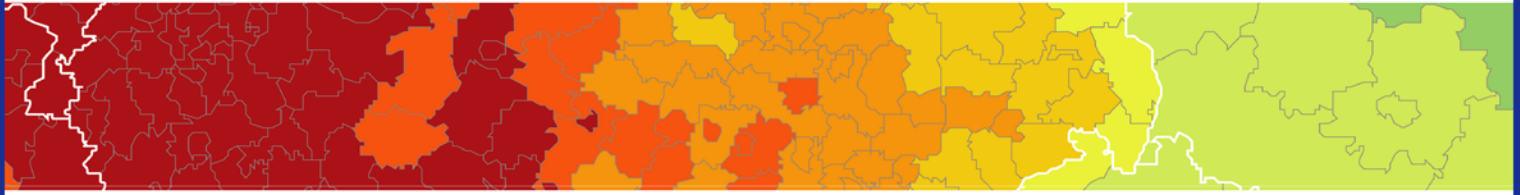


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# COMPASS – Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe

Applied Research 2016-2018

**Final Report - Additional Volume 5  
Additional Countries Feasibility Report**

# **Final Report - Additional Volume 5 – Additional Countries Feasibility Report**

This applied research activity is conducted within the framework of the ESPON 2020 Cooperation Programme.

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**Final Report - Additional Volume 5 - Additional Countries  
Feasibility Report**

# **COMPASS - Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe**

**Version 10/10/2018**

**Disclaimer:**

This document is an additional volume of a final report.

The information contained herein is subject to change and does not commit the ESPON EGTC and the countries participating in the ESPON 2020 Cooperation Programme.

The final version of the report will be published as soon as approved.



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## 1. Introduction

The ToR require investigation of the 32 countries participating in the ESPON 2020 Cooperation Programme (i.e. the 28 EU Member States + Iceland, Liechtenstein, Norway and Switzerland). Furthermore, the Tender states that 'the service provider should assess the data situation for the EU candidate countries (i.e. Albania, The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey) and/or the other countries of the Western Balkans (i.e. Bosnia and Herzegovina and Kosovo under UN Security Council Resolution 1244), and report their findings in the Inception Report.

This annex reports on the data availability concerning territorial governance and spatial planning systems in the candidate and other countries and, on the basis of this investigation, elaborates a set of recommendations for further action.

### 1.1 Components of the feasibility study

A brief review of territorial governance and the spatial planning system in each of the 'additional countries' was undertaken, together with an assessment of the potential to complete a full analysis. The feasibility study included:

- a preliminary overview of the geographical and socioeconomic situation (to provide a picture of the context within which the territorial governance and spatial planning system operates);
- the position where the country stands in relation to the EU including state-of-art of the candidature/accession process and related negotiations, signed treaties, etc.;
- territorial administrative subdivision and entities responsible for spatial planning at each territorial level;
- the legal framework for spatial planning, including evolution of the country's spatial planning legislation since 1989;
- the main spatial planning tools at each territorial level, as they are defined in the most recent spatial planning legislative documents;
- the main spatial planning challenges and relevant issues on the spatial planning agenda;
- the role of the planning profession in the country and status of planning education within academic institutions;
- a preliminary list of experts (academics, practitioners, policy and decision makers etc.) that may be contacted through interviews, questionnaires, etc., in order to undertake a more detailed study, and relevant literature; and
- assessment of the case for or against the inclusion of the country as a full-study country in the ESPON COMPASS research project; and recommendation.

### 1.2 Findings and recommendation

The collection of the information listed in the section above proved feasible for all seven countries. There is access to relevant literature (although in some cases covering only partially the issues to be addressed) and local experts who can be addressed through



questionnaires and face-to-face interviews. There is therefore sufficient information to perform an analysis of territorial governance and spatial planning to the same depth as the EU 28+4 countries.

The ESPON COMPASS Consortium has relevant knowledge of the additional countries. UCD has already undertaken relevant research on territorial governance and the spatial planning system of the Former Yugoslav Republic (FYR) of Macedonia, of Montenegro and of Serbia. Similarly, the Politecnico di Torino has already undertaken relevant research on the territorial governance and spatial planning systems of Albania, Bosnia and Herzegovina and of Kosovo. Istanbul Technical University was employed as a sub-contractor for the report on Turkey and confirmed its willingness to extend the study.

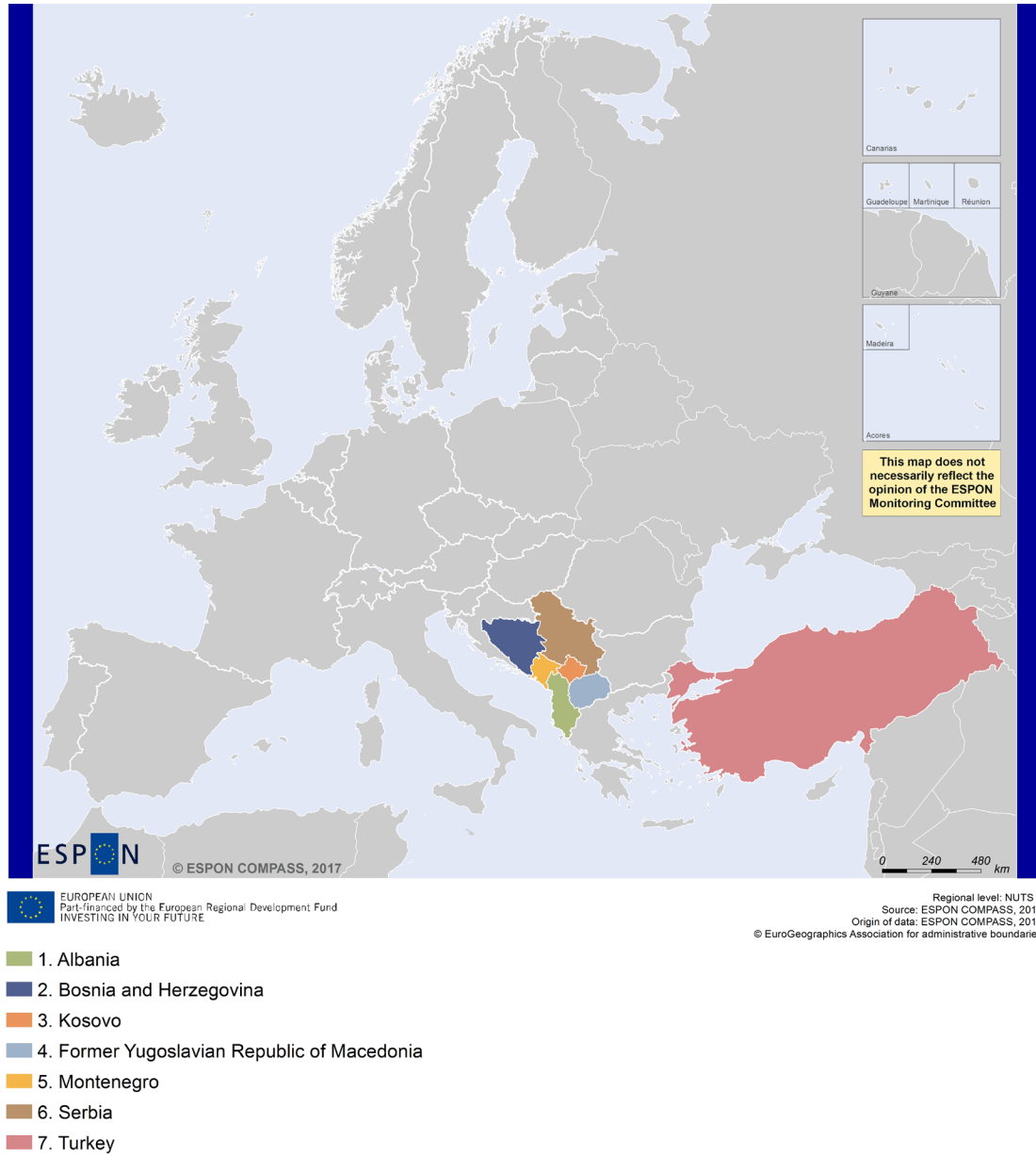
Although the additional countries are not yet EU Member states, each is involved to some degree in the scope of one or more EU policies, from the mainstream objective of European territorial cooperation to the Instruments of Pre-Accession (IPA), European Neighbourhood and Partnership Instruments (ENPI), and related programmes (SIGMA, TWINNING etc.). Thus the EU already plays a role in shaping the territorial governance and spatial planning system and exerts impacts in concrete practice. However, there is limited knowledge of territorial governance and spatial planning in these countries, with perhaps the exception of Turkey, and especially the influence of the EU over domestic spatial planning and the relation between EU policies and spatial planning.

There was a strong argument for including the countries. The EU candidate countries may relatively soon become EU member states, and Bosnia Herzegovina and Kosovo may relatively soon be granted EU candidate status. There seems to be no reason why the additional countries should not be included in an 'authoritative and comparable reference on spatial planning systems, policies and territorial governance throughout Europe'. The countries most definitely belong geographically to the European continental space.

Therefore, on the basis of the findings from the preliminary study of territorial governance and spatial planning of the EU candidate countries (Albania, FYR Macedonia, Montenegro, Serbia and Turkey) and the other countries of the Western Balkans (Bosnia Herzegovina and Kosovo), we recommended that they all be included as full-study countries in the ESPON COMPASS analysis. That is they should have been included on an equal footing with the EU28+4.

The ESPON COMPASS Tender explicitly opens the possibility to put in place a complementary contract. In other words, '[i]f need be, the contracting authority reserves the right to conclude a complementary contract with the successful contractor. The budget of this complementary contract would be further defined depending on the complementary tasks and work to be implemented with the limit of increasing the budget to a maximum of 30%'. Figure 1 lists and shows the location of the additional countries within Europe.

Figure 1. COMPASS additional countries



## 2. ALBANIA

### 2.1 Preliminary overview of the geographical and socioeconomic situation

Albania is geographically located in the Western Balkan Region<sup>1</sup> confined to the Republic of Montenegro in the North, to Kosovo in the North-Est, to FYROM (Former Yugoslav Republic of Macedonia), to Greece in the South and to Adriatic sea in the West. Important data on geographical and socioeconomic characteristics of Albania are presented in Table 2.1.

Table 2.1 Geographical, socioeconomic and settlement structure situation

<b>Geographical Information<sup>2</sup></b>	
Territorial surface	28 748 km <sup>2</sup>
Total Population	2 894 475 inhabitants
Density	100, 68 pop/km <sup>2</sup>
Population growth rate (1990-2014)	Decreasing almost 9%
Urban Population (2013)	55%
<b>Socioeconomic Data<sup>3</sup></b>	
GDP Total	11,3 billion
GDP per capita	3897 USD
GDP rate growth (2014)	2.2 %
<b>Settlement Structure<sup>4</sup></b>	
<i>Qarku</i> or Prefecture Population	Tirana 811 649
Urban Population	617 112
Rural Population	194 537
Capital City Population	Tirana 418 495
Second City Population	Durres 205 849

### 2.2 Where the country stands in relation to the EU

Despite the process of EU integration started in 1999 with the Stabilization and Association Process Agreement, Albania's accession has run into some delays. There are many reasons that have not permitted to fulfill rapidly the EU conditions. Firstly, the political instability from 1990 to 2000 also due to the 1997 civil war. Secondly, the wide polity, policy, economy and social transformations. Table 2.2 synthesizes the steps of the enlargement process.

Albania was granted candidate status in June 2014, as recognition for its reform efforts and progress made in meeting the accession conditions. However, in order to join the EU, other steps need to be made. The country is actually involved in setting up the required apparatuses to start the screening steps, to open the negotiation chapters' discussion and

<sup>1</sup> The Western Balkan region is composed by Albania, Bosnia Herzegovina, Croatia, Serbia, Republic of Montenegro, FYR Macedonia and Kosovo. Similar geographical definition was adopted in studies by the World Bank and the European Commission.

<sup>2</sup> World Bank national accounts data, and OECD National Accounts data files.

<sup>3</sup> World Bank national accounts data, and OECD National Accounts data files.

<sup>4</sup> The source for the data collection is the Albania National Statistics Institute INSTAT ([www.instat.gov.al](http://www.instat.gov.al)), 2015-2016

finally to sign the accession treaty. Indeed, according to the European Commission, the country needs to build on and consolidate the reform momentum and focus its efforts on tackling its EU-integration challenges in a sustainable and inclusive way (European Commission, 2014).

Table 2.2 Albania's enlargement steps

Step	Accords	Albania
Pre-Adhesion Agreement	Stabilization and Association Process	1999
	Potential Candidate	2000
	Stabilization and Association Agreement (SAA)	2006-2009
	Program Signed	2007
	PHARE, ISPR, SAPARD, after IPA	2007
	Candidate Status	2014
Screening	Started Screening Step	...
Negotiation	Chapter Discussed Period	...
Adhesion	Treaty accession signed	...

Source: Authors' elaboration

### 2.3 Territorial administrative subdivision and entities responsible for spatial planning

In Albania, the local government reform is a debated topic since the collapse of the communist regime. Indeed, since 1990, several territorial reforms were approved in order to decentralize power and competences<sup>5</sup>. The last local administrative reform reduced the number of local municipalities (the Albanian *Bashkia* and *Komuna*) from 373 to 61. This reform confirmed the Albanian regional level (*Qarku*) as the second level of local government. However, following the process of regionalization promoted by the EU institutions, the number and the role of *Qarku* will be reformed. At the moment, the Albanian spatial planning system contemplates three scales of responsibility, national, regional and local level (Table 2.3). In this framework, at the national level the responsibilities are shared among different authorities: (i) the Council of Ministers; (ii) the National Territorial Council; (iii) the Ministry of Urban Development; and (iv) the National Territorial Planning Agency (NTPA). Regarding the regional level, the authority responsible for spatial planning issues is the council of the *Qarku*. At the local level, the competence on spatial planning issues are concentrated in the hands of the municipality councils and the mayors of the various municipalities are the most relevant subject for planning.

Table 2.4 illustrates, for each authority, their own responsibilities as established by the law actually in force (107/2014).

<sup>5</sup> The first reform, on *Organization and Function of Local Government*, was introduced with the Law Nr. 7572/1992. The second reform was implemented after the introduction of the SAP (Stabilization and Association Process) in 1999 with the Law No. 8652/2000. The last reform called *Administrative and Territorial Reform* was introduced with the Law No. 115/2014.

Table 2.3 Territorial subdivision and spatial planning authorities

Level of Spatial Planning	Spatial Planning Authorities
National Level	Council of Ministers
	National Territorial Council
	Ministry of Urban Development
	National Territorial Planning Agency
Regional Level ( <i>Qarku</i> )	<i>Qarku</i> Council
Local Level	Municipality ( <i>Bashkia</i> ) Council
	Mayor of Municipality ( <i>Bashkia</i> )

Source: Authors' elaboration

Table 2.4 Spatial planning authorities and their responsibilities

Spatial Planning Authorities	Responsibilities
Council of Ministers	Financial allocation; coordination and harmonization activities (sectoral politics and strategies); definition of National territorial council member and the role of national territorial planning agency.
National Territorial Council	Adopting national planning instrument sectoral plans and detail plans.
Ministry of Urban Development	Definition of Spatial and Development Planning policy; Elaborating and implementing of spatial planning legislation; Coordination of Spatial planning instruments drafting process as the General National Plan, the National Sectorial Plan and the National Detail Plan
National Territorial Planning Agency	Co-responsible for spatial planning drafting process; Horizontal and Vertical Coordination between national and local authorities during the elaboration of local plan instruments (harmonization activities); Responsible for the Integrated Territorial Register; Responsible for Data managing and Transparency
<i>Qarku</i> Council	Coordination of the planning process; Adoption of sectoral plans (at <i>Qarku</i> level)
<i>Bashkia</i> Council	Adoption of local planning instruments Monitoring and implementation of local planning instruments Ensure Transparency
Mayor of <i>Bashkia</i>	Responsible for local territorial development through implementation of local planning instruments Adoption of the Detailed Local Plan

Source: Authors' elaboration

## 2.4 Legal framework for spatial planning

In Albania, spatial planning is under the responsibility of the Ministry of Urban Development, at the central level, while at the subnational level, the competences for spatial planning are shared by both the *Qarku* and the municipalities.

A first reform attempt was put in place with the promulgation of the Law 8405/1998 on Urbanism that, however, did not produce the awaited results. In particular, the reform did not manage to solve the issues connected with the extensive informal construction processes that interested the country territory and failed on identifying the role that the public sector should have in the definition of private and public property, in so doing avoiding to deal with the most significant challenges of Albanian spatial development.

In the 2000s, the signature of various EU agreements led to a comprehensive legal reform of the Albanian spatial planning system that was concretized in the approval of a new Law on spatial planning in 2009. The law bears with it significant innovation, both at an institutional level, with the introduction of national territorial planning, as well as in terms of its underlying narrative, with the inclusion of concepts of clear EU inspiration. The law introduces, at different levels, different policy and planning tools, programs and assessment mechanisms and, for the first time, it requires the use of integrated inter-sectoral plans. Unlike the previous reforms, this approach has developed along the guidelines of the ESDP and the EU territorial agendas. These improvements notwithstanding, a new law 'for the planning and development of the territory' (Law Nr. 107/2014) was recently approved. It is interesting to note how the latter underlines the importance to harmonize the system of national planning with the EU directives and policies, arguing in favor of a further Europeanization of Albanian spatial planning in the close future. Table 2.5 synthetizes the reform process.

*Table 2.5 Spatial planning reforms in Albania*

<b>Law</b>	<b>Name</b>	<b>Planning means</b>	<b>Institutional Innovation</b>
Nr. 7693/1993	For Urbanism	Determines the general rules for the location and the architecture of construction	National Institute of Planning District Council of Territorial Adjustment
Nr. 8405/1998	For Urbanism	Expresses and definee general rules for architecture construction (art. 2)	National Territorial Council
Nr. 10119/2009	Territorial Planning	Interdisciplinary activity to plan urban land-use and definiton of conditions for territorial development and enviromental protection (art. 3)	National Territorial of Planning Agency Spatial Approach Integrate Plan Control Programme on Territorial Planning
Nr. 107/2014	Planning and Territorial Development	Inter-disciplinary activity, multi-disciplinary responsibility and sustainable development	Introducing some new concepts: Subsidiarities, Integration System, Proportionality, Transparency

*Source: Authors' elaboration*

## 2.5 Main spatial planning tools at each territorial level

Based on the law in force (107/2014), each territorial level – national, regional and local – has its share of responsibility in producing and implementing different spatial planning tools. The national level is responsible for conceptualizing and drafting the follow planning instruments: (i) a National General Plan; (ii) a specific National Sectorial Plan for each different sector like transport, energy, industry and agriculture; and (iii) a National Detailed Plan for areas that are considered strategic like protected areas, historical interest areas, touristic areas and the mineral industry. The responsibilities are shared among the national authorities mentioned above. At the regional level, the legislation establishes that each *qarku* should produce a sectorial plan at the *qarku* level in coherence to each planning instrument at the national level. Finally, for the local level the law establishes two main important tools: (i) a general local plan that is at the same time strategic and binding, and that identifies specific area, usually strategically relevant, where (ii) detailed local plans should be produced. In coherence to the law, detailed local plans are a sort of contract among the public sector and the private developer(s).

## 2.6 Main spatial planning challenges and relevant issues on the spatial planning agenda

Since the beginning of the 1990s a set of relevant territorial challenges emerged in Albania. As a matter of fact, observing the names of the laws that were introduced during the last 26 years, it is possible to register an emblematic shift from urbanism to spatial planning. Indeed, starting from laws on “urbanism” in the 1990s, proceeding to the territorial planning law in the 2009 and arriving at planning and territorial development with the aforementioned law 107/2014 it is possible to define a symptomatic change not just at the legislative level but also in terms of the challenges that were to be faced in the practice at all territorial levels. Changes are introduced in terms of: (i) authorities – see above all the introduction of National Territorial Planning Agency within the Ministry of Urban Development; (ii) responsibilities – shared from national, regional and local level; (iii) procedures; (iv) tools – both strategically and binding oriented aiming to adopt an integrate approach; and (v) discourse – progressively influenced by the EU documents, principles and logics.

However, various challenges are still to be faced. Both national and local authorities are involved in drafting and implementing their specific planning instruments at different scales and, whereas the national level has already approved three documents under its responsibility (the National General Plan, the Integration inter-sectoral Seaside Plan and the National Detail Plan of Dur-ana), the various local authorities are still drafting or just starting to implement their own local general plans and detailed plans. All these challenges need to be evaluated from the perspective of the European Integration process.

## 2.7 Role of the planning profession/education in the country

Looking at the planning environment, the role of planning profession and education in the country is still marginal in the public debate, with the exception of some practitioners and scholars that have reached an important role in divulging and influencing the public decision making process. In this context, the planning environment is not a homogenous field but rather complex and heterogeneous. Planning education is relatively a new field, introduced at the beginning of 21<sup>st</sup> century. In Albania, planning is still considered as a branch of Architecture both in the education system and in the practice. However, new approaches to spatial planning education were developed within private education institutes where planning courses were introduced and are developing also as a consequence of influences coming from the international debate.

## 2.8 Experts to be potentially contacted for substantiating the analysis

In order to fully understand the evolution path of spatial planning system in Albania, it is relevant to interview different players and actors that are involved in spatial planning activities and initiatives; (i) in the process of legislation drawing and implementation – politician and administrative authorities; (ii) in the implementing practice – practitioners and consultants; (iii) in the education system – scholars. Table 2.6 identifies some local key players and authorities as potential subjects for interlocution.

Table 2.6 Potential contacts

Role	Name	Surname	Profession/ Position	Institute
Political Members	Eglantina	Gjermeni	Minister of Urban Development	Ministry of Urban Development
Institutional Actors	Nertil	Jole	Director of Urban Development Office	Ministry of Urban Development
	Kreuzza	Leka	Director	National Territorial Planning Agency
	Jonida	Baci/Ajazaj	Director of Cabinet	Ministry of Urban Development
Academic Members	Rudina	Toto	Scholar, Consultant	Polis University, Albania
	Besnik	Aliaj	Scholar	Head of Polis University
Local Practitioners	Arben Ibrahim	Shtylla Morina	Architect/Scholar Practitioner	Private Company Private Company
Others	Loukas	Triantis	Ph.D. Student/Researcher	National Technical University of Athens,
	Ledio	Allkja	Ph.D Student	TU of Vienna

## 2.9 Final recommendations

The Albanian spatial planning system's reform process has been, and still is strongly influenced by external driving forces, among which the EU surely plays a relevant role. Starting from this awareness, the suggestion is to include the country within ESPON COMPASS project for these reasons:



- Albania will join the EU in the coming years, following the process of Integration;
- Its inclusion will overcome the geographical limits of previous studies at the European level; and
- It is an opportunity to enlarge the European spatial planning arena (epistemic communities, communities of practices, policy networks etc.), opening up the latter to domestic policy-makers, professional and scholars interested in spatial planning.

## 2.10 Relevant literature

Berisha E, Cotella G (2016) Changing institutional framework for spatial planning in the western Balkan region. Evidences from Albania, Bosnia Herzegovina and Croatia. *Europa XXI* 30: 7–40.

Brahimi F, Baholli F, Haldeda H, Dika I (2013) Decentralization Reform: Case of Albania. *Mediterranean Journal of Social Science* 10: 524–531. Available at: <http://www.mcser.org/journal/index.php/mjss/article/view/1224>.

Dhimitri E, Cuclari F, Cini M (2013) Local Government Reform and Regional Development in Albania. *International Journal of Innovations in Business* 2: 277–292.

Nientied P (1997) The Question of Town and Regional Planning in Albania. *Habitat International*, 22: 41–47.

Ruijsink S, Duka I, Rudina Toto R (2013) *Planning Urban and Free Market in Albania*. Available at: [http://www.ihs.nl/fileadmin/ASSETS/ihs/Advisory\\_Projects/Capacity\\_Development/Balancing\\_Urban\\_Planning\\_4th\\_of\\_March-FINAL.pdf](http://www.ihs.nl/fileadmin/ASSETS/ihs/Advisory_Projects/Capacity_Development/Balancing_Urban_Planning_4th_of_March-FINAL.pdf)

### 3. BOSNIA AND HERZEGOVINA

#### 3.1 Preliminary overview of the geographical and socioeconomic situation

Bosnia Herzegovina is geographically located in the Western Balkan Region and borders with Croatia in the North, North-West, with Serbia in the East and with Montenegro in the South-East. Moreover, Bosnia Herzegovina has a direct access to the Adriatic Sea. The most relevant country data are shown in Table 3.1.

Table 3.1 Geographical, socioeconomic and settlement Structure situation

<b>Geographical Information<sup>6</sup></b>	
Territorial surface	51210 km <sup>2</sup>
Total Population	3 810 416 inhabitants
Density	74 pop/km <sup>2</sup>
Population growth rate (1991-2015)	Decreasing almost 8,6%
Urban Population (2015)	39,7 %
<b>Socioeconomic Data<sup>7</sup></b>	
GDP Total	18,3 billion
GDP per capita	4807 USD
GDP rate growth (2014)	3.2 %
<b>Settlement Structure<sup>8</sup></b>	
Entities of Federation of Bosnia Herzegovina	Sarajevo
Population	318 447
Entities of Republic of Srpska	Banjaluka
Population	199 191
Brcko Distrik	Brcko
Population (Census – 2013)	83 516

#### 3.2 Where the country stands in relation to the EU

The history of relations between Bosnia and the EU has not been very linear. Indeed, despite the same starting point agreement as Croatia and Albania (SAP signed in 1999), Bosnia still is distant from becoming a full EU Member State (see Table 3.2). While the SAA was signed in 2007, however, the latter entered into force only in 2015. As a consequence, the SAA has replaced the existing Interim Agreement which had been in force since 2008, that was the only trade agreement that was valid between the EU and the country. Starting from 2007, however, as a potential member country, Bosnia Herzegovina has had the opportunity to apply for development programs promoted by the EU through the IPA (Instrument for Pre-

<sup>6</sup> World Bank national accounts data, and OECD National Accounts data files.

<sup>7</sup> World Bank national accounts data, and OECD National Accounts data files.

<sup>8</sup> The source for the data collection is the Statistic Agency of Bosnia Herzegovina.

Accession), in order to allow the country to prepare itself for a successful participation to the EU Cohesion Policy after the accession.

The SAA defined some fields that must be reformed under the European Union supervision, and their implementation may have an impact on territorial governance and spatial planning. More in detail this agreement regards: environment, energy, regional and local development, public administration reform, regional cooperation and transport. Following the EC recommendations, in order to reach the status of candidate country, nevertheless, further progress needs to be made both in the political and economic fields.

Table 3.2 *Bosnia Herzegovina in relation to EU Enlargement Step*

Step	Accords	Bosnia
Pre-Adhesion Agreement	Stabilization and Association Process	1999
	Potential Candidate	2003
	Stabilization and Association Agreement (SAA)	2007-2015
	Program Signed PHARE, ISPR, SAPARD, poi IPA <sup>9</sup>	2007
	Candidate Status	...
Screening	Started Screening Step	...
Negotiation	Chapter Discussed Period	...
Adhesion	Treaty adhesion signed	...

Source: EU Commission; Authors' elaboration

### 3.3 Territorial administrative subdivision and entities responsible for spatial planning

After the signature of the Dayton agreement in 1995, the State of Bosnia Herzegovina is subdivided into two entities – the Federation of Bosnia and Herzegovina (FBE, that groups the majority of Bosnian Muslims and Bosnian Croatians) and the Republika of Srpska (RS, that hosts the Serbian majority) – and a special unit – the arbitration territory of Brčko (DB). This agreement also divides, from an administrative point of view, the FBiH in ten cantons which are, in turn, divided into several municipalities. The cantons benefit from a high degree of autonomy and are responsible for land use planning and local economic development. As a matter of fact, each canton<sup>10</sup> has its own law on spatial planning in coherence to the Federation of Bosnia Herzegovina legislation. As far as the Republic of Srpska is concerned, on the other hand, no meso-level subdivision was implemented, and the territory is only divided into municipalities. While the Brčko district has a sort of self-government authority.

<sup>9</sup> The IPA is an instrument of support for candidate countries (Serbia, Albania, Montenegro, FYR Macedonia, and Turkey), as well as for potential candidate countries (Bosnia and Herzegovina and Kosovo) in their preparation for accession to the EU. Basically, IPA are pre-access funds aims to help the enlargement country to reform and to invest in specific sectors like: Public administration, rule of law, sustainable economy, social development and agriculture and rural development.

<sup>10</sup> For example, the Sarajevo Canton has a specific law - Law on spatial planning, Official Gazettes CS no. 7/05

Based on the country's Constitution, spatial planning is delegated at the level of Entities. Each one, has the opportunity to organize its institutional and legislative framework. Moreover, no national strategic orientation is established.

As a consequence of this systematic division, in the case of Federation of Bosnia Herzegovina three levels of spatial planning are established. At the level of the Entity within responsible authorities is the Ministry of Spatial Planning and its departments. While at the regional level (Cantons), the authorities responsible for the spatial planning issues are the Assembly of Cantons. Finally, at the municipality level, the main responsible authorities for spatial planning are the municipality councils.

Referring to the case of Republic of Srpska, two main levels are defined. As in case of the Federation of Bosnia Herzegovina, the first level is the Entity level where the responsibilities are shared by the Ministry of Spatial Planning, Civil Engineering and Ecology and the National Assembly that has the responsibilities to adopt a Spatial Plan of Republic of Srpska (strategic national/entity plan). While at the local level the municipal councils are responsible for spatial planning issues.

Table 3.3 Territorial subdivision and spatial planning authorities

Level of Spatial Planning	Spatial Planning Authorities	
Entities Level	Federation of Bosnia Herzegovina	Ministry of Spatial Planning
	Republic of Srpska	Ministry of Spatial Planning, Civil Engineering and Ecology (Departments of: Urban and Physical Planning, Construction, Environment Protection and Project coordination, development and EU Integration)
	Brčko District	National Assembly
Regional Level	Cantons of Federation of BiH	Assembly of Cantons
	No-Meso Level for Republic of Srpska	No institution
Local Level	Municipalities - Federation of Bosnia Herzegovina	Municipal Council
	Municipalities - Republic of Srpska	Municipal Council

Source: Authors' elaboration

### 3.4 Legal framework for spatial planning

As mentioned before, in Bosnia Herzegovina, spatial planning is not a federal government issue, being instead shared by the two Entities and the Brčko District, as established by the Constitution. Due to the history of Bosnia Herzegovina since 1990, the collapse of Yugoslavia, and later, the Dayton Agreement in 1995, the spatial planning issue is strongly related with the state's administrative division. Despite the fact that, during the communist regime, all territory off Bosnia Herzegovina had the same spatial planning legislation, actually each entity – the Federation of Bosnia Herzegovina, Republic of Srpska, and the Brčko

District has its own legislative framework (Table 3.4). This proliferation of laws, by-laws, and amendments has created a rather un-coordinated system, both vertically and horizontally.

Table 3.4 *Spatial planning reform in Bosnia Herzegovina*

Level of Spatial Planning	Law	Name
Federation of Bosnia Herzegovina	No. 52/02, 06/2006, and amendments: 72/07, 32/08, 4/10, 13/10 and 45/10	Law on Spatial Planning and Land Use Utilization
Republic of Srpska	Official Gazette of the RS No. 40/13)	Law on Spatial Planning and Construction
Brčko District	No 9/03, 15/04, 29/08	Law on Spatial Planning and Construction

Source: Authors' elaboration

### 3.5 Main spatial planning tools at each territorial level

Table 3.5 summarizes the planning tools for each territorial administration level in the current legislation framework.

Table 3.5 *Spatial planning tools*

	Administrative Level	Plans
Federation of Bosnia Herzegovina	Entity Level	Spatial Plan of Federation of Bosnia Herzegovina Spatial Plan for areas with special features
	Cantonal Level	Cantonal Spatial Plan Cantonal Spatial Plan for areas with special features
	Local Level	Urban Plan Regulation Plan Urban Planning Projects
Republic of Srpska	Entity Level	Spatial Plan for the Republic of Srpska Spatial plan for an area of special purpose
	Local Level	Urban Plan Zoning Plan Regulatory Plan Urban Planning Projects Parceling Plan
Brčko District		Spatial Development Strategy Spatial Plan Urban Plan Detailed Implementation Plan (Zoning plan, regulation plan, urban planning projects, parceling plan etc.)

Source: Authors' elaboration

In the Federation of Bosnia Herzegovina (FBiH), at the Entity level it is possible to identify:

- (i) the *Spatial Plan of FBiH* – which sets out long term goals in accordance to planned development; and
- (ii) the *Spatial Plan for areas with special features* – which it is prepared for an “area of significance for the FBiH” as international traffic routes, etc.

Similarly, at the Canton Level, the planning instruments are:

- (i) the *Cantonal Spatial Plan* – prepared on the basis of the Spatial Plan of the FBiH, establishes the basic rules, goals of spatial planning for all the areas of the

- Canton (urban and rural), designated land use, environmental protection measures and construction use of buildings; and
- (ii) the *Cantonal Spatial Plan for areas with special features* - it is made for the area with protected natural resources, thermal, mineral and other sources of water, forest and agricultural land and areas for recreation.

Lastly, at the local level, the planning tools are:

- (i) the *Urban Plan* - it is prepared on the basis of Cantonal and Municipal Spatial Plans. It defines the use of land and purpose, protection of cultural heritage, environmental protection measures, protective zones;
- (ii) the *Regulation Plans* - which are prepared on the basis of Urban Plans and are used to regulate city area planning; and
- (iii) the *Urban Planning Projects* - these are prepared for construction works that are performed in parts of city areas that are built as a one part or are only partly built.

Looking the case of Republic of Srpska (RS), at the entity level (or central level) the authorities responsible for spatial planning should prepare: (i) the *Spatial Plan of RS* - defines long-term goals and spatial development measures. It also defines policies of land use and development of all functions and activities in its territory (instructions for development of agriculture, forestry, usage of natural resources, etc.); and (ii) the *Spatial plan for an area of special purpose* - main spatial organization of an area, measurements for use, regulation and protection of an area, environmental protection, etc.

While at the local level the planning tools are:

- (i) the *Urban Plan* - It regulates in detail instructions given in the Municipal Spatial Plans, first of all: detailed land use, it sets out construction, agricultural and forest spaces, construction requirements, land and protected areas, transport, water, energy and utility infrastructure, etc.;
- (ii) the *Zoning Plan* - It defines specific land use and designing and building of new, as well as reconstruction of old, buildings;
- (iii) the *Regulation Plan* - This plan defines use of lots, purpose and size of buildings, population density in the cities and regulation, construction borders, dimensions of goods, infrastructure, etc.;
- (iv) the *Urban Planning Projects* - Urban Planning Projects describe in detail usage of areas, size and use of buildings, design of buildings, plan of development and levelling, spatial planning requirements, concept solution for transport, utility and energy infrastructure, concept solutions for planned buildings; and
- (v) the *Parcelling Plan* - This Plan contains a plan of spatial organization, plan of transport, infrastructural plan for energy, water and communications, size, shape and location of lots, access to them, etc.

Finally, focusing on the case of Brčko District the planning tools necessary to be prepared are:

- (i) the *Spatial Development Strategy* - It defines long-term spatial planning goals. It consists of two principles and goals of development of space and areas, organization of the area, use and protection of the area, etc;
- (ii) the *Spatial Plan* - defines long-term goals and spatial development measures;

- (iii) the *Urban Plan* - It regulates in detail instructions given in the Municipal Spatial Plans; and
- (iv) the Detailed Implementation Plan – constituted by zoning plan, regulatory plan, urban planning projects and parcelling plans.

### 3.6 Main spatial planning challenges and relevant issues on the spatial planning agenda

As mentioned above, the case of Bosnia Herzegovina constitutes an emblematic example of fragmentation caused by internal pressure of nationalistic separatism as well as by strong external influences. In terms of spatial planning, this also led to the introduction, within the domestic planning legislation and discourse, of concepts and ideas that were developed at the continental scale, for instance by CEMAT, or in the ESDP and other documents. Be that as it may, several challenges remains to be considered, mostly relating to the scarce capacity of the public administration staff to prepare and implement the spatial planning document that the law assigns to them, also as a consequence of the poor situation in terms of data availability and geodetic and cadastral information. These and other limits are explicitly recognised by the SAA that entered into force in 2015, that clearly list among the challenges to be addressed:

- (i) the implementation of vertical and horizontal coordination,
- (ii) the improvement of the public debate in the process of planning, and
- (iii) the promotion of transparency logics among public institutions and the civic society.

### 3.7 Role of the planning profession/education in the country

In Bosnia Herzegovina, planning is not a university topic. Indeed, there are not exclusive courses in planning but there are study modules in both Bachelor and Master courses. However, all these courses are based on the concepts of urban design, urban planning and urbanism, etc. An important contribution in divulging spatial notions and principles is given by the Faculty of Science through the department of geography and the Institute of spatial planning where students from Bachelor studies, Masters and Doctorate course are involved on studying regional and spatial planning.

### 3.8 Experts to be potentially contacted for substantiating the analysis

In order to fully understand the evolution path of spatial planning system in Bosnia Herzegovina, it is relevant to interview different players and actors that are involved in spatial planning activities and initiatives; (i) in the process of legislation drawing and implementation – politician and administrative authorities; (ii) in the implementing practice – practitioners and consultants; (iii) in the education system – scholars. Table 3.6 identifies some local key players and authorities as possible interlocutors.

*Table 3.6 Potential contacts*

Role	Name	Surname	Profession	Institute
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Institutional Actors	Maida	Fetahagić	Employee	Institute for planning of Canton Sarajevo
Academic Members	Aida	Korjenic	Scholar	Faculty of Science, University of Sarajevo
	Emir	Kurtović	Associate Professor	School of Economics and Business
	Rahman	Nurković	Full Professor	Department of Geography, Faculty of Science Sarajevo
Others	Aleksandra	Djurasovic	PhD Candidate	University of Hamburg

### 3.9 Final recommendations

From the above information, several reasons emerge arguing for the inclusion of Bosnia Herzegovina in the ESPON COMPASS analysis as a full-study country. Starting from the fact that, as the other countries in the Western Balkan Region, Bosnia has an growingly intensive relation with the EU institution. Indeed, Bosnia has the opportunity to use IPA funds that can improve both the relations with the EU institutions and its neighbours in terms of regional development (transport, environment regional and economic development, cross-border cooperation, human resources and rural development. The effects of IPA I (2007-2013), IPA II (2014-2020) and the SAA can improve the ability of the domestic context to align to the main EU spatial goals. In these terms analysing and comparing the complex case of Bosnia can result in relevant information for the EU institutions to (re)define or (re)oriented specific cohesion policy in order to better include the Western Balkan countries.

### 3.10 Relevant literature

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Korjenic A (2015) Spatial Planning in Bosnia and Herzegovina - Legislation Framework. *Acta Geographica Bosniae et Herzegovinae*, 3: 53–62. Available at: <http://www.geoubih.ba/publications/Acta3/Article-Aida%20Korjenic.pdf>.

Osmanković J (2004) *Regionalization and Regional Development in Bosnia and Herzegovina in the Post-War Period*. Ljubljana: Institute for Economic Research.



## 4 KOSOVO under UN Security Council resolution 1244

### 4.1 Preliminary overview of the geographical and socioeconomic situation

Kosovo, under UN Security Council resolution 1244, is geographically located in the Western Balkan Region confined to Serbia in the North and East, to FYR of Macedonia in the South, to Albania in the South-West and to the Republic of Montenegro in the West. Important data on geographical and socioeconomic characteristics of Kosovo are presented in Table 4.1.

Table 4.1 Geographical, socioeconomic and settlement structure situation

<b>Geographical Information<sup>11</sup></b>	
Territorial surface	10887 km <sup>2</sup>
Total Population	1 797 151 inhabitants
Density	167 pop/km <sup>2</sup>
Population growth rate (1991-2015)	Decreasing almost 9,4%
Urban Population	49 %
<b>Socioeconomic Data<sup>12</sup></b>	
GDP Total	6,8 billion
GDP per capita	3785 USD
GDP rate growth (2014)	3.6 %
<b>Settlement Structure<sup>13</sup></b>	
Metropolitan Area Population	Prishtina 504 165
Capital City, Urban Area Population	Prishtina 207 477
Second City Population	Prizren 182 449

### 4.2 Where the country stands in relation to the EU

As for several Western Balkan countries, the process of EU integration for Kosovo started in 1999, with the signature of the Stabilization and Association Process agreement. At that time, Kosovo was still part of Federal Republic of Yugoslavia (with Serbia and Montenegro). One should also note that, after the war and the United Nations mission, Kosovo became a country under the UN Security Council resolution 1244, but it still is largely dependent from external forces in terms of economic and financial incentives as well as other influence that affect the political life, the development of legislation and of public institutions. Due to this reason, the path of Kosovo's integration into the EU is different from those of the other countries of the western Balkan Region. Indeed, due to political instability and lack of political representation during the last decades, Kosovo was not in the condition to make any progress in terms of its EU integration path. Additional problems emerged with Kosovo independence

<sup>11</sup> World Bank national accounts data, and OECD National Accounts data files.

<sup>12</sup> World Bank national accounts data, and OECD National Accounts data files.

<sup>13</sup> The source for the data collection is the Kosovo Agency of Statistics

declaration in 2008, as some EU countries<sup>14</sup> do not recognize Kosovo as an independent state.

As a consequence of this undefined territorial status, Kosovo was formally excluded from any regional forum or institutional agreement until 2002 when the EU introduced the “Tracking Mechanisms of Stabilization Association” with which Kosovo was allowed to participate in meetings in order to have dialogues with EU experts on EU standards, etc. Following this initiative, a series of agreements were introduced, in 2007 the *Extended Tracking Mechanisms of Stabilization-Association* was established, in 2009 the EU introduced a *Political Dialogue of Stabilization-Association*. All these tools were introduced in order to overcome the Kosovo problem of recognition. However, these formulas cannot be considered as negotiations between Kosovo and EU because of its undefined status. Finally, in 2012 Kosovo reached the condition to apply for a SAA, that was signed in 2014 and entered into force in 2016. As for the other Western Balkan countries also for Kosovo, the SAA is a milestone in the EU integration process, a step towards the achievement of official EU candidate status.

Table 4.2 Kosovo in relation to EU Enlargement Step

Step	Accords	Kosovo
Pre-Adhesion Agreement	Stabilization and Association Process	1999-2000
	Potential Candidate <sup>15</sup>	2000
	Tracking Mechanisms of Stabilization Association	2002
	Stabilization and Association Agreement (SAA)	2014-2016
	Program Signed	2007
	PHARE, ISPR, SAPARD, after IPA I-II <sup>16</sup>	2007
	Candidate Status	...
Screening	Started Screening Step	...
Negotiation	Chapter Discussed Period	...
Adhesion	Treaty adhesion signed	...

Source: EU Commission, Authors elaboration

### 4.3 Territorial administrative subdivision and entities responsible for spatial planning

As in many countries in the Western Balkan Region, in Kosovo since 1999 the debate on local self-government was and still remains a disputed topic. Despite similar problems to solve, among others the transition from communism regime to democratic one, each country

<sup>14</sup> The EU countries that still do not recognize Kosovo as an independent country under the UN Security Council resolution 1244 are: Spain, Greece, Cyprus, Slovakia and Romania, and in the western Balkan Region, Bosnia Herzegovina and Serbia.

<sup>15</sup> All countries in the western Balkan Region that are involved in the Stabilization and Association Process have to be considered automatically as a potential candidate country, excepting Albania.

<sup>16</sup> Actually, is launched the IPA II regarding the period 2014-2020, while the first program was launched for the period 2007-2014.

has experienced a site-specific situation (relevant in Kosovo is the question of Serb's minorities integration following the Ahtisaari's package<sup>17</sup>). In this perspective, analyzing the evolution of self-government legal framework in Kosovo it is possible to identify three main periods: (i) 2000-2002, based on UNMIK (United Nations Interim Administration Mission in Kosovo) regulations, that introduced the municipal administrator figure; (ii) 2002-2007, gradual process of power transfer from central to local self-government bodies; and (iii) 2008 - until today, based on Constitution and laws<sup>18</sup> adopted by the Assembly of Kosovo, based on the European Chapter on Local Self-Government. Following the national legal framework, in Kosovo the administrative structure is divided in two levels: (i) national level – Kosovo Parliament, Government, Prime Ministry and Ministries; and (ii) local level – represented by municipalities (38 units, established by the law on administrative municipalities boundaries) as the basic units of local government.

As far as spatial planning is concerned, the local self-government law (Law No. 03L-041, 2008) states that the municipalities shall have full and exclusive power in the following area regarding directly spatial planning system, and above all: (i) urban and rural planning; (ii) land use and development; (iii) implementation of building regulations and buildings control standards; and (iv) local economic development. Table 4.3 shows the authorities responsible for spatial planning at each territorial level. Then, Table 4.4 illustrates for each authority their own responsibilities as established by the actually in force Law on spatial planning Nr. 04/L – 174 (2013).

*Table 4.3 Territorial subdivision and spatial planning authorities*

<b>Level of Spatial Planning</b>	<b>Spatial Planning Authorities</b>
National Level	Assembly of Kosovo
	Government of Kosovo
	Ministry of Environment and Spatial Planning
Local Level	Municipal Assembly
	Municipal Authority responsible for spatial planning and Management

*Source: Authors elaboration*

<sup>17</sup> Ahtisaari's package is a result of political negotiations with Serbia, mediated by the international community, through which Kosovo, under UN Security Council resolution 1244, takes certain responsibilities in relation to the state regulation of the country and the Serb community.

<sup>18</sup> Here are summarized some relevant laws: (i) Law No. 03L-40, 2008, On Local Self Government, Republic of Kosovo; (ii) Law No. 03L-041, 2008, On Administrative Municipal Boundaries, Republic of Kosovo; (iii) Law No. 03L-189, 2010, On the State Administration of the Republic of Kosovo

Table 4.4 Spatial Planning Authorities and their responsibilities

<b>Spatial Planning Authorities</b>	<b>Responsibilities</b>
Assembly of Kosovo	Approval of funds allocated by the government for law implementation, Final approval of the Spatial Plan of Kosovo, of the Spatial plans for Special Zone and of the Zoning map of Kosovo (after approval by the government) Reviews the monitoring reports on the implementation of goals stated in the previous spatial plans
Government of Kosovo	Allocation of funds for the preparation of the Spatial Plan of Kosovo, Zoning map of Kosovo, development of Spatial Plans for Special Zones, creation and maintenance of a spatial planning database, Review and approval of the Spatial Plan of Kosovo and Spatial Plans for Special Zones before their approval by the Assembly of Kosovo. Coordination and harmonization of sectoral policies and strategies of the relevant ministries.
Ministry of Environment and Spatial Planning	Drafting and coordination of legal framework of spatial planning. Preparation of proposals for the Spatial Plan of Kosovo (every 8 years), Zoning Map of Kosovo and Spatial Plans for Special Zones, and for their revision. Coordination of spatial and territorial planning objectives of central authorities for each central spatial planning instrument. Coordination with municipalities, local and international organizations to harmonize spatial planning in Kosovo with EU and international norms and goals.
Municipal Assembly	Approval of the Municipal Development Plan, Municipal Zoning Map, and Detailed Regulatory Plans; Monitoring and review of the Implementation of the goals and objectives stated in local spatial planning instrument.
Municipal Authority responsible for spatial planning and Management	Spatial development, through design and implementation of goals and objectives stated in spatial planning documents (Municipal Development Plan, Municipal Zoning Map, and the Detailed Regulatory Plans). Preparation of proposal-decisions on local spatial planning documents.

Source: Authors elaboration, based on law No. 04/L – 174 (2013)

#### 4.4 Legal framework for spatial planning

In Kosovo, the Ministry of Environment and Spatial Planning is responsible for spatial planning issues at the central level, while at the local level the competences for spatial planning are under the municipalities' responsibility.

Starting from the fall of the communist regime experience, numerous reforms were introduced in Kosovo. The introduction of new laws started since 1990. At that time, Kosovo was part of the Federal Republic of Yugoslavia (FRY)<sup>19</sup>. In that period, 1990-1999, the first Spatial Plan of Kosovo was prepared, and a series of new laws with spatial planning implications were introduced, in turn leading to the institution of a set of new planning tools (among others, General Plans for Settlements, Detailed Urban Plans, Regional Spatial Plans, etc.). After the war, in the period 1998-2003, no relevant spatial planning innovation was introduced in the

<sup>19</sup> FRY was constituted by Serbia, Montenegro and Kosovo

country, mostly due to political and socio-economic instability. Under the UNMIK, in 2003 a new law on spatial planning was approved and new principles were promoted, as the promotion of sustainable development, the attention for natural resources' protection, the promotion of public participation, in parallel with new logics on public transparency as well as several European spatial development principles and goals. At the national level, the law had a positive impact and led to the elaboration of the national spatial plan 2005-2015+. At the same time, at the local level the law's implementation was much slower and only few local plans were drafted and approved. In 2008, the previous law was entirely amended by the law No. 03/L-106 and adopted by the Assembly of Kosovo. The law establishes new responsibilities for the Ministry of environment and spatial planning in terms of coordination and harmonization of spatially relevant instruments.

Table 4.5 Spatial planning reform in Kosovo

Law	Name	Planning mean	Institutional Innovation
No. 2003/14 Year: 2003	Law on Spatial Planning	Following art. 2, spatial planning aims at the regulation and the use of the territory	Spatial Planning Council for Kosovo, Institute for Spatial Planning, Department of Spatial Planning
No. 03/L-106 Year: 2008	Amendment on Spatial planning law	Following the amendment of art. 2, spatial plans are defined as tools for regulating and promoting the development of the national territory	No relevant institutional innovation
No. 04/L-174 Year: 2013	Law on Spatial Planning		No relevant institutional innovation

Source: Authors' elaboration

However, due to a series of contextual problems in terms of implementation, lack of horizontal and vertical coordination, lack of human and technical capacity, lack of organizational capacity of municipalities, etc., the central government decided to introduce a new law (Law No. 04/L-174), that aims at promoting the sustainable and balanced development of the national territory through good governance, a rational use of the space and the promotion of environmental and cultural protection.

#### 4.5 Main spatial planning tools at each territorial level

Based on the law currently into force, No. 04/L-174, both central and local levels have specific responsibilities to draft, to adopt and to implement planning instruments at their corresponding level. At central level, according to provision of the law, the authorities are responsible to adopt the following planning instruments: (i) spatial plan of Kosovo; (ii) zoning map of Kosovo; and (iii) spatial plans for special zones. At local level, the law establishes as a responsibility of the municipalities to adopt a set of spatial instruments: (i) municipal development plan; (ii) municipal zoning map; and (iii) detailed regulatory plan. Based on the law, both spatial plan of Kosovo and municipal development plan are characterized by a strategic perspective

(defining the vision, principles, objectives and priorities); and focusing on the different scales, on the entire surface of the country, and on the territory of the municipality. Moreover, at the central level, the zoning map of Kosovo, shall be considered as a multi-sectoral instrument that determines the type, destination, planned use of space and action measures for a long period (at least eight years). While at the local level, municipal zoning map is an instrument that defines the land use and spatial planning regulation at the municipal scale in coherence to central instruments. Spatial plans for special zones, moreover, are prepared for specific areas (includes national parks and other areas with unique natural, economic, mineral, agricultural, and cultural heritage value), identified in the spatial plans of Kosovo and zoning map of Kosovo. While at the local level, the detailed regulatory plan is not compulsory but depends on the municipalities needs to develop specific areas that are defined by the municipal development plan and municipal zoning map.

#### **4.6 Main spatial planning challenges and relevant issues on the spatial planning agenda**

Starting from 1999, Kosovo has faced enormous socio economic, political and historical transformations. As a consequence of this transition period, Kosovo is the youngest country in Europe. Only since the beginning of 2000s is it possible to speak about national spatial planning in the country. However, during this period some spatial planning tools – plans in the central and local level – and institutions – see above all the Institute for Spatial Planning (2003), the Department of Spatial Planning – were introduced in order to respond to the spatial challenges brought along by the social and economic transformation.

With the SAA subscription new challenges emerged, mostly linked to the definition of the actual role of Kosovo in the Western Balkan Region in terms of regional development as well, perhaps most importantly, in geopolitical terms. When looking at spatial planning in the domestic context, if at the national level various spatial plans and strategies were approved until now (the most recent being the Spatial Development Strategy 2010-2020), at the local level numerous improvements still need to be made. As in the case of other Western Balkan countries, the role of the EU initiatives and pressure will be a key factor for the evolution of spatial planning system both in terms of legislation implementation and practice experience.

#### **4.7 Role of the planning profession/education in the country**

In Kosovo, spatial planning is still considered as a branch of Architecture both in education and in practice. For example, at the University of Pristina it is possible to attend courses in architecture and engineering with no specific courses in spatial planning. As pointed out in many international reports, nowadays no coordinated spatial planning education exists in the country. Numerous practitioners are trained by national and international NGOs in order to be able to fully understand the role of planning in their work and to implement as good as possible the ever-changing legal provisions.

## 4.8 Experts to be potentially contacted for substantiating the analysis

In order to fully understand the evolution path of the spatial planning system in Kosovo, it is relevant to interview different players and actors that are involved in spatial planning activities and initiatives; (i) in the process of legislation drafting and implementation – politician and administrative authorities; (ii) in the implementing practice – practitioners and consultants; and (iii) in the education system – scholars. Table 4.6 identifies some local key players and authorities as potential of interlocutors.

Table 4.6 Potential contacts

Role	Name	Surname	Profession	Institute
Institutional Actors	Luan	Nushi	Architect/Head of Institution of Spatial Planning	Institution of Spatial Planning
	Elvida	Pallaska	Architect/Planner	Institution of Spatial Planning
	Lumnije	Gashi	Planner	UN-Habitat of Kosovo
Local Practitioners	Enes	Toska		CHwB Local Office
	Teuta	Jaha	Architect/Engineer	UN-Habitat of Kosovo
	Rudina	Qeremi		PRO-Planning

## 4.9 Final recommendations

The Kosovo spatial planning system is under a process of transformation influenced by external pressure and internal interests. Starting from this awareness, the suggestion is to include the country within ESPON COMPASS project. This recommendation is also motivated by the fact that, despite that Kosovo is rather late in the process of EU integration in comparison to the other Western Balkan countries, it is considered as a potential candidate country. At the same time, the impact of EU concepts, initiatives and agreements, over domestic spatial planning is already relevant (see above all the impact of IPA funds). Moreover, such inclusion will contribute to overcome the geographical limitations of previous studies on the matter, as well as to provide the opportunity to enlarge the European spatial planning debate to domestic scholars and practitioners.

## 4.10 Relevant literature

Fajardo del Castillo T (2015) *The EUs promotion of environmental protection in Kosovo, A case Study on the Protection of the Environment through criminal law in Kosovo*. Work Package 4 “Case Studies”, European Union Action Fight Environmental Crime. Available at: [http://efface.eu/sites/default/files/EFFACE\\_The%20EUs%20promotion%20of%20environmental%20protection%20in%20Kosovo\\_revised.pdf](http://efface.eu/sites/default/files/EFFACE_The%20EUs%20promotion%20of%20environmental%20protection%20in%20Kosovo_revised.pdf)

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Vitorovic et al. (2009) *NALAS REPORT: The Legislation and analysis of the implementation of spatial and urban planning in Albania, Kosovo, Macedonia, Moldova, Republika Srpska and Turkey as compares to the case of Denmark.*



## 5 FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)

### 5.1 Preliminary overview of the geographical and socioeconomic situation

Former Yugoslav Republic of Macedonia is geographically located in the Western Balkan Region, confined to the Republic of Serbia and Kosovo, Republic of Albania on the West, Republic of Bulgaria on the East, and Republic of Greece in the South. Important data on geographical and socioeconomic characteristics of FYROM are presented in Table 5.1.

Table 5.1 Geographical, socioeconomic and settlement structure situation

<b>Geographical Information<sup>20</sup></b>	
Territorial surface	25 713 km <sup>2</sup>
Total Population	2 078 453 inhabitants
Density	82 pop/km <sup>2</sup>
Population growth rate (1990-2014)	0.1
Urban Population (2014)	57 %
<b>Socioeconomic Data<sup>21</sup></b>	
GDP Total (2013)	10.086 billion
GDP per capita (2013)	4 838 USD
GDP rate growth (2013)	3.7 %
<b>Largest settlements<sup>22</sup></b>	
Capital City Population	Skopje 506 926
Second City Population	Bitola 74 550

### 5.2 Where the country stands in relation to the EU

The FYROM was the first among the Western Balkans countries that signed the SAA with the EU, on 9 April 2001 and which entered into force on 1 April 2004. An Interim Agreement, covering trade and trade-related aspects, had entered into force in June 2001. In December 2005, the FYROM was granted candidate country status for EU membership. On 18 February 2008 the Council adopted the Accession Partnership for the country, thus updating the previous European Partnership of January 2006. A visa free travel for FYROM citizens to the Schengen area was granted on 19 December 2009.

Table 5.2 Accession process of FYROM in the EU

<b>Step</b>	<b>Accords</b>	<b>Year</b>
Pre-Adhesion Agreement	Stabilization and Association Agreement (SAA)	2001
	Applying for Membership	2004

<sup>20</sup> World Bank

<sup>21</sup> World Bank national accounts data and OECD National Accounts data files.

<sup>22</sup> <http://www.balkaneu.com/fall-number-population-fyrom/>

	Candidate Status	2005
Screening	Started Screening Step	...
Negotiation	Chapter Discussed Period	...
Adhesion	Treaty adhesion signed	...

*Source: Ministry of Foreign Affairs of the Republic of Serbia*

The FYROM has been a candidate for accession to the European Union since 2005 but has not yet entered into accession negotiations. The protocol on the adaptation of the SAA was signed in July 2014; pending its ratification, the protocol is applied on a provisional basis with effect from the 1<sup>st</sup> July 2013. Regular political and economic dialogue between the EU and the country has continued through the structures set up by the SAA. Meetings of the Stabilisation and Association Committee and the Stabilisation and Association Council took place in June and July 2014, respectively.

The Former Yugoslav Republic of Macedonia participates in the following EU programmes: the Seventh Research Framework Programme, Progress, the Competitiveness and Innovation Framework Programme, Culture, Europe for Citizens, Customs, and Fiscalis. The country has also recently concluded or is in the process of concluding new agreements for a number of programmes, including: Horizon 2020, Erasmus+, Competitiveness of Enterprises and Small and Medium-sized Enterprises, Creative Europe, and Employment and Social Innovation (The FYROM Progress Report, 2014).

### 5.3 Administrative subdivision and entities responsible for planning

The territory of FYROM includes 8 statistical regions and 85 municipalities. At the moment the Macedonian administrative system contemplates two scales of responsibility - national (central) and local level (Table 5.3). At the national level the responsibilities are carried out by the Ministry of Transport and Communications, the Ministry of Environment and Spatial Planning as well as the Agency for Spatial Planning. When it comes to the local level, planning is under the jurisdiction of the local authorities or municipal assemblies (84 plus the City of Skopje).

*Table 5.3 Levels of decision-making and institutions in charge of planning*

Level of planning	Institution
National level	Ministry of Environment and Spatial Planning Ministry of Transport and Communications Agency for Spatial Planning
Local level	Local authority, local public and private planning enterprises

*Source: NALAS, 2009*

The planning process is managed and governed by each municipality through its department for urban planning. The technical work is performed by the municipal staff (municipal administration) in the department for urban planning. The required planning analyses are

performed by the municipality in accordance with the law, while urban plans are developed by licensed companies.

The municipality, i.e. the municipal administration of the department for urban planning is in charge of the planning programme for preparation of urban plans, which determines the boundaries and contents of the planning scope. This planning programme is reviewed and adopted by the commission for urban planning under the Municipal Council. Once the planning programme is adopted with majority of votes in the Municipal Council, the preparation of urban plans can begin. The plans are prepared by a licensed company for the preparation of urban plans, which has been chosen in a public procurement procedure.

Once the first draft is produced, it is reviewed by expert revision, and the commission established by the Mayor gives positive expert opinion, and then it needs to be approved by a majority of votes by the Municipal Assembly. Then, the public enquiry and presentation to the citizens commence. The period is set by law and cannot last less than ten days. During the public hearing, citizens can submit comments in written form. Also, within ten days after the public hearing is finished, citizens can still submit written comments to the plan. After having incorporated the recommendations of the professional commission, which assesses the remarks and recommendations of the general public, the draft plan is revised, and together with all the materials (remarks of the general public are scanned and digitalized, the recommendations of the professional commission are prepared in the form of a report), is given to the members of the Municipal Assembly for review. The plans are then adopted by a majority of votes by the Municipal Assembly.

*Table 5.4 Planning authorities and their responsibilities*

<b>Planning authorities</b>	<b>Responsibilities</b>
Mayor	Adopts decision for publishing an announcement for public survey and public hearing, establishes a committee to review the comments from public hearing
Ministry of Environment and Planning / Agency of Spatial Planning	Provides legal conditions
Ministry of Transport and Communications	Provides professional opinion on the Draft Plan Provides Consent on the Draft Plan
Municipal Administration	Provide requirements for the capacities of Services of General Interest / public services under their jurisdiction, coordinates and runs the procedure for adoption of plans
Municipal Council / Municipal Assembly / Planning Commission	Expert verification of compliance of urban projects with the other relevant and higher-level plans and policies
Licensed Companies	Development of plans

*Source: NALAS, 2009*

## 5.4 Legal framework for spatial planning

Planning procedures and the content of the plans are defined in the national Law on Spatial and Urban Planning (2005) and by the rulebook (by-laws). The law is adopted by the Parliament and the rulebooks by the government through the ministries. A commission, managed and elected by the Minister of Transport and Communications, prescribes the laws and rulebooks.

The Law on Spatial and Urban Planning ('Official Gazette of RM' no. 51/05, 137/07, 91/09, 124/10, 18/11, 53/11 и 144/12) underwent several amendments since 2005. This law regulates the conditions and manner of urban planning, types and content of plans, preparation and the procedure for adopting plans, implementation of plans and monitoring their implementation. Planning legislation recognizes two types of plans – spatial and urban plans, which need to be mutually reconciled. The Government of the FYROM is responsible for spatial plans at the central level, through the Ministry of Environment and Spatial Planning. Urban plans are, on the other hand, prepared and adopted at the local level. According to the law, preparation, adoption and implementation of both spatial and urban plans are matters of public interest.

In line with the Law on Spatial and Urban Planning, some of the main principles of planning practice are based on (1) balanced spatial development, (2) rational arrangement and use of space, (3) overcoming urban barriers for disabled people, (4) sustainable development, (5) protection and improvement of the environment and nature, (6) protection of cultural heritage, (7) transparency in the procedure for adoption and implementation of plans and, (8) compliance with European planning norms and standards.

## 5.5 Main spatial planning tools at each territorial level

As previously mentioned, Macedonian planning system recognizes spatial and urban planning (Table 5.5). Spatial planning is practiced at national / central level while the planning process is managed, monitored and implemented by the Ministry of Environment and Spatial Planning as well as Agency for Spatial Planning and their bodies in charge.

*Table 5.5 Plans and levels of government in planning and development in FYROM*

<b>Plan</b>	<b>Institution (authority and planning agency)</b>	<b>Level</b>
Spatial Planning	Ministry of Environment and Spatial Planning	National
Spatial Plan of the Republic of Macedonia		
Spatial Plan of the region	Agency for Spatial Planning	
Spatial plan of special interest for the country		
Spatial plan of the Municipality		
Spatial plan of the city of Skopje		

Urban Planning	Municipal Administration	Local
General Urban Plan (GUP)		
Detailed Regulation Plan (DUP)		
Urban Plan for Villages	Local Planning Agency	
Urban Plan Outside of Populated Spaces		

*Source: Law on Spatial and Urban Planning, 2005*

The spatial plans that currently operate in the Macedonian planning system are:

- Spatial Plan of the FYR of Macedonia - as a basic spatial planning document that sets out strategic development priorities and has a general regulatory role. The Spatial Plan is further elaborated through the Spatial plan of the region, the Spatial plan of the municipality, the Spatial plan for the area of special interest for the Republic, and the Spatial plan of the City of Skopje;
- Spatial plan of the region – although Macedonia has no administrative regional level, a Spatial Plan area is prepared for an area that is a geographic, economic or functional entity established by the Spatial Plan of the Republic;
- Spatial plan of special interest for the country - this plan is adopted for the entire territory of the local government unit (municipality / city) and defines the guidelines for development activities and land-use, as well as the conditions for sustainable and balanced development;
- Spatial plan of the Municipality - this plan is adopted for the entire territory of the local government unit (municipality / city) and defines the guidelines for development activities and land-use, as well as the conditions for sustainable and balanced development; and
- Spatial plan of the City of Skopje – the same as the Spatial plan of the Municipality.

Besides spatial planning that is practiced at the 'higher' regional and national level of decision-making, general urban planning is considered to be the key instrument land-use planning at local level. Urban plans take form of:

- General Urban Plan (GUP) – this plan should contain district limits of zones according to land use, primary road network, primary lines and structures of all urban infrastructure, urban areas predicted for detailed planning, and other protected areas. The plan also contains objectives and means of planning, general and special conditions for spatial development, parameters for implementation of plan, strategic environmental impact assessment, measures for protection of cultural heritage, and more.
- Detailed Urban Plan (DUP) - this plan is prepared and adopted at neighbourhood level, it contains all the regulations that allow for direct implementation; it represent a necessary instrument for development of unregulated or informal zones, infrastructural corridors, change of land-use.
- Urban Plan for Villages (UPV) – this plan contains borders of the planned area, land-use, general construction conditions, primary traffic network, primary communal and telecommunication infrastructure, and more.
- Urban Plan Outside of Populated Places (UPOPP) – this plan contains borders of the planned area, land-use, plots of the construction land, solution for primary and secondary traffic network, solution for primary and secondary communal and telecommunication infrastructure, and more.

According to law, urban plans have to be in line with the framework provided in spatial plans at national level, issued by the Ministry of Environment and Spatial Planning through the

Agency for Spatial Planning. Urban plans at the local level are the responsibility of the municipalities, while the City of Skopje is responsible only for the GUP for the City of Skopje.

The Mayor establishes a commission to provide opinion on the draft plan at local level, and makes proposals for approval of the local urban planning documentation. The Ministry of Transportation and Communications approves the draft urban plans at local level, which are adopted by the municipal council. The urban planning process is managed and governed by the municipalities through their department of urban planning. The technical work is performed by the municipal staff (municipal administration) in the urban planning sector. The required planning analyses are performed by the municipality in accordance with the law, while urban plans are developed by a licensed company.

## **5.6 Main spatial planning challenges and relevant issues on the spatial planning agenda**

Macedonian planning system is criticized as relatively rigid and centralised, where municipalities lack resources for comprehensive planning procedures. Municipalities are not entitled to land ownership, and all public ownership stays with the central level. These challenges point out at the general issue of the lack of implementation of plans. Informal development represents another obstacle to strategic and coherent development of the cities. Public participation is stipulated by law but not adequately implemented, since the citizens are not well informed about the significance of the planning process. The planning system requires necessary legislation to guarantee that the principles of sustainable development are achieved while ensuring sufficient funds for the entire process of planning. Moreover, the system requires capacity development and provision of technical assistance to the central and local departments responsible for urban and spatial planning. The system also requires higher level of decentralization.

## **5.7 Role of the planning profession/education in the country**

There is no academic program that is specifically focused on urban and spatial planning in the FYR Macedonia. Several courses (usually final years) are offered at the Faculty of Architecture of the University of Skopje. However, these mainly deal with the principles of urban design, as explained in the curriculum. The planning profession thus mainly recruits its professionals that come from the field of architecture, who subsequently develop planning skills during their professional practice.

## **5.8 Experts to be potentially contacted for substantiating the analysis**

In order to fully understand the evolution path of spatial planning system in FYROM, it is relevant to interview different actors that are involved in planning activities and initiatives. These actors can be found in public, private, NGO as well as international consultancy sector. They may be relevant from the following perspectives: (i) in the process of legislation drawing and implementation – administrative authorities; (ii) in the phase of plan preparation and

implementation – public and private practitioners and consultants; (iii) in the education system – scholars. Table 5.6 identifies some local key players and authorities as potential subjects for collaboration.

Table 5.6 Local contacts

Role	Name	Surname	Profession	Institute
Institutional Actors	Jadranka	Milanova	Head of Department of Sustainable Development and Investments	Ministry of Environment and Spatial Planning
	Nebi	Rexhepi	Head of Department of Spatial Planning	Ministry of Environment and Spatial Planning
Academic Members	Minas	Bakalchev	Scholar	Faculty of Architecture
Local Practitioners	Lidija	Trpenoska - Simonovic	Construction Engineer	Public enterprise for spatial and urban planning
	Viktoria	Eremeeva	Engineer of Architecture	Public enterprise for spatial and urban planning
External Consultants	.....	.....	.....	USAID PROGRES

## 5.9 Final recommendations

The planning system requires necessary legislation to guarantee that the principles of sustainable development are achieved while ensuring sufficient funds for the entire process of planning (for example precise viability studies and cost-estimates). Moreover, the system requires capacity development and provision of technical assistance to the central and local departments responsible for urban and spatial planning, early inclusion of all relevant stakeholders, as well as transparency of the planning process. The system also requires higher level of decentralization. Enforcement of law is necessary when dealing with the long-lasting issue of informal construction.

The current system of plans is often criticized as complex, not coherent nor in line with European standards. Hence, another point of focus could be the further adaptation of the planning system in line with policies and standards of the European Union, and in relation to principles and instruments of integrated urban development. This is of high importance in the process of EU-rapprochement. The above reasons constitutes as many arguments in favour of the inclusion of FYROM as a full-study country in the ESPON COMPASS analysis.

## 5.10 Relevant literature

Koželj J, Stefanovska J (2012) Urban planning and transitional development issues: The case of Skopje, Macedonia. *Urbani izziv* 23: 91–100.

Tsenkova S, Nedović-Budić Z (2006) The urban mosaic of Post-socialist Europe. Leipzig: Physica-Verlag.

Tsenkova S (2014) Planning trajectories in post-socialist cities: patterns of divergence and change. *Urban Research & Practice*, 7: 278–301.

Vitorovic et al. (2009) *NALAS REPORT: The Legislation and analysis of the implementation of spatial and urban planning in Albania, Kosovo, Macedonia, Moldova, Republika Srpska and Turkey as compares to the case of Denmark.*



## 6 MONTENEGRO

### 6.1 Preliminary overview of the geographical and socioeconomic situation

Montenegro is geographically located in the Western Balkan Region, confined to the Republic of Serbia and the Republic of Bosnia Herzegovina on the North, the Adriatic Sea and the Republic of Croatia on the West, Kosovo on the East, and the Republic of Albania on the South. Important data on geographical and socioeconomic characteristics of Montenegro are presented in Table 6.1.

Table 6.1 Geographical, socioeconomic and settlement structure situation

<b>Geographical Information<sup>23</sup></b>	
Territorial surface	13 812 km <sup>2</sup>
Total Population (2015)	622 400 inhabitants
Density	45 pop/km <sup>2</sup>
Population growth rate (2014)	2.4 %
Urban Population (2011)	63.8 %
<b>Socioeconomic Data<sup>24</sup></b>	
GDP Total (2015)	3.933 billion
GDP per capita (2015)	7 106 USD
GDP rate growth (2015)	3.4 %
<b>Largest settlements<sup>25</sup></b>	
Capital City Population	Podgorica 187 085
Second City Population	Niksic 56 970

Source: Authors' own elaboration World Bank and Census data

### 6.2 Where the country stands in relation to the EU

On 15 October 2007, Montenegro signed a SAA and an Interim Agreement on trade and trade-related issues with the EU. The Interim Agreement entered into force on 1 January 2008 and the SAA entered into force on 1 May 2010. By signing the SAA, Montenegro has formally concluded the agreement on accession to the European Community and the Member States. The agreement was ratified by the Parliament of Montenegro on 13 November 2007. The European Parliament gave its consent on 13 December 2007. The Interim Agreement provides for Montenegro and the EU to seize parts of the SAA related to trade. The Montenegro government adopted an action plan on the implementation of this Agreement on 17 May 2007. The Interim Committee, responsible for ensuring the proper implementation of the Interim Agreement, held its inaugural meeting on 22 January 2008.

<sup>23</sup> Census data (2011)

<sup>24</sup> World Bank national accounts data and OECD National Accounts data files.

<sup>25</sup> Census data (2011)

Table 6.2 Accession process of Montenegro in the EU

Step	Accords	Year
Pre-Adhesion Agreement	Stabilization and Association Agreement (SAA)	2008
	Applying for Membership	2009
	Candidate Status	2010
Screening	Started Screening Step	2013
Negotiation	Chapter Discussed Period	2016
Adhesion	Treaty adhesion signed	...

Source: Ministry of Foreign Affairs of the Republic of Montenegro

From 19 December 2009, the visa regime of Montenegro was amended, allowing citizens to travel without visas to all 25 Member States belonging to the Schengen zone, as well as three countries that are not part of the EU (Iceland, Norway and Switzerland). This was the final result of a process that was launched in May 2008.

In accordance with Article 49 of the Treaty on European Union, on 23 April 2009, the Council submitted a request to the European Commission to prepare its opinion on Montenegro's application for membership. On 9 November 2010 the European Commission published a positive opinion on Montenegro's readiness for membership, which recommends that the Council grant Montenegro candidate status.

Accession negotiations with Montenegro were opened on 29<sup>th</sup> June 2012. As of 30 June 2016, 24 negotiating chapters were initiated, including chapters on judiciary and fundamental rights and chapters on justice, freedom and security. Diplomatic relations between Montenegro and the European Union are carried out by the Mission of Montenegro to the EU in Brussels, which is working since 2006, and the EU Delegation to Montenegro, in Podgorica, which started work in November 2007. Montenegro is currently included in a variety of EU programs, such as EU programs are implemented through the Multi-beneficiary IPA, HORIZON 2020, UNEP, 'De facto jaci', CARDS program, and many more.

### 6.3 Administrative subdivision and entities responsible for planning

The territory of Montenegro is organized through municipal divisions. The Special Law on the Territorial organization of Montenegro ('Official Gazette of CG' no. 54/2011, 26/2012, 27/2013, 62/2013 and 12/2014) proclaims 21 municipalities in Montenegro, and among them the capital City of Podgorica.

At the moment, the territorial governance and spatial planning system of Montenegro contemplates two levels of responsibility, the national and the local level (Table 6.3). At the national level the responsibilities are carried out by the Ministry of Sustainable Development and Tourism. When it comes to local level, planning is under the jurisdiction of the local authorities, while the plans are developed by both public planning institutes as well as private planning agencies.

Table 6.3 Levels of decision-making and institutions in charge of planning

Level of planning	Institution
National level	Ministry of Sustainable Development and Tourism Republic Institute for Urban Planning
Local level	Local authority, Secretariats for urban planning, local development agency and private planning enterprises

Source: Authors' own elaboration

The Ministry of Sustainable Development and Tourism (and the Directorate for Planning within) as well as The Republic Institute for Urban Planning are in charge of national level of planning in Montenegro. The Directorate for Planning performs tasks related to the preparation of policies, strategies, projects and programs in the field of spatial development; monitoring of their implementation; participation in the harmonization of national legislation with EU legislation in the field of spatial planning; drafting and proposing laws and other regulations in the field of spatial planning and marine resources; preparing and giving opinion on regulations prepared by other bodies; supervision over the legality of acts and legality of the work of the local authorities and other entities entrusted with public authority; giving expert instructions, opinions and interpretations; and making decisions in administrative matters and matters of administrative supervision.

Table 6.4 Planning authorities and their responsibilities

Planning authorities	Responsibilities
Ministry of Sustainable Development and Tourism (Directorate for Planning)	Preparation of policies, strategies, projects and programs in the field of spatial development, as well as monitoring of their implementation; In charge of harmonization of national legislation with EU legislation in the field of spatial planning
Republic Institute for Urban Planning	Coordinates plan development, work between secretariat, public enterprises and other included institutions
Secretariat for planning, space development and protection of environment	In charge of the investments, legal framework, financial and supervisory role in the preparation and realization of the construction of settlements
Local Development Agency	Harmonization of local and national level plans, harmonization of strategic and formal planning practice
Planning Commission	Expert verification of compliance of urban projects with the other relevant and higher-level plans, policies and the Law on Sustainable Development and Tourism
Licensed Companies	Development of urban and spatial plans

Source: Authors' elaboration

The Republic Institute for Urban planning is in charge of developing plans, but also provides a wide range of services such as preparation of national planning documentation, local planning documentation, project documentation, revision of project documentation, supervision,

monitoring of project implementation, consulting, evaluation, surveying, technical inspection, and more.

The Secretariat of Spatial Planning and Environment performs administrative tasks related to drafting legislation in the field of spatial and urban planning, construction land and construction, regulations on norms and standards for the necessary work on the common areas in residential buildings; it carries out preparatory and other activities related to the development and adoption of local planning documents; it performs implementation of the strategic assessment of environmental impact of plans and programs adopted by the Capital.

The Secretariat is also in charge of issuing building permits for an upgrade of apartment buildings, issuing urban-technical requirements, and issuing occupancy permits for infrastructure (water, sewage, electro-energy facilities, roads, and more). It also issues a decision on the organization of technical inspection. Moreover, it is in charge of issuing of urban-technical requirements, building and occupancy permits for the construction of buildings in the areas which are not covered by detailed urban plans;

The Secretariat also supervises the work of the Agency for Construction and Development of Podgorica in regard to land-use management. Some municipalities in Montenegro have local development agencies that are in charge of harmonizing local and national level plans, as well as strategic and formal planning practice.

The Planning Commission is in charge of expert verification of compliance of urban projects with the other relevant and higher-level plans, policies and the Law on Spatial Development and Construction, while licensed companies develop plans.

#### **6.4 Legal framework for spatial planning**

The Law on Spatial Development and Construction ('Official Gazette of CG', no. 51/08, 40/10, 34/11) unifies a number of previous regulations in this field. The Last amendment of the law is harmonized with EU directives of relevance for the spatial development, such as: the Directive 2003/35/EC on procedure of public participation; the Directive 2001/42/EC on the assessment of the effects of certain plans and programs on the environment; the Directive 2003/4 of the European Parliament and European Council on public access to information; and the Directive 85/337 on the assessment of the effects of certain public and private projects on the environment (Urban Planning in Montenegro - Report, 2014) .

Besides some harmonization with the EU regulations, the law proclaims principles that relate to the construction of built environment; types and content of plans; protection of the public interest; development of real estate and property, protection of health, environmental protection, protection from natural and technical/technological disasters; protection from fire, explosions and industrial accidents; rational use of energy and energy efficiency; and protection from noise and vibration. The law also promotes decentralization in the field of spatial planning. Planning documents are defined in a manner which should allow monitoring

of the status of space, both in terms of land-use and possible interventions. Therefore, the planning documents are divided into state planning documents and local planning documents, and in line with this the competences and level of elaboration as well.

### 6.5 Main spatial planning tools at each territorial level

According to the Law on Spatial Development and Construction (2008), national level planning documents are the Spatial Plan of the Republic of Montenegro, the Spatial Plan of Special Purpose, the Detailed Spatial plan and the State location study. Local level planning documents are the General Urban Plan of local self-government (GUP), the Detailed Urban Plan (DUP), the Urban development project and the Local location study (Table 6.5).

Table 6.5 Plans and levels of government in planning and development in FYROM

Plan	Institution (authority and planning agency)	Level
Spatial Planning Spatial Plan of the Republic of Montenegro Spatial Plan of Special Purpose Detailed Spatial Plan State Location Study	Ministry of Sustainable Development and Tourism  Republic Institute for Urban Planning	National
Urban Planning Spatial-Urban Development Plan (SUDP) Detailed Regulation Plan (DUP) Urban Development Project Local location study	Municipal Administration  Local Development Agency	Local

Source: Law on Spatial Development and Construction, 2008

Spatial plans that currently operate in the planning system of Montenegro are:

- the Spatial plan of Montenegro is a strategic document and general base for the spatial organization and development of Montenegro. It determines objectives of the State and parameters for territorial development;
- the Spatial Plan of Special purpose special plan is developed and adopted for the territory or parts of territories of one or more local self-governments with common natural, regional or other features, of special significance for Montenegro and which require special development and regime of use (national park, coastal areas, etc.);
- the Detailed Spatial Plan is adopted for regions where structures which are of interest for Montenegro, or are of regional significance, should be constructed; and
- the State location study may be adopted for the regions which are within the scope of the Spatial Plan of Special Purpose and which are not elaborated in detail in such plan.

Local planning documents are the Spatial-Urban development plan (SUDP) of local self-government, the Detailed urban development plan (DUDP), Urban development project and the Local location study, where the adoption of SUDP and DUDP is legally obligatory.

- the Spatial-Urban development plan defines strategic objectives of spatial and urban development of the local government unit (municipality), in line with the planned economic, social, ecological and cultural-historical development.

- the Detailed Urban Plan defines land-use requirements, norms and standards for the construction of structures within the settlements, in a manner which enables direct implementation of these plans.

Urban Development Project may be adopted for small-scale areas which are about to undergo significant and complex construction, and the Local location study may be adopted for areas which are within the scope of the Spatial-Urban Development Plan and which do not require the development of the Detailed Urban Plan or the Urban Development Project.

The Spatial plan of Montenegro and the Spatial Plan of Special Purpose are adopted by the Parliament of Montenegro. The Detailed Spatial Plan and the State location study are adopted by the Government, while local planning documents are adopted by the local Assembly. Exceptionally, the Government may adopt a local planning document even if the local government has refused its adoption. It can be argued that this mechanism does not represent affirmation of the principle of decentralization.

## **6.6 Main spatial planning challenges and relevant issues on the spatial planning agenda**

The planning system of Montenegro is usually criticized as centralised, where municipalities lack resources as well as capacities. The level of regional planning is almost completely neglected, although it was anticipated by regulations from 1995 and partly by the new Law. This kind of governance is often criticized, since the regional level (or more of them) should serve for harmonizing interests between local communities and the state. Informal development represents another significant obstacle to strategic and coherent development of the cities. Additionally, public participation is stipulated by law but not adequately implemented, since the citizens are not well informed about the planning process.

It should be noted that the Republic of Montenegro is in the process of harmonizing the current planning system with the EU standards. This is visible through several joint initiatives (guides) developed by the Ministry of Sustainable Development and Tourism and the World Bank. These are presented as: 'Guide on how to develop a landscape plan', 'Guide on developing Strategic Environmental Impact Assessment', 'Guide on development of Economic-Demographic Analysis in Planning Documents', 'Guide on Housing Development in Montenegro', 'Guide on Development of land-use of tourist interest', 'Guide on Development and Preservation of Public Spaces in Montenegro'.

## **6.7 Role of the planning profession/education in the country**

There is no specialized academic program that is specifically focused on urban and spatial planning in Montenegro. There is a study module as part of the architectural program at University of Podgorica. This module includes several courses on urban design, two studio projects which combine architectural and urban design, as well as several courses in history and theory of urban design. However, there are some indications that additional courses in planning theory and methodology are to be included in this program in the years to come.

Hence, planning professionals mainly come from this field and are additionally trained to deal with planning practice during their professional engagements.

## 6.8 Experts to be potentially contacted for substantiating the analysis

In order to fully understand the evolution path of spatial planning system in Montenegro, it is relevant to interview different actors that are involved in planning activities and initiatives. These actors can be found in public, private, NGO as well as international consultancy sector. They may be relevant from the following perspectives: (i) in the process of legislation drawing and implementation – administrative authorities; (ii) in the phase of plan preparation and implementation – public and private practitioners and consultants; (iii) in the education system – scholars. Table 6.6 identifies some local key players and authorities as potential subjects for collaboration.

Table 6.6 Local contacts

Role	Name	Surname	Profession	Institute
Institutional Actors	Dragana	Cenic	General Director	Directorate for Spatial Planning / Ministry for Sustainable Development and Tourism
Academic Members	Svetislav	Popovic	Dean / Scholar	Faculty of Architecture
Local Practitioners	Svetlana	Jovanovic	Spatial Planner	Republic Institute for Urban Planning
	Sasa	Karajovic	Spatial Planner	MonteCEP dsd - Kotor
External Consultants	.....	.....	.....	USAID World bank

## 6.9 Final recommendations

The planning system of Montenegro requires capacity development and provision of technical assistance to the central and local departments responsible for urban and spatial planning, early inclusion of all relevant stakeholders, as well as transparency of the planning process. The system also requires higher level of decentralization. Enforcement of law is necessary when dealing with the long-lasting issue of informal construction.

It is evident that some steps towards harmonization of Montenegro planning system towards the EU have been undertaken, and especially through cooperation between the Ministry of Sustainable Development with international organizations, as well as through recent changes in planning legislation. Hence, it is recommended that this process should be continued in order to meet future demands for sustainable development of the country.

On the basis of the collected information, we recommend the inclusion of the country as a full study country in the ESPON COMPASS analysis

## 6.10 Relevant literature

Economic Commission For Europe (2006) *Country Profiles on the Housing Sector: Serbia and Montenegro*. Geneva: United Nations.

Ministry for Sustainable Development and Tourism (2009) *Report on Status and of Spatial Development*.

OSCE and Centre for Development of NGOs (2013) *Good Governance in the local municipalities in Montenegro*.

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Tsenkova S (2014) Planning trajectories in post-socialist cities: patterns of divergence and change. *Urban Research & Practice*, 7:278–301.

UNEP (2007) *National Report on Current Policy, Procedures, Legal Basis and Practice of Marine Spatial Planning in Montenegro*.



## 7 SERBIA

### 7.1 Preliminary overview of the geographical and socioeconomic situation

Serbia is geographically located in the Western Balkan Region, confined to Republic of Hungary on the North, Republic of Croatia and Republic of Bosnia and Herzegovina on the West, the Republic of Romania and Republic of Bulgaria on the East, Republic of Montenegro, Kosovo and Former Yugoslav Republic of Macedonia in the South. Important data on geographical and socioeconomic characteristics of Serbia are presented in Table 7.1.

Table 7.1 Geographical, socioeconomic and settlement structure situation

<b>Geographical Information<sup>26</sup></b>	
Territorial surface	88 361 km <sup>2</sup>
Total Population	7 186 862 inhabitants
Density	93 pop/km <sup>2</sup>
Population growth rate (1990-2014)	- 0.5%
Urban Population (2011)	59,44%
<b>Socioeconomic Data<sup>27</sup></b>	
GDP Total (2015)	36.513 billion
GDP per capita (2015)	5 500 USD
GDP rate growth (2015)	1.9 %
<b>Largest settlements<sup>28</sup></b>	
Capital City Population	Belgrade 1 731 425
Second City Population	Novi Sad 341 625

### 7.2 Where the country stands in relation to the EU

The Republic of Serbia signed the SAA with the EU on 29 April 2008, and applied for the EU membership on 22 December 2009. On 1 March 2012, the European Council made the decision to grant Serbia candidate status. On 28 June 2013, Serbia engaged in the accession negotiations for EU membership. The SAA came into force on 1 September 2013, which means that Serbia and EU entered the phase which officially confirms the prospective accession of Serbia into the European Union. The negotiations between Serbia and the EU have formally begun with the first meeting at Intergovernmental Conference (IGC) on 21 January 2014, where they presented the negotiating framework, set by the European Commission.

<sup>26</sup> Census data (2011)

<sup>27</sup> World Bank national accounts data and OECD National Accounts data files.

<sup>28</sup> Census data (2011)

Table 7.2 Accession process of Serbia in the EU

Step	Accords	Year
Pre-Adhesion Agreement	Stabilization and Association Agreement (SAA)	2008
	Applying for Membership	2009
	Candidate Status	2012
Screening	Started Screening Step	2013
Negotiation	Chapter Discussed Period	...
Adhesion	Treaty adhesion signed	...

Source: Ministry of Foreign Affairs of the Republic of Serbia

The negotiating framework for the accession of Serbia in the EU contains the principles, substance and procedures of the entire negotiating process. The focus is on the conditions under which a candidate country should adopt and enforce the *acquis communautaire* – legal attainment of the EU, divided into 35 chapters. The EU expects Serbia to ensure the full implementation of key reforms and legislation, particularly in the area of judicial reform, fight against corruption and organized crime, public administration reform, independence of institutions, reform of the media, non-discrimination and protection of minorities. Special importance is given to compliance dynamics of the negotiation process, and steady progress in all chapters.

There are currently over 600 on-going projects under implementation covering a wide range of sectors. In the period 2007-2013, Serbia signed a Memorandum of Understanding for joining EU Framework Programme for Research (FP7), PROGRESS, Culture, CIP, Fiscalis, Customs, Safer Internet Programme, Lifelong Learning and Europe for Citizens. In addition to these programs, the Republic of Serbia is actively participating in Tempus / Erasmus Mundus and Youth in Action, HORIZON 2020, EU programs are implemented through the Multi-beneficiary IPA, and more.

### 7.3 Administrative subdivision and entities responsible for planning

The territory of Serbia includes one autonomous province Vojvodina, 174 local government units, 23 cities and 150 municipalities (Law on Territorial organization of Republic of Serbia, 2007). Since the 1970s, planning in Serbia has been officially decentralized. At the moment the Serbian planning system contemplates three scales of responsibility, national, regional and local level (Table 7.3). At the national level the responsibilities are carried out by the Ministry of Construction, Traffic and Infrastructure. At regional level, Province Secretariat for Urbanism and Environmental Protection is in charge of the autonomous province of Vojvodina, while the Ministry holds responsibility in relation to other regions in Serbia. When it comes to local level, planning is under the jurisdiction of the local authorities, while the plans are developed by both public planning institutes and enterprises, as well as private planning agencies.

Table 7.3 Levels of decision-making and institutions in charge of planning

Level of planning	Institution
National level	Ministry of Construction, Traffic and Infrastructure
Regional level	Ministry of Construction, Traffic and Infrastructure Province Secretariat for Urbanism and Environmental Protection
Local level	Local authority, local public and private planning enterprises

Source: Authors' elaboration

To understand the institutional framework of Serbian planning practice, it is necessary to point out the role of the local government and public institutions in the field of planning and urban development. Since the WWII, larger towns gradually formed Urban Planning Institutes as specialized professional institutions for spatial and urban planning, while Development Directorates were in charge of the investments, legal framework, financial and supervisory role in the preparation and realization of the construction of new settlements. Moreover, they were in charge of providing the infrastructure for the building land.

To strengthen the administrative control of the planning and development system, local governments established secretariats in the fields of education, health, social protection, urban planning and construction, and others. Smaller municipalities had units and departments instead of secretariats. In addition to other administrative tasks, the secretariat's role was to provide requirements for the capacities of public services (Services of General Interest) under their jurisdiction to the Urban Planning Institute, at the early stage of planning process. These requirements took the form of norms and standards for the development, which had to be respected in plans.

Table 7.4 Planning authorities and their responsibilities

Planning authorities	Responsibilities
Ministry of Construction, Transport and Infrastructure	Defines legal framework and evaluates the implementation of law. Defines development policies and provides permissions for development of projects that are of national importance for the Republic of Serbia
City Secretariat for Urbanism	Provides requirements for the capacities of Services of General Interest / public services under their jurisdiction
The Chief City Architect	Coordinates plan development, work between secretariat, public enterprises and other included institutions. President of the Planning Commission
Development Directorate	In charge of the investments, legal framework, financial and supervisory role in the preparation and realization of the construction of new settlements. In charge of equipping the development land with infrastructure
Planning Commission	Expert verification of compliance of urban projects with the other relevant and higher-level plans, policies and the Law on Planning and Construction
Urban Planning Institute / Licenced company	Development of urban and spatial plans

*Source: Authors' elaboration*

Planning institutions and smaller units in Serbia amount from a handful to as many as 150 employees. Since socialism, however, their collaboration in relation to land management was not clearly defined by law. Secretariats collaborate with the Urban Planning Institute in the phase of plan preparation. They hold a particularly important role in initiating the preparation of plans, conducting the provision of information about specific locations, conducting issuance of building permissions, and other responsibilities. The Development Directorate is still in charge of providing the main public technical infrastructure. In addition, it is responsible for calculating and determining fees for equipping and lease of construction land, as well as for preparation of information on potential development locations for private investors.

Another institution that participates in planning and development is the Serbian Ministry of Construction, Transport and Infrastructure. The Ministry defines the legal framework and evaluates the implementation of law. It defines development policies and provides permissions for development of projects that are of national importance for the Republic of Serbia, while the Minister provides the final approval of the plan.

Finally, an important role in Serbian planning practice is held by the Local Planning Commission that performs the professional tasks of expert verification of compliance of urban projects with the other relevant and higher-level plans, policies and the Law on Planning and Construction. The Commission operates at the local level, in cities and municipalities. The president and members of the commission are appointed from amongst experts in the field of urban, spatial planning and construction. One third of the members are appointed on the recommendation of the minister. There are usually five members of the Planning Commission, while the final decision on the plan approval is regulated by voting.

Despite the relatively developed network of institutions in charge of planning in Serbia, scholars often describe it as chaotic and unsynchronized, with the collaboration between the institutions often relying on the 'enthusiasm of individuals', or planning professionals.

#### **7.4 Legal framework for spatial planning**

The circumstances required by the transition to a market economy also demanded a high level of flexibility when it comes to the legal framework of planning. The Law on Planning and Construction (2003) integrated the previously separate fields of spatial planning, urban planning, construction land, project management, development and legalization of informal settlements. It should be mentioned that this law has undergone eight amendments since 2003. It was initiated to accelerate the procedures for issuing construction permits to private investors; managing the regularization of the large-scale informal development (which, according to the estimates of the Ministry for Construction, Traffic and Infrastructure, was around 1.5 million dwellings); and, to clarify the articles that separate public ownership over

the land and public-land use, where the urban land in Serbia is still mostly publicly / societally owned.

The Law (2003) introduced private ownership of public land-use, while the Amendment (2014) included early public hearing (15 days), in addition to the formal public hearing at the very end of the planning process (30 days). Moreover, this amendment introduced preparation of strategic environmental impact assessment for spatial plans, which in the previous legal framework was only obligatory for urban plans.

## 7.5 Main spatial planning tools at each territorial level

The Serbian planning system traditionally recognizes spatial and general urban planning. The planning process is conducted by the relevant planning authority, depending on the type of plan. Plans are developed by public and private planning agencies. Plans are prepared at state / national, regional and local level. The Constitution of the Republic of Serbia assigns spatial planning to the national and provincial level and their bodies, while the urban planning is under the authority of the local government units and their bodies (Table 7.5), including also the Spatial Plan of the Unit of Local Administration (city / municipality) as a basic local strategy document.

Table 7.5 Plans and levels of government in planning and development in Serbia

Plan	Institution (authority and planning agency)	Level
Spatial Planning Spatial Plan of the Republic of Serbia Regional Spatial Plan Spatial Plan of the area of Special Purpose (SPSP)	Ministry of Construction, Traffic and Infrastructure (government)	National
Spatial Plans for the Territory of the Province of Vojvodina	Autonomous Province of Vojvodina	Provincial (Province of Vojvodina)
Spatial Plan of the Unit of Local Administration (City/Municipality)	Local Administration (Department for Urban Planning)	Local
Urban Planning General Urban Plan (GUP) General Regulation Plan (PGR) Detailed Regulation Plan (DUP)	Local Planning Agency / Institute Public and private	
Urban project (UP)*		

Source: Law on Planning and Construction, 2003

Spatial planning takes a specific place within Serbian planning practice. Its scope, content and coverage are usually 'wider' than city-level urban plans, but less detailed. In Serbia, spatial planning is aimed at influencing the future strategic distribution of activities,

environmental protection, the planning and development of projects at national level, indicating the regional and national priorities for economic and social development, amongst other things. Spatial plans are more strategic and less oriented towards defining norms and standards or land-use. Their main role is coordination of urban plans, organization of networks of settlements, horizontal and vertical coordination of decision-making, amongst other things. Yet as certain authors note, implementation has been the weakest part of the spatial planning process. Spatial plans recognized in the legal framework are:

- Spatial Plan of the Republic of Serbia – as a basic spatial planning document that sets out strategic development priorities and has a general regulatory role,
- Regional Spatial Plan – although Serbia has no administrative regional level, the plan is adopted in line with the regional division officially marked as NUTS 2 and NUTS 3, where the plan should set out the goals of spatial development in relation to other regions in Serbia,
- Spatial Plan of the Unit of Local Administration – this plan is adopted for the entire territory of the local government unit (municipality / city) and defines the guidelines for development activities and land-use, as well as the conditions for sustainable and balanced development, and
- Spatial Plan of the area of Special Purpose – this plan is derived from the Spatial Plan of the Republic of Serbia for the areas that require special treatment due to their natural, cultural, historical or environmental value, areas of mineral resources, areas of tourist potential, hydropower potential, etc.

Besides spatial planning that is practiced at the 'higher' regional and national level of decision-making, general urban planning is considered to be the key instrument of strategic and land-use planning at local level. In international terms, it is often described as 'zoning'. General urban planning dates back to the socialist era. It has been under the authority of local communities for over 50 years, satisfying very important decentralization criterion within the sector of urban planning and construction. The Serbian planning framework recognizes three levels of general plans:

- General Urban Plan (GUP / GP) – this is a strategic document that contains general elements of spatial development and is adopted at the city / municipality level;
- General Regulation Plan (PGR) – this plan covers the area of the whole city / municipality, like the GUP, although it also contains land-use and other regulation at plot level, it is therefore directly implementable, or else possible to obtain a building permit if the plan allows direct implementation at the area of interest;
- Detailed Regulation Plan (DUP) – this plan is prepared and adopted at neighbourhood level, it contains all the regulations that allow for direct implementation; it represents a necessary instrument for development of unregulated or informal zones, infrastructural corridors, change of land-use.

Besides these general urban plans that contain regulatory and land-use norms and standards for development and construction, we will mention the Urban Project (UP), an instrument for the implementation of urban plans. The scale of UP elaboration is usually at neighbourhood

level. The system of plans in Serbia is top-down, where lower-level plans are in line with higher-level plans, as defined in the Law on Planning and Construction (2014).

## **7.6 Main spatial planning challenges and relevant issues on the spatial planning agenda**

One of the main challenges Serbian planning profession faces nowadays is the lack of tools to measure how successful the plan is, or the implementation and evaluation phase in the plan adoption process. Moreover, there is a lack of comprehensive viability study prior to the plan preparation phase. In these circumstances, plans are being initiated by individual investments rather than a strategy to strike an area as a whole.

Some other challenges of Serbian planning practice are often recognized as frequent change of legal framework which often leads to misinterpretation of law, lack of wide and meaningful public dialogue in the early stages of plan preparation, as well as the long-lasting issue of informal development.

Instead of reducing or limiting the use of land outside the urban area, the local level has for many years enhanced the trend of converting agricultural land into construction land for the purpose of legalizing informal development. This practice was encouraged in the previous legislation by the form of the legalization process. Recently adopted regulations of the Ministry of Agriculture imposed higher prices for change of land-use and in order to slow down the process of usurping agricultural land with informal settlements.

In order to respond to some of the existing and future challenges that Serbian planning practice is faced with, there is a need to recognize a field for improvement. Some possible directions for future planning practice are recognized as following:

- The need for stronger market orientation and improved collaboration between public and private sector, as well as protection of the public interest;
- The need for improvement of budget planning;
- The need for better integration of sustainability principles in the formal planning framework; and
- The need for transparent and wide inclusion of all relevant stakeholders in the planning process.

## **7.7 Role of the planning profession/education in the country**

Planning education in Serbia is traditionally linked to the field of technical sciences, and especially through the Faculty of Geography and the Faculty of Architecture. This is different to a number of EU educational systems, where planning is often attached to the field of social sciences and humanities, too. Some novelties in this area are recognized through the introduction of the Master program Integral Urbanism at the Faculty of Architecture in 2013. The important role in planning research is held by the Institute of Architecture and Urban & Spatial planning of Serbia (IAUS) as well as Institute for Planning at Faculty of Geography.



Although it appears that planning profession is not a homogeneous field in Serbia, certain procedures as well as approaches remain traditionally interdisciplinary, since socialism. The process of plan preparation and adoption involves urban planners, spatial planners, architects, civil engineers, mechanical and electrical engineers, economists, sociologists and experts in the field of hydraulic engineering, geology, geodesy, protection of heritage and the environment. Although this kind of approach appears complex and sometimes demanding, achieved consensus among all sectoral objectives may result in well planned solutions.

## 7.8 Experts to be potentially contacted for substantiating the analysis

In order to fully understand the evolution path of spatial planning system in Serbia, it is relevant to interview different actors that are involved in planning activities and initiatives. These actors can be found in public, private, NGO as well as international consultancy sectors. They may be relevant from the following perspectives: (i) in the process of legislation drawing and implementation – administrative authorities; (ii) in the phase of plan preparation and implementation – public and private practitioners and consultants; (iii) in the education system – scholars. Table 7.6 identifies some local key players and authorities as potential subjects for collaboration.

Table 7.6 Potential Contacts

Role	Name	Surname	Profession	Institute
Institutional Actors	Zoran	Radosavljevic	Head of Planning Department	Ministry of Construction, Traffic and Infrastructure
	Djordje	Milic	Assistant Minister	Ministry of Construction, Traffic and Infrastructure
Academic Members	Dejan	Djordjevic	Scholar	Faculty of Geography
Local Practitioners	Milica	Joksic	Architect	Urban Planning Institute of Belgrade
	Miodrag	Vujosevic	Economist	IAUS
External Consultants	.....	.....	.....	GIZ USAID UNDP

## 7.9 Final recommendations

With the political changes in 2000 and the decision of Serbia to set on the road towards European Integration, a process of decentralisation and profound structural reforms begun, placing significant challenges in different political and social sectors. One of the challenges pertains to the sphere of urban and spatial planning and development. The previously socialistic system of urban planning and land management needed to be transformed into a market oriented and democratic system. Ten years later, important steps already had been taken. However, there is still a need for further adaptation towards a contemporary, transparent, market-oriented planning system in line with European standards and policies.



It is recommended that the planning system follows up the principles of sustainable development, in line with the requirements of the specific post-socialist local context. This implies environmental aspects such as minimizing the conversion of green land into construction land and minimizing the negative impact of urban development on the environment. It also implies social aspects such as wide and meaningful public participation and transparency. And it implies economic aspects too in terms of a more market orientated development of land.

The current system of plans is often criticized as complex, not coherent nor in line with European standards. Hence, another point of focus could be the further adaptation of the planning system in line with policies and standards of the European Union, and in relation to principles and instruments of integrated urban development. This is of high importance in the process of EU-rapprochement. In this light, we recommend the inclusion of Serbia as a full-study country in the ESPON COMPASS analysis

### 7.10 Relevant literature

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## 8 TURKEY

### 8.1 Preliminary overview of the geographical and socioeconomic situation

Turkey spans from Balkans to Anatolia and is located in a strategic position at the crossroads of Asia and Europe. Surrounded by Black Sea in the north, the Mediterranean in the south and Aegean Sea in the west, the country borders Greece and Bulgaria in the northwest, Georgia in the northeast, Armenia, Azerbaijan and Iran in the east, and Iraq and Syria in the south.

Turkey's economy has experienced a considerable improvement, increasing GDP per capita from 2.790 US\$ in 1990 to 9.257 US\$ in 2015. As of 2015 the country is ranked as the 18<sup>th</sup> largest economy in the world by the World Bank, and is a member of OECD and G20. Table 8.1 provides summary information of the demographic and socio-economic status of the country.

Table 8.1 Geographical and socio-economic situation

<b>Geographical and Demographic Information</b>	
Territorial surface	783.560 km <sup>2</sup>
Total Population (2015)	78.741.053
Density (2015)	102/km <sup>2</sup>
Population growth rate (2000-2015)	1.2- 1.7 %
Urban Population (2015)	73.4%
<b>Economic Information</b>	
GDP Total (2015)	718 billion USD
GDP per capita (2015)	9.257 USD
GDP per capita, PPP (2015)	19.618 international USD
GDP growth rate (2015)	4 %

Source: <http://data.worldbank.org/country/turkey>, [www.tuik.gov.tr](http://www.tuik.gov.tr)

### 8.2 Where the country stands in relation to the EU

Turkey has a long standing relationship with the European Community, dating back at least to its membership to the Council of Europe in 1949. Starting with the first time application of Turkey for EEC membership in 1959 this relationship has come close to suspension in particular periods of history; and intensified in others. Nevertheless Europeanization is argued to have been one of the main driving forces of modern Turkey, being influential in shaping the country's economic and political structure. The major milestones in the course of Turkey's integration process are listed in Table 8.2.

Concerning territorial governance, spatial planning and the impact of EU policies, other milestones that can be added to the list are signing of the European Charter of Local Government (1988), starting to benefit from EU programmes and pre- accession instruments (first PHARE in 2002, and later IPA), adoption of NUTS territorial division system (2002) and establishment of regional development agencies (RDAs) for each NUTS2 level region (2006).

The European Charter of Local Government had indirect effects such as, being used as a source of policy justification, especially during the administrative reform attempts. EU funding and association of RDAs with NUTS2 regions have brought more direct and significant changes in the territorial governance and spatial planning system of the country that are yet not thoroughly investigated.

Table 8.2 Key dates in the relationship of EU and Turkey

Key Events	Year	Significance for EU – Turkey relations
Membership of Council of Europe	1949	Turkey becomes a founding member of the Council. First institutional cooperation between European countries and Turkey.
Ankara Agreement	1963	Initiating the process of Customs Union that would lead to full membership to the EEC. Financial assistance received from the EEC.
Membership of the Customs Union	1995	Mutual abolition of duties and tariffs, accompanied by the Customs Union Package, including financial assistance and close cooperation in other areas.
Helsinki Summit	1999	Turkey fulfilled the Copenhagen Political Criteria and was officially recognised as a candidate state.
Inclusion to Community Programmes	2002	Eligibility for benefitting from relevant EU programmes and funding for pre-accession assistance.
Start of accession negotiations	2005	The monitoring process started under 35 chapters, triggering a series of institutional and legal reforms.
Establishment of the Ministry for EU Affairs	2011	The influence of EU conditionality and European integration process on Turkish state structure.

Source: authors' evaluation, adapted from Ministry for EU affairs, <http://www.ab.gov.tr/index.php?p=112&l=2>

According to the European Commission 2015 Progress Report on Turkey<sup>29</sup>, EU policies and programmes that include Turkey in their scope are “the Seventh Research Framework Programme, Customs, Fiscalis Programme, the Competitiveness and Innovation Framework Programme, Progress, Culture, Lifelong Learning and Youth in Action. Turkey has also recently concluded or is in the process of concluding new agreements for a number of programmes, including: Horizon 2020, Erasmus+, Competitiveness of Enterprises and Small and Medium sized Enterprises, Creative Europe and Employment and Social Innovation. Turkey participates in the European Environmental Agency and in the European Monitoring Centre for Drugs and Drug Addiction” (p.87). Also, throughout the negotiation process, Turkey has been harmonizing its national policies that are monitored under 35 Chapters.

<sup>29</sup> [http://www.ab.gov.tr/files/000files/2015/11/2015\\_turkey\\_report.pdf](http://www.ab.gov.tr/files/000files/2015/11/2015_turkey_report.pdf)

### **8.3 Territorial administrative subdivision and entities responsible for spatial planning at each territorial level.**

Turkey is a unitary state with strong supervisory control over the local level. The largest territorial units below the national level are provinces. Each province is governed by a governor appointed by the central government and an elected mayor. The division of labour between governorships and municipalities depends on the status of the provinces.

In metropolitan areas a two-tier metropolitan government system is established, where the metropolitan municipality's jurisdictional area covers the whole territory of the province. Here the metropolitan municipalities are responsible of urban and rural development as well as preparation of master plans covering their whole territory. The role of governorships in development and planning is relatively limited. 30 out of 81 provinces are defined as metropolitan areas, covering almost 70% of total population.

In non-metropolitan areas municipalities are responsible for urban development and preparation of zoning and implementation plans only for their respective urbanized municipal areas. Provision of services outside the jurisdiction areas of municipalities (i.e. rural areas) is the responsibility of governorships. Non-metropolitan provinces entail a third government body, the Special Provincial Administration (SPA). SPAs constitute a local governance body with a board and assembly, where both locally elected municipal actors and central government officials are represented. However the governor of the province is legally defined as the head of the SPAs, which brings these institutions closer to the central state rather than local municipalities. SPAs in non-metropolitan areas handle services related to health, culture and tourism, services of the Ministry of Environment and Forestry and the Ministry of Agriculture and Rural Affairs, social services and services of the Institution for the Protection of Children. Furthermore, broad authorities or powers have been given to Special Provincial Administrations for preparing master plans and planning outside their adjacent areas.

Provinces are further divided into districts. In metropolitan areas district municipalities' responsibilities are limited to local service provision and implementation planning, which is subject of approval by metropolitan municipalities. In non-metropolitan areas each district municipality holds a relatively autonomous position vis-à-vis the others, which is limited to the urbanized municipal areas of the district, and the remaining parts of the provinces are governed by the governorships.

At the moment the Turkish spatial planning system contemplates four scales of responsibility: national, regional, provincial and the local. In this framework, at the national level the responsibilities are shared among (i) Turkish Grand National Assembly and (ii) the Ministry of Development. Regarding the regional level, (i) Ministry of Development, (ii) Ministry of Environment and Urbanism; and (iii) Regional Development Agencies are responsible for socio-economic and spatial planning. At the provincial level, the responsibilities are given to (i) Ministry of Environment and Urbanism; (ii) Special Provincial Administrations; and (iii)

Metropolitan Municipalities (in Metropolitan Areas). At the local level, the spatial planning issues are concentrated in the hands of municipalities (within the boundary of municipalities and their adjacent areas) and Special Provincial Administration (outside of the boundary of municipalities and their adjacent areas).

#### 8.4 Legal framework for spatial planning

The basic documents regulating spatial planning in Turkey are the Redevelopment Law, Nr.3194 and the regulation for preparation of spatial plans. These documents assign the duties and responsibilities of local governments regarding spatial planning and define the scalar division of labour between different institutions.

The scalar division of labour defined in Law Nr3194 entitles central state institutions (the Ministry of Environment and Urbanism in particular) with preparation of upper scale plans including regional, strategic spatial, and environmental order plans; whereas local government bodies are defined as the main responsible for preparation of land use and implementation plans in their jurisdictional areas. Regarding local governments, this law is considered as one of the steps taken towards decentralization, since the authority for plan approval is transferred from central state institutions to local governments. However various special purpose laws provide exceptions, which authorize several central state institutions to intervene in the planning processes. These special purpose laws undermine the authority of local governments in spatial planning and re-establish the power of central-state institutions in local planning processes. A list of special purpose laws is provided in Table 8.3.

*Table 8.3 Main Special Purpose Laws that provide exceptions for central state institutions to intervene to local governments' planning authority in Turkey*

Law No. 2863	Protection Law Of Cultural And Natural Assets
Law No. 2960	Bosporus Law
Law No. 2872	Environmental Law
Law No. 3621	Coastal Law
Law No. 6831	Forest Law
Law No. 4342	Pasture Law
Law No. 2634	Law For Encouragement Of Tourism
Law No. 4046	Law Upon Privatisation Practices
Law No. 5403	Soil Protection And Land Use Law
Law No. 2985	Housing Development Law
Law No. 3218	Free Zones Law
Law No. 4562	Organised Industrial Zones
Law No. 4691	Technology Development Zones Law
Law No. 5104	Law Upon Urban Transformation Project Of North Ankara Entrance
Law No. 5366	Law On Protection And Usage Of Historical And Cultural Immovable Assets By Renewal
Law No. 6306	Law Upon The Transformation Of Areas Under Disaster Risk
Law No 5216	Metropolitan Municipality Law

Source: Authors' elaboration

Law Nr. 3194 is dated to 1985 and despite several amendments is preserved until today, whereas the Regulation for Preparation of Spatial Plans is completely renewed in 2014. This new regulation, which specifies the procedures and principles of preparation and application of spatial plans, special purposed plans, and projects, has included regional and strategic spatial plans into the planning system and has radically transformed the Turkish planning system, the impacts of which are yet not thoroughly investigated. Table 8.4 provides summary information regarding the major changes in the Turkish planning system.

Table 8.4 Latest changes in spatial planning ( in main plan types) in Turkey

Legal Sources	Name	Significance for the planning system	Institutional Innovation
Decree Law No. 644, 648	Decree Law Upon the Organisation and Tasks of the Ministry of Environment and Urban Planning	Establishment of Ministry of Environment and Urbanism as the main authority of spatial planning	Spatial Planning at regional, provincial and local level
29030	Regulation on Preparation of Spatial Plans	Re-definition of the procedures and principles on the making and application of spatial plans, special purposed plans, and projects.	New spatial planning approaches such as strategic spatial planning and regional planning
28759	Regulation of Planned Areas	Project preparation, practices upon building license and rules related to land and structures are given under this regulation issued by the Ministry of Environment and Urbanisation.	Project preparation, practices

Source: Authors' elaboration

## 8.5 Main spatial planning tools at each territorial level

Each territorial level – national, regional and local – has its share of responsibility in producing and implementing different spatial plans. The national level is responsible, for conceptualizing and drafting of national development plans that do not have a spatial implication but orient the regional development and urbanization policies of the country. At the regional level (NUTS2), the Ministry of Development is responsible for preparation of regional plans; this is a duty delegated to RDAs. At the provincial level, the Ministry of Environment and Urbanism or Special Provincial Administration or Metropolitan Municipalities (in metropolitan areas) are responsible of preparation of master plans (so called environmental order plans). Finally, at the local level the law establishes two main important tools: (i) local land use plans that are at the same time strategic and legally binding, and (ii) detailed implementation plans.

## 8.6 Main spatial planning challenges and relevant issues on the spatial planning agenda at the various territorial levels

The division of labour between national government and local administrations has been transforming in Turkey. Especially with the changes and amendments in the Metropolitan Municipalities Law: duties and responsibilities of the metropolitan administrations have been increased considerably. This situation, however, has posed questions regarding central-local relations and local democracy. On the one hand, the increase of political and economic power of metropolitan municipalities was not accompanied by a relevant decrease of central government intervention to these areas, especially when big infrastructure projects and urban renewal is considered. Several central state institutions have been enhanced with spatial planning authority, which overrule that of metropolitan administrations. Identifying and resolving potential conflicts emerging from the overlapping planning responsibilities, as well as reaching to a more nuanced division of labour between central and local administrations appears as one of the main future challenges in the field of spatial planning for the country.

On the other hand increased authority of metropolitan municipalities has eroded the power of local (district) municipalities, which constitute the second tier of metropolitan governments in Turkey. District municipalities hardly can influence planning decisions at metropolitan scale, whereas their spatial plans require approval from metropolitan municipality. Such exclusion and dependency mechanisms raise questions of local democracy and application of principle of subsidiarity. Consequently balancing efficiency and benefits of the use of economies of scale at the metropolitan level with increasing local democracy and citizen participation at local level in metropolitan areas emerges as a second future challenge in the country.

A third challenge concerning territorial governance and spatial planning is related to the integration of newly established RDAs into the governance mechanisms and planning structure. Indeed one can speak of many challenges instead of one, all of which emerge from the introduction of the regional tier in the planning system of the country. The new planning regions are introduced at NUTS2 level, without possessing an administrative status. The role and function of this regional tier in the planning hierarchy constitutes one of these challenges.

RDAs are entitled with the responsibility of stimulating regional development in their respective regions and preparing strategic spatial plans for this purpose. Although they are enhanced with considerable financial resources, these are not enough for implementation of the plans and RDAs do not possess any statutory power in terms of plan application. Hence regional plans are facing the risk of being ignored within the already established planning system. How planning at the regional scale will be done, and how it will be integrated in the existing planning system poses one of the most important challenges in this respect.

Last, but not least, integrating EU funding (in the fields of regional development, cross-border cooperation and Trans-European Networks in particular) to the planning system poses one



among the most important challenges for spatial planning at local and regional level in Turkey.

### 8.7 Role of the planning profession in the country and status of planning education within academic institutions

In Turkey, the Chamber of Planners was established in 1969, today having more than 5000 members. It is estimated that an equal number of non-member urban and regional planners exists, working outside the profession.

Between 1969-1985 architects, city planners and those having a master or PhD degree in city and regional planning were authorized in plan-making. Since 2005, with the 'regulation of the professional qualification of those who prepare plans', urban planning has become an individual profession, the practice of which required at least an undergraduate degree from City and Regional Planning Schools. Additionally, the code of Chamber of City Planners was also amended as 'Bachelor's Degree in Planning' is a must to be a member of the Chamber. The challenges facing urban planners have multiplied especially in the last two decades and the scope of tasks that planners are expected to undertake have considerably widened.

The origin of planning education in Turkey goes back to 1944. The regulations of spatial planning after 1930s had an impact on the establishment of Urbanism Chair at the Faculty of Architecture in Istanbul Technical University (ITU). German professor Gustav Olsner was the founding Chair of Urbanism. The Chair members provided a knowledge-base on city planning for architecture students. In 1969, the Institute of Urbanism (later in 1990 named Urban and Environmental Planning and Research Centre) was founded to conduct research and to set the agenda on urban and settlement issues. The chair has played a key role in the establishment of city and regional planning curricula and urban research in Turkey. Following this experience, undergraduate departments of urban and regional planning were established in various universities, the first of which was the Department of City and Regional Planning of Middle East Technical University established in 1961.

Table 8.5 Name and institutions of a number of experts that may be consulted for the study

Role	Name	Surname	Profession	Institute
Political Members	Gökhan	Ülgür	Mayor	Çanakkale Municipality
	Erdal	Kayapınar	General Director of Spatial Planning	Ministry of Environment and Urbanism
Institutional Actors	Tayfun	Kahraman	Head	Istanbul Branch of the Chamber of Urban and Regional Planners
	İclal	Dinçer	Professor	Yıldız Technical University
Academic Members	Fatma	Ünsal	Professor	Mimar Sinan University
	Semahat	Özdemir	Assoc. Prof.	İzmir Institute of Technology



Local Practitioners	Özdemir	Sönmez	PhD City Planner	Private Company, İstanbul
	Remzi	Sönmez	City Planner	Private Company, Ankara
External Consultants	Adrien	Licha	Local Governance- Project :Coordinator	UCLG-MEWA
Others	Ulaş	Akın	Urban and Regional Planner, PhD	Independent consultant

## 8.8 Final recommendations

The second half of 2016 witnessed an escalating tension, at least in rhetoric, between some of the member state's officials who turned against the future membership of Turkey and Turkish officials. However this is not the first time and the EU-Turkey relationship has passed from similar phases, especially during 1970s and 1980s. Despite the tension and the unpredictable future of accession negotiations, the longstanding relationship and a decade long official candidacy status have considerably influenced Turkish governance and planning structure, as well as bilateral relations with the EU. Being the single country with such a long candidacy history provides a unique opportunity to unveil the impact of EU policies on non-member states.

## 8.9 İstanbul Technical University as an institutional partner and sub-contractor for COMPASS project

ITU, department of urban and regional planning is one of the oldest and in terms of academic staff, currently the largest department in Turkey. In addition to the undergraduate program of City Planning, the Department offers graduate degrees of City Planning and Regional Planning; interdisciplinary graduate programs of Urban Design and Real Estate Development; and PhD degree in City and Regional Planning. The Department is full member of the Association of European Schools of Planning (AESOP) and Association of Turkish Schools of Planning (TUPOB).

The experts' team of ITU is highly specialized on urban and regional governance issues and their implications on spatial planning. They have extensively published on that matter and contributed to preparation of various plans in Turkey.

## 8.10 Relevant literature

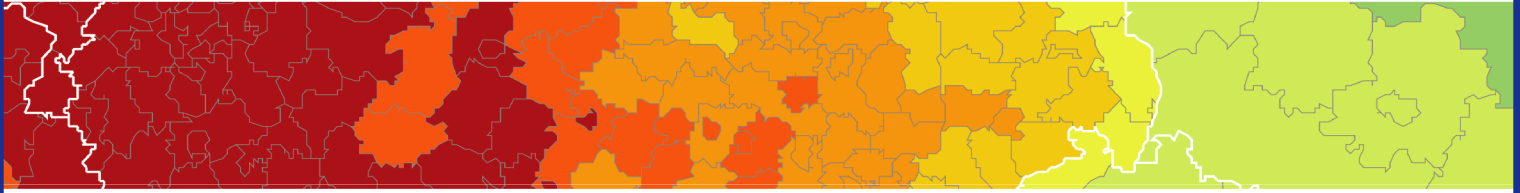
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