, with prior Government consent.

The amount of compensation per m2 of net area of an informal structure and per m2 of open space on a plot intended for performing economic activities, is:

Table 7: Reference prices

ZONE	Ia	I	II	III	IV	V	VI
rate, €/M ²	141,56	136,68	97,63	73,22	63,46	48,81	0

According to the Decision on urban remediation fee, a local government unit may reduce the compensation for:

- By up to 80 per cent for ancillary facilities used by residential and other facilities such as underground and aboveground garages, swimming pools, pantries, septic tanks, wells and fences.
- Up to 50 per cent if it is a primary residence.
- Up to 90 per cent if an owner or member of the family household has priority right to social housing.

One-tranche payment means payment of the fee in full within 15 days from the day of concluding the contract. In this case the owner has the right to a reduction, as follows:

- for facilities up to 200m², total net area - by 30 per cent of the calculated value of the fee, except for primary residence housing
- for facilities up to 500m² of the total net area by 20 per cent of the calculated value of the fee, except for primary residence housing
- for other facilities by 15 per cent of the calculated value of the fee

Estimated costs for an individual building of the primary housing located in zone 4, which is the most represented by informal structures of approx. 100m².

Utility remediation fee: $100 \times 63,46 = 6,346\text{€}$, reduced by 50 per cent for primary residence = 3,173€

Spatial usage fee (approx.): $100 \times 5 = 500\text{€}$

Notary statement on taking over the damage caused to third parties due to seismic hazard: 100€

Geodetic survey of the object: 100€

Other costs related to administrative taxes, issuing of documents etc. (approx.) = 100€

Total estimated cost: 3,973€

Legalization approval/Decision issuing

The Cadastre is obliged within 20 days from the day of receipt of the decision on legalization to enter a note with:

- 1) the name of the issuer, with number and date of issuance of the decision
- 2) confirmation that the owner's statement, certified by a competent authority or authorized person, has been submitted, and they are responsible for any damage to third parties caused by the use of the facility
- 3) information on the manner of fee payment for utility of construction land and special fee

4) data on the compliance of the building with guidelines from the planning document, the guidelines of the chief city architect

The Cadastre is obliged to delete the entry in the "G" sheet, of the real estate certificate, which refers to the fact that the auxiliary facility was built without a construction permit, or contrary to the construction permit, within 20 days from the day of receipt of the decision on legalization.

Harmonising external appearance of the informal structure

The owner is obliged to match the external appearance of the illegal building with guidelines for harmonization from the planning document within three years of the day the legalization decision is enforced.

Spatial usage fee

Owners of informal structures for which no request for legalization has been submitted, and owners of informal structures which have been rejected for legalization are obliged to pay an annual fee for usage of space to the local government unit. This is payable until the structure is removed.

The annual fee can vary from 0.5 per cent to 2.0 per cent of average construction prices per m² of newly-built residential buildings in Montenegro published by the administrative body responsible for statistics, for the year preceding the year for which the fee is determined. The local government unit must use the funds earned for urban remediation and to provide alternative accommodation.

Alternative accommodation

In case of removal of a primary residence informal structure the local unit self-government is obliged to the owner and members of their family households provide alternative accommodation. This can be provided by renting an apartment, providing compensation for rent, or some other way. The manner of security or type of alternative accommodation is determined by the local government body.

Penalty provisions

Legal entities shall be punished for misdemeanours with fines ranging from €5,000 to €40,000 described in Articles 203-207. Responsible persons in state administration bodies shall be punished for a misdemeanour with fines ranging from €500.00 to €4,000, described in Articles 208-210. Fines of EUR 500 to 4,000 can be imposed for a misdemeanour by a regular citizen, described in Article 211.

9. COVID-19 impact on the selected informal settlement

Recent Economic Developments and Social Impact^{xi}

- The COVID-19 crisis has exposed the limits of Montenegro's fiscal buffers and its general vulnerability to external shocks.
- The economy is projected to contract by about 12 per cent in 2020, the deepest recession in two decades.
- The unprecedented crisis has reversed recent employment gains and poverty reduction, though wage subsidies and other crisis mitigation measures have so far prevented even more unemployment.
- The loss of revenues is expected to widen the fiscal deficit in 2020 to about 12 per cent of GDP.
- The economy is forecast to grow strongly in 2021 but the full loss in GDP will not be recovered until 2022.

MONTENEGRO	2017	2018	2019	2020e	2021f	2022f
Real GDP growth (percent)	4.7	5.1	4.1	-12.4	6.9	4.2
Composition (percentage points):						
Consumption	3.2	5.2	2.9	-9.7	5.8	4.7
Investment	8.0	4.9	0.8	-9.3	3.2	-1.6
Net exports	-6.5	-5.0	0.4	6.7	-2.2	1.1
Exports	0.9	3.4	2.7	-23.1	17.7	4.4
Imports (-)	7.4	8.4	-2.3	-29.8	19.9	3.4
Consumer price inflation (percent, period average)	2.4	2.6	0.4	-0.2	1.5	1.4
Public revenues (percent of GDP)	41.4	42.0	43.3	41.3	42.9	42.3
Public expenditures (percent of GDP)	47.0	46.6	46.2	53.0	48.0	43.9
Of which:						
Wage bill (percent of GDP)	11.8	11.2	11.0	13.2	12.5	11.9
Social benefits (percent of GDP)	12.5	11.7	11.2	13.6	12.5	12.1
Capital expenditures (percent of GDP)	7.8	8.5	8.7	6.0	6.3	4.4
Fiscal balance (percent of GDP)	-5.7	-4.6	-3.0	-11.7	-5.2	-1.6
Primary fiscal balance (percent of GDP)	-3.3	-2.4	-0.8	-9.2	-2.4	0.9
Public debt (percent of GDP)	64.2	70.1	76.5	92.9	94.2	89.7
Public and publicly guaranteed debt (percent of GDP)	69.1	74.1	80.0	97.0	97.9	93.2
Of which: External (percent of GDP)	57.9	64.6	68.1	83.5	86.2	83.0
Goods exports (percent of GDP)	8.9	9.4	9.4	9.2	9.5	9.7
Goods imports (percent of GDP)	52.2	53.3	51.1	42.0	48.1	47.0
Net services exports (percent of GDP)	19.8	20.1	20.6	10.0	18.9	20.3
Trade and services balance (percent of GDP)	-23.5	-23.9	-21.1	-22.7	-19.7	-17.0
Remittance inflows (percent of GDP)	3.9	4.0	4.0	3.6	3.8	4.0
Current account balance (percent of GDP)	-16.1	-17.0	-15.0	-16.8	-13.8	-11.0
Net foreign direct investment inflows (percent of GDP)	11.3	6.9	7.0	4.5	6.5	6.5
External debt (percent of GDP)	160.1	163.9	n.a.	n.a.	n.a.	n.a.
Real private credit growth (percent, period average)	4.4	5.9	6.7	n.a.	n.a.	n.a.
Nonperforming loans (percent of gross loans, end of period)	8.4	7.4	5.1	n.a.	n.a.	n.a.
Unemployment rate (percent, period average)	16.1	15.2	15.1	n.a.	n.a.	n.a.
Youth unemployment rate (percent, period average)	31.7	29.4	25.2	n.a.	n.a.	n.a.
Labor force participation rate (percent, period average)	54.7	56.0	57.4	n.a.	n.a.	n.a.
GDP per capita, PPP (current international \$)	19,627	21,236	22,989	19,362	21,071	22,605

Sources: Country authorities, World Bank estimates and projections.

Montenegro must now deal with its deepest recession in two decades. Economic activity was expected to fall off from the 4.1 per cent growth in 2019, but in 2020 the COVID-19 crisis has dragged the economy into a recession estimated at 12.4 per cent.

Tourism, the sector most affected, accounts for almost 25 per cent of GDP. After growing by 2.7 per cent in Q1, GDP fell by 20.2 per cent in Q2, primarily driven by a sharp decline in private consumption and investment, while net exports contributed positively to growth. High frequency and sentiment indicators suggest the recovery was slow when the economy

reopened. In July, retail trade contracted by 32 per cent, and international tourist overnight stays were only 6 per cent of last year, while industrial production recovered and recorded a modest decline of 1 per cent. Due to disruptions in international travel and a steep second wave of COVID-19 in the Western Balkans after mid-June, the 2020 tourism season is expected to be the worst on record. Since tourism usually peaks from July to September, tourism receipts in 2020 are expected to drop from 2019 by 75 per cent, pushing down exports of goods and services by an estimated 45 per cent.

As a result, private consumption is estimated to decline by 12.5 per cent, though government consumption is expected to rise by 6.6 per cent. Meanwhile, high uncertainty, disruptions in supply chains, and restrictions on worker movement are projected to reduce investment, including construction of the motorway priority section, by an estimated 21 per cent. Lower investment and consumption and plummeting tourism are expected to cause imports to contract by 32 per cent.

The crisis has wiped out recent employment gains. Over 80 per cent of jobs in Montenegro are in services, which have been heavily affected by the crisis. The administrative data show that by July, employment had plunged 9 per cent. While all sectors registered declining employment, the labour-intensive tourism, retail, and construction sectors were hit the hardest. Registered unemployment rose from 34,576 in July 2019 to 42,367 in July 2020. Households are therefore suffering from lost jobs and income. Still larger layoffs were prevented by the government wage-subsidy programmes for the most affected sectors, which supported over 64,000 employees, almost half of all in formal private jobs. Poverty, defined as income below the standardized upper-middle-income-country poverty line of \$5.5/day in 2011, is estimated to increase by around 2 percentage points to 20.4 per cent in 2020. The fiscal deficit is expected to widen to 11.7 per cent of GDP.

In the parliamentary elections held on August 30, opposition-led coalitions won a majority. A new majority coalition announced it would form a technical government. The new government will face the unprecedented challenge of mitigating the economic and social impacts of the crisis and facilitating an economic recovery with fiscal and external imbalances high and still rising.

Health care system

Organization and financing health care in Montenegro is founded on the dominant role of the public sector in providing and ensuring resources. Health care is based on compulsory health insurance. Contributions are paid according to employee gross earnings. The costs of the healthcare system in Montenegro are relatively large, given the fact that it is a country of only 0.6 million citizens. These annually amount to over EUR 200 million, or about 9 per cent of the total expenditure of the state budget: more than 4 per cent of the Montenegrin GDP. From 2014 to 2019, health insurance contributed more than EUR 1.2 billion to health care, of which 82 per cent went to healthcare institutions, about 16 per cent for the Health Insurance Fund, and 2 per cent of funds were assigned to the Institute for Public Health.

The rights and obligations of citizens in accessing health care^{xii} under the Health Care Act and Patients' Rights Act, among others, give the patient the right to choose a doctor and be informed on their health condition and ways of providing health care services. Patients have self-determination in everything regarding their life and health, except if their decisions would endanger themselves or others. They also have the right to:

- access their medical records and documents
- seek other professional opinions
- privacy and confidentiality
- timely health care
- objection
- compensation for damages

Amendments to the law are related to forming the Ombudsman Service for patients, which is defined by the director of the health care institution, and the punishment if patient's rights are violated. Consistent implementation of these legal provisions will significantly improve the status and autonomy of patients within the health care system, minimising possibilities for action not in their interest.

During the pandemic, the health authorities, under the leadership of the National Coordination Team (NCT), implemented all WHO-issued recommendations for controlling infection for all citizens and businesses. Solidarity was very evident, and communication between the health system and citizens was extremely positively assessed by the public. It can be said with certainty that to no one has been denied the right to treatment regardless of whether they are residents of legal or illegal settlements, because the right to health care is not based on these parameters. The same applies to basic human rights, social protection rights, rights to education and access to public services.

Pandemic situation and its impact on process of legalization progress

Montenegro is currently in second place in Europe, and the third in the world in terms of the number of infected per 100,000 inhabitants. However, from conversations with focus groups of local and central government representatives who were directly responsible for the process of legalization of informal structures, it was concluded that the pandemic itself did not significantly affect the work of these bodies. However, the slowing of service provision due to the high infection numbers among employees in these institutions as well as residents, led to flexibility in deadlines for submitting requests for legalization, as well as their implementation. *For detailed information on the health situation, see 9.1.*

10. RESPONSE MEASURES TO COVID-19 AT NATIONAL AND LOCAL LEVEL

The government adopted a set of measures to mitigate the impact of the crisis. These included:

- three-month deferrals of taxes and contributions (valued at €45 million)
- Investment and Development Fund of Montenegro (IDF) loan repayment deferrals (€160 million)
- IDF credit lines of €150 million, wage subsidies for the most affected sectors (€50 million)
- support for tourism (€19 million)
- support for agriculture (€8 million)
- supplementary cash transfers for the vulnerable (€4.2 million).

The measures tracked most EU policy responses and were well-targeted. However, a significant share of the vulnerable population in the informal sector may have received little support. Efforts are needed to identify this group and help them to maintain their livelihoods. The government has presented an ambitious medium-term investment plan to support post-COVID economic recovery.

The financial sector has been resilient so far. The Central Bank of Montenegro (CBM) issued a 90-day moratorium on loan repayments, initially universal but later extended only to the most affected sectors. To further encourage bank lending, the CBM lowered reserve requirements by 2 percentage points. By August bank lending had grown by 7 per cent, driven primarily by loans to households (7 per cent) and the private sector (8.59 per cent).

The civil sector has also made its contribution in terms of first response to the humanitarian crisis. The Red Cross of Montenegro, in cooperation with local Centres for Social Welfare, works on providing basic foodstuffs and hygiene kits for the most vulnerable people. They are assisted by NGOs which provide data on citizens in social need who are not on official lists or beneficiaries of social benefits. There are many such people in Montenegro, and on this unfortunate occasion, they were among the most greatly affected.

Country-specific information related to health sector response measures to COVID-19^{xiii}

On 24 November 2020, the Government of Montenegro confirmed that there were 11,143 active cases of coronavirus (COVID-19) within its borders. Since the beginning of the pandemic, a total of 21,618 cases have been identified, including those recovered, currently active and those who died. Daily information can be found at <https://www.coronainfocg.me/>. On July 21, 2020, the Government of Montenegro declared that there was an epidemic of COVID-19 throughout the entire territory of Montenegro.

The Government of Montenegro publishes all measures in force to prevent the spread of COVID-19 in English at https://www.gov.me/en/homepage/measures_and_recommendations/.

11. CHALLENGES, GAPS, AND NEEDS IN THIS CONTEXT^{xiv}

Basically, any informal construction is not just an illegal appropriation of rights and use of land, but, typically, avoids payment of fees for various uses of public infrastructure, shifting the costs to those who build and work legally. Illegal construction is not only related to construction in unhygienic settlements and unregulated urban planning areas. It is often also located in central urban zones, suburb zones, protected zones of natural and cultural assets, national parks, planned infrastructure corridors and so on. Therefore, these facilities can range from modest, low-quality buildings, often without elementary utility contents, to high-quality, even lavishly-built buildings with good utility infrastructure.

A significant problem in Montenegro is informal construction in the most attractive areas, along the coast, in protected natural areas, where the goal of the informal construction is not the solution of existential issues, but the acquisition of material benefits, mainly on damage to the public interest and endangering public goods. In this regard, obligations of certain categories of informal builders towards the State, which should be also fiscally expressed. In addition, unplanned construction puts additional pressure on natural resources and the environment, especially in terms of water pollution.

Informal, basically poor-quality construction, inadequate design of buildings, by occupying and shredding agricultural plots, by illegally connecting to the public infrastructure, thus a

series of contradictions that characterize any informal construction, is annulled fundamental rationality of the planned usage of space.

As a rule, the public is for order, legality, and legal security, but when it comes to sanctions for informal building citizens and the public are less determined. An informal builder who threatens interest of the immediate neighbour, community, public interest, functional use of public areas, finds it difficult to accept the sanctions of removing an informal construction.

Informal construction is significantly influenced by economic, political, and social circumstances.

Among a number of causes of informal construction, the following can be singled out:

- social,
- economic,
- professional and urban planning,
- administrative and legal.

Social causes

Informal construction was flourished especially in the nineties. The whole settlements "emerged" back then with informally constructed buildings. The unfavourable economic situation and complicated procedures for obtaining a building permit were the starting point for the construction of informal housing, from the ground up. Lack of work in less developed parts of Montenegro has led to displacement of population in more economically developed areas. Migration processes in which the arrival of people, lack of housing as well as social instability created the need to build houses in several phases and they did so themselves, so it is the poor population considered the project and the building permit a cost which, although with a certain risk, can be avoided.

Economic causes

The attractiveness and profitability of the coastal area is marked by the global trend of littoralization, i.e. relocation of the population to these areas, which further encouraged informal builders. There is also a lack of a better way to store savings (buying stocks, investing in economic endeavours), so capital was directed to the only possible type of entrepreneurship – construction facilities. Many have seen investment in housing construction an opportunity for making quick money, either from capital gains, seasonal income, or from leases.

Administrative causes

Problems that are particularly expressed in the planning system itself, and which favour development of negative trends are: obsolescence of part of the planning documentation, insufficient coverage with the spatial urban plans, lack of capacity at the local level for preparation of the necessary spatial planning documentation, as well as weaknesses in the system of implementation of plans (i.e. non-compliance with plans).

Legal causes

Legal regulations are also recognized as a special and specific generator of informal construction in the earlier period. Inefficient processing of examples of usurpation of state property by construction of illegal buildings resulted in the expansion of construction on state land, which seriously affected the disturbance of the purpose of the areas determined in the plans. Informal construction was previously treated as a misdemeanour, and connection to



infrastructure systems was not sanctioned, so informal builders approached the construction of these facilities without fear of sanctions. It should be added that the issues of possible "regularization" were sporadically approached to solve this problem. Another important issue that needs to be tackled and a suitable solution need to be found - is the prevention of illegal building - by whom, how, which method is the most adequate to be used according to the state parameters in this matter.

Consequences of informal construction

Sociological demographic changes

The processes of littoralization and urbanization, along with the uncontrolled expansion of cities, accelerate the emptying of rural areas.

Property-legal changes

Violations of property (usurpation of private and state land) result in a number of conflicts and litigation.

Spatial planning changes

The removal of informally constructed buildings is considered unreasonable because most of them have an intended purpose and are inhabited.

Changes in inspection

A large number of informal facilities, and a small number of inspectors, conditioned the professional approach to inspection replaced by the detection of informal construction on the principle of "has-or not" building permit.

Changes in utility equipment

Inadequate capacities of utility infrastructure are evident. Informally built facilities most often occur near larger urban centres in places of somewhat developed infrastructure.

Changes in the field of cultural heritage protection

Instead of active protection of architectural heritage, endangerment and even permanent loss are common properties of individual cultural goods, as well as cultural and historical values of individual units.

Changes in the field of environmental protection

Uncontrolled spatial management jeopardizes the applicability of the concept of sustainable development and station the reason for the permanent change of bio-ecological systems.

"Quality" of construction

Informal constructions endanger the construction profession at its roots. Buildings permits, at a large extent, have not been subjected to the process of verifying the applicability of standards, both during the design and the execution of works, especially from the aspect of seismic risk.

12. RECOMMENDATIONS FOR LOCAL AUTHORITIES

Background. In accordance with the findings and consultation held with the authorities, one general conclusion can be drawn in the context of COVID-19 recovery actions for informal settlements and the citizens live within them - all residents should be treated equally according to their social status and needs. In addition, it is important to consider the new political situation in the country. As of 4th of December 2020, The Montenegrin Parliament elected the new Prime Minister, the 42nd Government in the country's history, and the first after three decades in which President Milo Djukanovic's Democratic Party of Socialists will not be present. Many changes have occurred in the very constitution of the current government (number of ministries, change of persons in management positions, etc.), and it is too early to talk about the assumption of changing and/or correcting the programme and legal solutions related to the legalization of informal settlements. Therefore, the recommendations given at this time are related to the current situation and the needs expressed by local and central authorities, with the premise that more specific data in the context of the COVID-19 pandemic and its impact on informal settlements - could not be separated from the other needs of people who live in formal settlements, and are in social need or are struggling with lifestyle problems, poverty, etc.

Below is a general overview of the recommendations, as well as those that could be applied in the context of the current epidemiological situation.

General recommendations related to the prevention of illegal building and enforcement of the legalization process

Social

- *to monitor internal migration to more economically developed areas in terms of attempt to build illegally;*

Economic

- *to improve the methodology of registering and creating a separate Register of informal structures/settlements;*
- *to connect systematically the relevant institutions and fully include their capacities while registering;*
- *to improve the system of charging fees and taxes, aimed to invest in the infrastructure of illegal settlements;*

Professional and urban planning

- *to update/adapt and to create the planning documentation as described by the legal timeframe;*
- *to build the capacity at the local level for preparation of the necessary spatial planning documentation, as well as to overcome weaknesses in the system of implementation of plans (i.e., non-compliance with plans);*

Administrative and legal

- *to strengthen the inspection capacities (by number of inspectors and by a systematic approach to them by Law prescribed competencies and professional capabilities);*
- *to efficiently monitor cases of usurpation of state property, and to apply the legal sanctions to those who build illegally, and attempt the connection to infrastructure systems illegally;*



*Above all, an important issue that needs to be tackled and a suitable solution found - the **prevention of illegal building** - by whom, how, which method is the most adequate to be used, applicable positive experiences and lessons learned from EU and neighbouring countries to be shared with. **To analyse** informal settlements accordingly, to **making the legislative framework applicable**.*

Recommendations in context of COVID-19

- To keep providing health and social care to vulnerable categories living in informal settlements by coordinated action from the local and central competent authorities and CSOs;
- To assess the needs for provision of internet connection and electronic devices (PCs, tablets, mobiles etc.) for children attending the school online;
- To act accordingly to findings and find the solution, for families in socially vulnerable status, for internet coverage, and to provide adequate devices for children in order to smoothly follow the lessons online;
- To revise (in the near future, according to political developments) the actual programme of legalization and legislative framework to implement lessons learned from to date experience and to upgrade it accordingly;



ANNEX I. LIST OF SOURCES

The list of Sources of Information and Material used:

- EU Commission - European Neighbourhood Policy and Enlargement Negotiations
- Social Housing programme Montenegro 2017-2020
- The World Bank – DOINGBUSINESS Measuring Business Regulations
- Report on the state of Spatial Planning for 2019, Government of Montenegro, 2nd July 2020
- The Plan for Converting Informal Settlements into Formal and Regularization of Building Structures with Special Emphasis on Seismic Challenges of the Government of Montenegro, 2010
- DUP “Zagorič 5”
- Glossary of Environment Statistics, Studies in Methods, Series F, No. 67, United Nations, New York, 1997
- News portal - CdM
- Land Administration and Management Project (LAMP) (worldbank.org)
- Western Balkans Regular Economic Report: Fall 2020 (worldbank.org)
- COVID-19 Information (Updated: 11/24/2020) | U.S. Embassy in Montenegro

ⁱ EU Commission - European Neighbourhood Policy and Enlargement Negotiations

ⁱⁱ Social Housing programme Montenegro 2017-2020

ⁱⁱⁱ [Understanding Oblique Aerial Imagery – Geospan Corporation](#)

^{iv} The World Bank – [DOINGBUSINESS Measuring Business Regulations](#)

^v Report on the state of Spatial Planning for 2019, Government of Montenegro, 2nd July 2020

^{vi} *The Plan for Converting Informal Settlements into Formal and Regularization of Building Structures with Special Emphasis on Seismic Challenges* of the Government of Montenegro, 2010

^{vii} Glossary of Environment Statistics, Studies in Methods, Series F, No. 67, United Nations, New York, 1997

^{viii} DUP “Zagorič 5”

^{ix} [The entire territory of Montenegro will be surveyed by 2023 - CdM](#)

^x [Land Administration and Management Project \(LAMP\) \(\[worldbank.org\]\(http://worldbank.org\)\)](#)

^{xi} [Western Balkans Regular Economic Report: Fall 2020 \(\[worldbank.org\]\(http://worldbank.org\)\)](#)

^{xii} Research “Integrity Assessment of the Health Care System in Montenegro”, 2011

^{xiii} [COVID-19 Information \(Updated: 11/24/2020\) | U.S. Embassy in Montenegro](#)

^{xiv} *The Plan for Converting Informal Settlements into Formal and Regularization of Building Structures with Special Emphasis on Seismic Challenges* of the Government of Montenegro, 2010

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