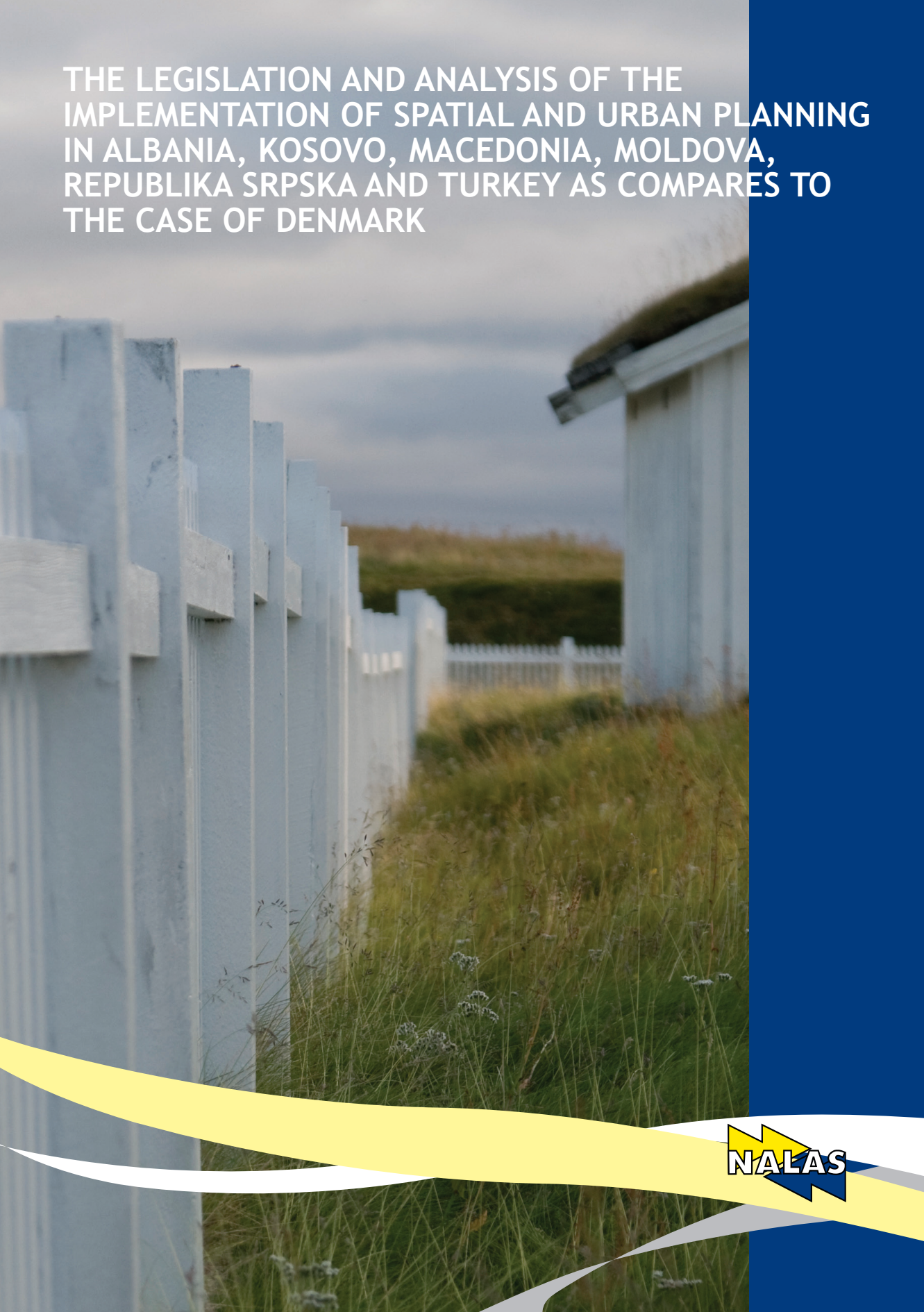


THE LEGISLATION AND ANALYSIS OF THE IMPLEMENTATION OF SPATIAL AND URBAN PLANNING IN ALBANIA, KOSOVO, MACEDONIA, MOLDOVA, REPUBLIKA SRPSKA AND TURKEY AS COMPARES TO THE CASE OF DENMARK





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**DEVELOPED BY THE EXPERT TEAM WITHIN THE FRAMEWORK OF NALAS TASK
FORCE URBAN PLANNING**

Skupnost občin Slovenije



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**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**

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LIST OF ABBREVIATIONS

CTAC	Council for Territory Adjustment of County
CTAM/C	Council for Territory Adjustment of the Municipality/Commune
CTARA	Council for Territory Adjustment of Republic of Albania
CUP	Committee for Urban Planning
DUP	Detailed Urban Plan
GIS	Geographic Information System
GTZ	Gesellschaft für Technische Zusammenarbeit
GUP	General Urban Plan
MCTD	Ministry of Constructions and Territory Development
MDP	Municipal Development Plan
MESP	Ministry for Environment and Spatial Planning (of Kosovo)
MOEPP	Ministry of Environment and Physical Planning (of Macedonia)
MPWTT	Ministry of Public Works, Transport and Telecommunication (of Albania)
MTC	Ministry of Transportation and Communications (of Macedonia)
NALAS	Network of Associations of Local Authorities of SEE
SEE	South-East Europe
SOS	Association of Municipalities of Slovenia (Skupnost občin Slovenije)
SPK	Spatial Plan of Kosovo
UDP	Urban Development Plans
UNMIK	United Nations Interim Administration Mission in Kosovo
UPOPP	Urban Plan Outside of Populated Place
UPV	Urban Plan for Village
URP	Urban Regulatory Plans

EXECUTIVE SUMMARY

As a member of the Network of Associations of Local Authorities of SEE (NALAS), the Association of Municipalities and Towns of Slovenia (SOS) has been contracted by GTZ to perform and prepare the legal analysis of the spatial and urban planning and development in Albania, Kosovo, Macedonia, Moldova, Republika Srpska and Turkey compared with the EU standards as seen in the case of Denmark's spatial and urban planning system.

The overall objective of this project is to enable NALAS member associations and other stakeholders to introduce initiatives and ideas in order to improve the existing legislation and to implement spatial and urban planning at the local level. This would create ground for faster and more equitable socio-economic development, improved standards of living and work in a healthy environment. To achieve this objective, while also keeping in mind the large social changes that took place in South East Europe at the beginning of the 1990s, the reforms of local government systems need to remain a top priority. In the process of decentralization, important competencies have been transferred from central to local governments. This is a typical process in democratic countries.

These reforms have not been initiated simultaneously. Some countries started earlier and firmer with the reforms and thereby achieved greater progress, while others started later, with hesitation, lacking clear objectives. Each country chose its reform-development path in accordance with its specific needs, historical experiences and readiness for change. However, these reforms are not sufficient and they need to be continued, with an eye on the best European practices.

One of the most important and biggest competencies that have been transferred from the central to the local level is spatial and urban planning. Planning is a responsibility shared by central and local authorities.

Spatial and urban planning is a continuous process that needs to be mutually coordinated in a complementary way. Likewise, it needs to be coordinated with the large number of priorities coming from different areas of competency, in particular economic and social development and environmental protection. It is necessary to complement the policies and coordinate the priorities between all stakeholders at all levels in order to achieve ideal spatial planning and adequate land usage. In this respect, sustainable development becomes not just a top priority but also a necessity.



The protection of the property rights is also of great importance. Private property and existing legislation often represent serious obstacles to the organization of space when the need to build facilities of public interest arises. Due to a lack of quality legislation in this field, it is often difficult to reconcile public interest and the protection of the ownership rights for property subject to expropriation. Citizens' involvement in procedures to adopt and monitor the implementation of plans is not sufficient. Although often foreseen by the law, practical application is not satisfactory.

The most common general feature of legislation in the region in question is the centralized approach to spatial and urban planning, in addition to the progressive and incremental decentralization of the responsibilities relating to management, preparation and implementation of the spatial plans. It is also obvious that other than the different terminology and nomenclature used for the legal documents and laws, the competencies regarding spatial and urban planning are usually not defined in a single law, but rather in several legal acts, creating a dispersion of the legal matter.

The second general characteristic is the noticeable trend towards making frequent changes to the urban plans. The local government authorities who often fail to inform and involve the citizens about the proposed changes in the plans make these changes. On the other hand, it is evident that the executive bodies are often making changes in the legislation relating to the matter at hand. This results in legal uncertainty both for the citizens, as far as the usage of living and working space is concerned, and for the institutions that are responsible for the implementation of the legislation, which therefore need clear and unbiased legal framework.

General recommendations arising from the analysis:

1. Local governments are closest to the citizens, and, as such, they need to **encourage and insist that their central government continue with more intense local government reforms**, especially in the area of spatial and urban planning.
2. Central and local governments are obliged to **provide conditions for sustainable development of communities** in order to satisfy the needs for the social and economic prosperity of the present generations without endangering the development of the future generations, by providing adequate care for the environment.
3. **The procedures for adopting plans shall be simplified**, especially the procedures for their amendment. The coordination of sector priorities and **the issuance of the necessary authorisations need to be done in a timely fashion**, while sufficient time be invested in achieving high-quality plans.

4. The legal framework should be adapted to **transfer the right of ownership and management of non-private land** within their jurisdiction to **local governments**; exceptions shall be defined by law. Adequate legal compensation mechanisms should then be implemented for owners of property subject to expropriation in cases of proven requirements due to legal planning.
5. **Local governments shall achieve a greater degree of fiscal decentralization** and shall find other appropriate sources of income. This way, they will be able to gather sufficient financial means to fund the expansion of new spatial and urban plans and to amend existing ones.
6. It is necessary to adopt further **complementary laws regulating spatial and urban planning, and to establish a clearly defined hierarchy of plans** to avoid discretionary authorisations. Well-regulated by-laws should also be implemented to improve, facilitate and fix the procedures.
7. **The procedures for receiving consent for plans from higher levels of authority should be better regulated and respected.** The timeframe for giving consent should be limited and the entire process of plan adoption accelerated. Higher sensitivity and responsiveness to citizens' requests and potential business investors is still desirable.
8. The type, content and direction of plans should be determined by relevant laws and by-laws to be adopted by central authorities. **Frequent law amendments shall be avoided since it creates legal insecurity.** It is recommended that local governments adopt four to six year municipal development plans, while urban plans should be valid for longer periods. For special projects and exceptions from the formal, approved plans, relevant amendments to the planning laws have to be drafted, incl. type, content, requirements and application as well as approval procedures.
9. The best way to achieve **high quality spatial and urban plans** is to have them **created by authorised public agencies and licensed companies.** This will help avoid the danger of monopolization of the market and will encourage the delivery of quality service at reasonable prices in the face of competition.
10. **Those officers directly involved in servicing the citizens at the local government groups, authorised state bodies or agencies shall be trained to deliver high quality services** in regard to spatial and urban planning to the citizens.
11. It is also necessary to have technical equipment and to **make better use of the means of modern information and communication technology.** This



includes complete digitalization of the plans, establishment of Geographic Information System (GIS) and transition to services provided via Internet (e-services) wherever possible.

12. Citizens' and other stakeholders' participation is of vital importance from the very beginning of the planning process. Apart from the mandatory public opinion polls regarding the plans, **municipal councils should adopt practices for submitting urban plans in two phases following public discussion.** It is useful to allow stakeholders to be present and participate in the municipal council sessions when plans are adopted. All interested parties should be notified about these meetings in a timely fashion.

13. Issuing extracts from detailed urban plans, gathering qualifications and conditions, and building permits shall be under local government's competence, with possible exceptions for building activities of public importance.

14. In all phases of planning, intangible cultural heritage shall be protected. Apart from listing the infrastructure that is in need of protection, it is necessary to build a **sustainable system for the conservation, restoration and reconstruction of facilities protected by law** and to provide funding to stimulate authentic reconstruction of intangible cultural heritage in privately owned property.

15. Illegally built facilities and illegal settlements resulting from the large-scale migration from villages to towns a few decades ago due to regional wars, **shall be legalised and integrated.** Therefore, relevant laws and by-laws shall be adopted. In accordance with the principles of good governance, non-discrimination, equality, equal treatment and access, the citizens living in such facilities and settlements shall be offered equal access to communal and other infrastructure in order to exercise their civil rights and responsibilities. This should act separately and independently from the planning law.

New legislation or regulations, and their amendments should observe the following recommendations:

1. All issues relating to spatial and urban planning shall be incorporated and organized within one unified legal framework in a safe and predictable legal environment. This will enable legal security, more adequate practical application of legal provisions, limitation to the legal gaps and elimination of contradictions in laws for certain legal issues that are currently regulated by several laws. For example, in Macedonia, construction approval is obtained based on two laws (law for spatial and urban planning, which regulates the issuance of extracts from the respective urban plan and the decision for construction conditions, and the law for construction, which regulates the issuance

of approval for construction), and yet the procedure is regulated by the law on general administrative procedures.

2. Where the state management system is concerned, a state executive body should be given authority to manage, conduct and monitor the implementation of legal solutions for spatial and urban planning. In respect of the necessity to decentralize policies for spatial and urban planning, gradual management and monitoring transferred from the central to the local level shall be prescribed by law, thus encouraging responsible and accountable local governance.

3. There should be a strict distinction between central, regional and local levels of government while aiming for a stronger decentralization of planning. Sustainable management of spatial and urban planning includes the right for local authorities to choose development priorities and paths, and solutions suitable to fulfil the needs of the citizens living in the municipality. At the same time, mechanisms should be established to ensure respect of state, regional, and public interests.

4. In the planning process, spatial and urban plans shall have legally determined content and clearly established hierarchy between them. The authorities in charge of adopting certain plans shall be clearly determined, and mechanisms and deadlines for the allowance of plans adopted by local government groups or regions shall be established.

5. To achieve sustainable spatial and urban planning, it is necessary to establish and maintain a spatial data information system registry. Therefore, legal solutions shall be found for its establishment, management and maintenance at central, regional and local levels; relevant procedures shall be prescribed for the inspection and issuance of content extracts.

6. State administration monitoring needs to be organized in a manner that respects the relevant national Constitution and the jurisdiction of the local government. The legality of the procedures for adoption and implementation of spatial plans and urban planning documents shall be checked accordingly.

7. The transition processes resulted in the establishment of informal settlements and illegal construction of facilities. In Albania, for instance, the largest number of informal settlements occurred in the 1990s after the previous system collapsed; in Republika Srpska, and specifically in Prijedor, they have emerged as a result of the war, and in Macedonia the informal settlements were largely a result of the village-town migration during the 1970s. **Legalisation concerning informal settlements and illegal construction is crucial. Special laws should be adopted concretely for informal settlements, regulating not only housing but also business facilities.** By setting appropriate and realistic deadlines and establishing rules for legalisation, corresponding procedures and compensation fees in such a way so it is easy to follow and keep them for both citizens and authorities.

SUMMARY MATRIX TABLE

	Legislation relating to legal settlements	Levels of government	Types of plans on the central and local levels	Institutions - central and local levels
Albania	Law on physical planning (1993) Law on environmental protection (1993) Decision on hazardous waste Ministerial Act no. 321 on a coastal protection belt along the Albanian coast	Central Regional Local	- Regional plans - Master plans - General regulatory plans - Partial urban studies	Council of Ministers, The ministries, and other central institutions or agencies County Municipality councils
Kosovo	Law on spatial planning Law on special protected zones Law on construction Law on agricultural land Law on environmental protection	Central Municipal	Central level: - Spatial Plan of Kosovo (SPK) - Spatial plans for special areas Municipality level: - Municipal Development Plans - Urban development plans - Urban regulatory plans	Parliament of the Republic of Kosovo Government of the Republic of Kosovo Ministry for Environment and Spatial Planning (MESPP) Municipal councils
Macedonia	Law on spatial and urban planning Law on construction Law on construction land	Central Local	Central level: - Spatial Plan of the Republic of Macedonia - Spatial municipal plan	Parliament of the Republic of Macedonia Ministry of Environment and Spatial Planning Agency for spatial planning

	Legislation relating to legal settlements	Levels of government	Types of plans on the central and local levels	Institutions - central and local levels
Macedonia	Law on expropriation Law on the implementation of the spatial plan of the Republic of Macedonia Law on the city of Skopje Law on local self-government Law on the legalization of informal settlements (in preparation)	Central Local	- Spatial plan of the city of Skopje - State urban planning documentation - Architectural urban project - Urban planning project Local level: - General urban plan - Detailed urban plan - Urban plan for villages - Urban plan outside of populated places - Local urban planning documentation	Ministry of Transport and Communications Municipal councils
Moldova	Law on the principles of urbanism and territorial arrangement Regulation concerning the Urbanism Certificate and the authorisation of constructions and their liquidation Law on expropriation for the cause of public utility adopted, no. 488 Various other decisions (see detailed profile)	Central 2nd tier local (Rayons-districts) 1st tier local (Municipalities)	Central level: National spatial plan Regional spatial plans: - Zonal spatial plans - Spatial plans of Chisinau Municipality - Rayonal spatial plans Local spatial plans: - Spatial plans of inter-municipal territory - Municipal spatial plans	Parliament of the Republic of Moldova Government of the Republic of Moldova Ministry of Construction and Territorial Development Rayonal councils Municipal councils



Republika Srpska

Legislation relating to legal settlements	Levels of government	Types of plans on the central and local levels	Institutions - central and local levels
Law on construction land - still in use Law on property rights - will be in use as of 01.01.2010 Law on waterways Law on environmental protection Law on forests Law on the protection of the air Law on the protection of nature Law on national parks Law on the implementation of decisions of the commission for the protection of national monuments founded according to Annex 8. of general FPA in B&H	Central Local	1. Strategic plans a. Spatial plans i. Spatial plan of the republic ii. Spatial plan of the region iii. Spatial plan of the municipality b. Urban plans 2. Detailed plans a. Regulatory plans b. Urban projects	Parliament of the Republika Srpska Government of the Republika Srpska Ministry of Urban Development Municipal councils
Law No. 3194 Law No.5302 Law No.2872 Law No. 5018, 5393, 5216, 5436 Law No. 2863 Regulation on principles for physical development planning procedures and planning revisions	National Regional Provincial District	National plan Regional plan Province master plan Metropolitan master plan Regional / Environmental master plan Province development plan Strategic plan & performance plan Special-purpose plans	Council of ministers State planning organization Province governorship Ministry of Public Works and Settlement Ministry of the Environment and Forestry

Turkey

	Hierarchy of plans	Phases of plan adoption	Content of plans
Albania	Not defined by law. Only the dependency of the partial urban study from the general regulatory plan can be inferred.	Draft plan Final plan for adoption	Regional plan: - Duty/task of projection - The general report - The map of the existing situation of the region in scale 1:25,000 - 1:5,000 - The regional plan of inhabited and industrial centres
Kosovo	Defined by legislation	Draft plan Proposal plan for adoption	Content defined by law. National plan - Text - Graphics Municipal and urban plans: - Text - Graphics
Macedonia	Conditions for physical planning Extract from GUP Expert opinion Consent	Draft plan Proposal plan	Master document: - Text - Graphics Planned development - Text - Graphic
Moldova	Conditions for physical planning Consent	Draft plan Proposal plan for adoption	National plan - Text - Graphics Municipal plan: the content is not defined by law
Republika Srpska	The mutual dependence of the plans is strictly hierarchical, i.e. a lower-order plan depends on a higher-order plan, and in case of conflict the higher-order plan is applied. Lower-order plans are established based on higher-order plans	Draft plan Proposal plan	- Text - Graphics
Turkey	Very complex hierarchy for approval of plans Each government adapts the higher-level plans into their plans	Draft plan Proposed plan for adoption	- Text - Graphic



Duration of plans	Implementation instruments	Public participation	Informal settlements
To be fulfilled	Public interest Expropriation	Public involvement by submitting opinions	Law No. 9482, from 03.04.2006 “Legalisation, urbanisation and integration of informal building” (ALUIZNI) Amended by: - Law No. 9786, dated 19.07.2007 - Law No. 9895, dated 09.06.2008
MDP and UDP at least 5 years. URP 5 years		Public debate Public presentation with hearing	No legislation (A draft law is in preparation)
SP 15 yrs GUP 10 yrs DUP 5 yrs UPV 10 yrs UPOPP 10 yrs	Public interest expropriation Consent for permanent change of use of agricultural land	Public debate Participatory body Expert debate Public presentation with hearing	No legislation (A draft law is in preparation)
	Public interest expropriation	Public debate Public presentation with hearing	Very few informal settlements It is forbidden by law to legalise informal settlements
To be fulfilled	Public interest expropriation	Public debate Survey Questionnaires Public presentation with hearing	Regulated in the law on urban development
	Expropriation Land consolidation	Public participation is only open for conservation plans	Legalisation is only possible in historical areas or those exposed to natural disasters.

1. INTRODUCTION – OBJECTIVE OF THE STUDY AND METHODOLOGY

1.1. BACKGROUND AND OBJECTIVE OF THE STUDY

As a member of the Network of Associations of Local Authorities of SEE (NALAS), the Association of Municipalities and Towns of Slovenia (SOS) had been contracted by GTZ to perform and prepare a legal analysis of the spatial and urban planning and development in Albania, Kosovo, Macedonia, Moldova, Republika Srpska and Turkey compared with the EU standards in the case of Denmark's spatial and urban planning system.

The overall objective of this project is to enable NALAS member associations and other stakeholders to introduce initiatives and ideas in order to improve the legislation and the implementation of the spatial and urban planning at the local level. This would create ground for faster and more equitable socio-economic development, improved standards of living and work in healthy environment.

This report is an outcome of that project and resulted from the following:

- gathering of information on informal settlements in Albania, Kosovo, Macedonia, Moldova, Republika Srpska and Turkey
- identification of ongoing and finished projects relating to informal settlements' legalisation.
- compilation of the relevant legislation (laws on urban planning and rehabilitation, specific by-laws and statutes, analytical comparison)
- identification of legal insufficiencies in urban planning
- preparation of a comparative analysis of spatial and urban planning

The comparative analysis of the spatial and urban planning in the region in question is presented in this report and includes analysis of the current legal framework in urban planning and development and its implementation (individually and in the regional context), as well as general and individual conclusions and recommendations for the improvement of the situation.



1.2. METHODOLOGY AND THE PROCESS

The NALAS task force on urban planning has defined common problems in regard to spatial and urban planning in SEE. During its regular meetings, the following issues were highlighted:

1. Formation of informal settlements resulting from the historical events in the region during the 1990s or from intense migration movements in the 1970s when industrialization of the society happened in a centralised manner, encouraging citizens to leave farms and seek jobs in the urban areas.
2. Existing legislation (laws and by-laws) on urban planning.

Two questionnaires were prepared on the basis of these problems, and were distributed amongst the participating local experts.

The NALAS working group on urban planning then analysed the legislation of particular issues that could potentially be implemented. The Slovenian Association, SOS, the leading partner for the implementation of the Urban Planning Project, has undertaken the analysis of the legislation and its implementation.

Since the purpose of this project was to provide comparative insight into the main features of spatial planning in each of the analysed entities, with an emphasis on the contents and procedures of spatial planning at the local level, a unified questionnaire was prepared (given in Appendix 6.3 Survey Questionnaire). The questionnaire used in the survey was designed to highlight the main features of the national systems in a comparable way. Questions were categorized in logical groups (chapters): (1) system of spatial planning (procedures, contents of local level planning) and legislation, (2) legalisation of informal settlements, (3) spatial information system, and other related topics.

Due to the semi-structured approach adopted for this survey, the interviewees were allowed to add sub-questions or subsections in some cases.

2. SITUATION ANALYSIS – REGIONAL APPROACH

2.1. GENERAL

In the beginning of the 1990s, large-scale social changes took place in South East Europe; the ongoing reforms of local government systems still need to remain one of the top priorities. Important competencies were transferred from central to local governments during the process of decentralization, which is typical for the democratic countries.

Citizens now receive higher quality services from their elected representatives and thanks to efficient local administration. Local authorities are gradually becoming more accountable for their community's situation and the citizens cannot hold the central government entirely responsible for inadequate infrastructure and communal services.

The reforms in the region started at different times. Some governments initiated earlier and more consistent reforms that led to greater progress and achievements. For example, Slovenia started with the reforms in the local government system soon after the proclamation of independence and has since made a huge amount of progress. Romania and Bulgaria also have evident results and successes in this field. Others, such as Serbia, Bosnia&Herzegovina and Kosovo, started later, with hesitation, lacking clear objectives. Due to the internal causes, the reforms started at much later stage, while Macedonia commenced the tangible local government reforms after the signing of the Ohrid Framework Agreement in August 2001. Each country chose its reform-development path in accordance with its specific needs, historical experiences and readiness for change.

In most of the countries, the spatial and urban planning is divided between central and local government. One of the most important competencies that had been and has to be further transferred from the central to the local level is the spatial and urban planning. This is of critical importance for the overall development of the municipalities as well as exercise of the citizens' democratic rights to actively participate in the planning processes.

In Denmark, the municipalities play a central role in planning. The main principle is solving local problems locally. The plan comprises the necessary link between national and regional planning and the preparation of local plans regarding the use of individual properties. Municipal plans are prepared on the basis of an overall assessment of the present and future use of land, transport and other services and recreational areas. Municipal planning in co-ordination with sector planning and budgeting can be used as an action plan for overall municipal activity.¹

The relationship between the central and the local governments should be established based on the principles of democracy and subsidiarity. The central government should assist the local government and thus enable conditions for faster urban development.

Spatial and urban planning is a continuous process that is mutually coordinated in a complementary way. Likewise, it needs to be coordinated with the large number of priorities coming from different areas, in particular economic and social development and environmental protection. In this respect, sustainable development establishes itself not only as a top priority but also as a necessity. All development objectives and priorities need to be incorporated and integrated into the spatial plans. If spatial planning is realized correctly, then it becomes easier to reconcile social, economic, developmental and environmental goals. It is the easiest way to achieve the ideal of living in a clean and healthy environment in a society based on equality.

Most of the above issues and challenges have already been tackled by NALAS members in their joint efforts to address issues of common interest. In the area of spatial and urban planning, some critical points were pinpointed during the NALAS conference held in Vienna in November 2008²:

- Analysis of the capacities for spatial and urban planning, and improvement of the situation when and where needed
- Common problems with the informal settlements and issues relating to the social, economic and physical integration or inclusion of those settlements in the local setting
- Creation of a model for integrated urban development in accordance with standards set by European cities.

The systems of spatial and urban planning in the six analysed entities have some common characteristics at the base level yet many differences when analysed in detail. With the exception of the Republic of Turkey, reforms started in the early

¹ Compendium of Spatial Planning systems in the Baltic Sea region, available at: <http://vasab.leontief.net/countries/denmark.htm> (accessed October 2009)

² Conference on Local Government in South East Europe. “South East Europe, meeting the challenges” - “The challenges of urban planning and development”

1990s. In all six regions, the systems are not yet sufficiently decentralized, the legal framework and by-laws have not been completed or harmonized yet, and procedures often are not sufficiently transparent and are lengthy, while citizens' participation in the decision-making process of the urban plans is at unsatisfactory levels. In addition, a common characteristic for most of the analysed entities is that local government organizations do not dispose of the considerable financial means required for a timely and thorough implementation of their responsibilities in spatial and urban planning. Additional problems present themselves in a lack of adequate human resources, especially in the smaller local government units, the insufficient or inadequate technical equipment, and the use of information and communication technologies.

Denmark on the other hand, with three levels of administration (national, regional and municipal), has a highly decentralised system of public administration. Local administration (regional and municipal levels) oversees more than 50 percent of the total public expenditure. Each regional and local authority levies taxes and is responsible for utilising the revenues. More and more responsibilities have been transferred from the state level to the local governments. The intention is to solve the tasks at the lowest possible level in order to combine responsibility for decision-making with accountability for financial consequences (the principle of subsidiarity). The activities of the local authorities are financed by income taxes, land taxes and by state block grants.³

Most of the entities suffer from the presence of a large number of illegally built facilities and entire illegal settlements. They were built during various periods and under the diverse circumstances of the past thirty years. The large number of illegal settlements in the countries of former Yugoslavia were constructed in the 1970s when the process of industrialization caused mass migrational movements from the villages to the towns. Following that, the villages remained less populated, but the towns were not urbanisationally ready to accept the migrating population. Then, people started to build houses without permission and in the process established entire illegal settlements on the periphery of the towns.

Moreover, illegal settlements were established during the changes in the political system in the countries of South East Europe (with the exception of Turkey). The population from the poor mountainous regions started to migrate to the more developed parts of the country, establishing illegal settlements (such is the case in Albania, for example). There is also an existence of partially illegal settlements that have established themselves with the migration of large groups of people as a consequence of war (such as in the case of the Republika Srpska). These settlements are partially illegal due to the fact that the state has given urbanized land to this population for the construction of houses.

³ Compendium of Spatial Planning systems in the Baltic Sea region, available at: <http://vasab.leontief.net/countries/denmark.htm> (accessed October 2009)

Regardless of the cause, there is need for appropriate legalisation for legalization and integration of those settlements and buildings, along with adapted urban plans to provide the citizens living in such facilities and settlements with adequate housing and a better quality of life.

2.2. SPATIAL AND URBAN PLANNING AND DEVELOPMENT

The spatial and urban planning is of utmost importance when the aim is functional utilization and organization of space and land while maintaining natural resources all in an effort to develop and improve the quality of life.

In order to actually achieve these targeted objectives, spatial and urban planning needs to be coordinated with the various groups and spheres of interest. The urban plans for the organization and usage of land should derive from the relevant spatial and general plans of higher order.

Spatial and urban planning is a lengthy process that entails preparations, creation, adoption and implementation of plans, as well as monitoring and control. The planning has a regulatory and developmental function.

In the entire studied region, urban planning is regulated by law, in accordance with each entity's legal system and level of transferred competencies from central down to local authorities. With the exception of Turkey where the spatial and urban planning is an integral part of the overall development planning, the other entities deal with spatial and urban planning separately.

In the previous period of transition, partial transfers of competencies and frequent amendments to laws and by-laws were common, which created problems when laws were put into practice.

Urban planning systems have not been fully harmonized yet. In Albania, disparity and inconsistency between the local government's legal system and the urban planning law is inherent. These laws were adopted at different times and as of yet there has been no attempt to adjust them.

In the entire region studied, all levels of authority take part in spatial and urban planning according to the hierarchical level and type of plan. Planning starts at the general level and moves down to the specific, detailed levels. Central government authorities generally deal with spatial planning at the national level, but also with spatial planning for special use. Experiences in planning on the regional level vary; it is mostly dependent on the size of the entity and on the degree of transferred competencies.

Plans are ordered by hierarchy, meaning that lower levels of planning need to be derived from higher levels, and that lower level plans need to be coordinated with higher level plans. This is a correct approach, but in order to respect and smoothly integrate specific local government's priorities for space organization and usage of land, appropriate measures for the participation of the local government in decision-making concerning higher level plans should be and are part of the ongoing process.

In Denmark, the country used for purposes of comparing the regions in question with the EU practices, the planning system is based on the principle of framework control, meaning that the plans at lower levels must not contradict planning decisions at higher levels. Yet, the objectives and the content of planning are different at the three administrative levels. At the national level, the spatial planning policies of the Government are mainly expressed in the mandatory National Planning Report, which the Minister of the Environment and Energy submits to the Parliament. At the county level, the regional plans include policies, maps and land use guidelines for the total area of the county. The plans are created by conducting an overall assessment of future developments in the region. The municipalities have the right and duty to prepare binding local plans (including plans with maps and detailed land-use regulations for a minor neighbourhood area) and to ensure their implementation. A local plan can regulate many conditions related to land-use, construction and architectural features.⁴

For good spatial planning and adequate usage of land, it is necessary to complement the policies and coordinate the priorities between all stakeholders, not only on a vertical but also on a horizontal line. The principles of sustainable development, including landscaping and environmental protection need to be applied not only for the development of business companies outside of living areas, but also in order to provide clean and healthy living conditions, recreation and other public spaces. Spatial planning should be envisaged in a way that eliminates slow and lengthy procedures, particularly if the process involves receiving consent from various state agencies and other bodies. In Denmark, for example, the basic element of the planning system is a division of the country into three zones - urban, recreational and rural. In the urban and recreational zones, development is allowed in accordance with the current planning regulations. In the rural zones, which cover approximately 90% of the country, development or any change to land use for purposes other than agriculture and forestry are prohibited or subject to a special permission according to planning and zoning regulations. The change of rural areas into urban zones requires the creation of a binding local plan, followed by a land use tax to be paid by the landowner.

⁴ Compendium of Spatial Planning systems in the Baltic Sea region, available at: <http://vasab.leontief.net/countries/denmark.htm> (accessed October 2009)

Adopting, amending and supplementing plans are usually very lengthy procedures. This is due to several reasons. Above all, the importance and complexity of plans, the adoption of which requires serious preparations, collection and processing of cadastre and of other data, along with slow and lengthy procedures to receive approbation from higher government levels. The trivial, irresponsible and contemptuous attitudes of the central government bodies is frequently manifested in a lack of respect for deadlines when it comes to giving consent for the plans. Although in some entities, there exist legally prescribed deadlines in which the central authorities are obliged to give their opinion (if they fail to do so, their consent is automatic), the local authorities have not yet put it to the test so as not to worsen their relationship with the central government. Unfortunately, in such cases, central authorities could deny consent if only to meet the deadline. This is generally caused by a lack of human resources, which prevents the central government from providing quality and timely answers to all demands made by local governments.

The procedure for the adoption of amendments and additions to plans is the same as that for the adoption of new plans. This also represents a serious problem for local authorities, especially in a time of complex economic problems. The local authorities are not capable of responding promptly and positively to the requests made by potential investors because of the long and complicated procedures, which can sometimes last for years. In this respect, good solutions need to be found in order to fix the procedures and respond to the needs. However, this can only be done cautiously; public interest must always be taken into consideration in order to prevent potential misuse and corruption.

The stipulated time periods for the expiration of urban plans are usually not respected, especially when short time periods are set, such as in Macedonia. Changes need to be made in the legal regulations in order to extend expiration dates of urban plans in accordance with the specificities of each entity. In Denmark, a local plan is valid until it is changed, but both municipal and regional plans must be reviewed every fourth year.⁵

The selection of companies for the creation of spatial and urban plans also varies within the region. In some places, plans are created by public state agencies for spatial planning; such is the case of Macedonia, where only the agency for spatial planning is authorised for preparation of spatial plans. Elsewhere, the selection is made according to market forces and licensed companies are employed; there are even cases where the selection of contracting companies remains unregulated. In order to ensure larger complementarities and higher quality plans, it would be a good idea to prescribe minimum requirements for these companies. This would

⁵ Compendium of Spatial Planning systems in the Baltic Sea region, available at: <http://vasab.leontief.net/countries/denmark.htm> (accessed October 2009)

increase quality, prevent tendencies towards monopolization and reduce the costs of creating plans thanks to market competition.

The lack of developed geographical information systems and the insufficient use of information and communication technologies represent serious weaknesses in the spatial and urban planning processes at all levels. These weaknesses strongly influence the quality and speed of the preparation of plans and therefore services for citizens.

Local authorities play a central role in the creation and implementation of urban plans. In general, the local authorities issue building permits and other documents, such as extracts from the detailed urban plan and documentation of building conditions. Therefore, civil servants need to be highly skilled and their technical equipment should meet their needs.

The protection of property rights is also of great importance. Private property and existing legislation often represent serious obstacles to the organization of space when facilities of public interest need to be built on such property. Since quality legislation is lacking in this field, it is often difficult to reconcile public interest and protection of property rights for a property subject to expropriation.

The entire region studied features rich intangible cultural heritage that needs to be protected. Localities, old city centres, protected buildings, and other real estate need to be given adequate attention in urban plans. Afterwards, they need to be handled with adequate procedures so as to be protected and displayed to the public.

Parallel to this, a case of national interest in Denmark can require intervention in decisions that the local authorities cannot or will not make on the location of projects vital for the community. In such case, the Minister of Environment and Energy then issues national planning directives to carry out specific major projects and to promote specific trends. These directives issued but a few times each year, are binding for the counties and municipalities, and may require them to account for a specific theme in the future planning such as the location of afforestation areas in regional plans or windmills in municipal planning, for example.⁶

A great number of illegally built facilities and illegal settlements is characteristic for the largest part of the analysed region. It is a historical problem that arose in the 1970s and worsened with the movements and migration caused by the wars within the Balkan region. A large number of citizens live in such facilities and legally sanctioning them is not an actual option. Moreover, these countries are considered welfare states and they cannot neglect this problem. The quest for better standards

⁶ *ibid*

of living has pushed many people out of their villages right into the city suburbs where they created those settlements. There are also large numbers of refugees living in such settlements, but also members of the Roma community. Central and local governments must find adequate solutions not only because they once signed and ratified international documents, but first and foremost because it is their duty to provide those citizens with decent living conditions. As equal citizens within the community, they have the right to access communal and other infrastructures, and the right to be fully integrated. By applying the principles of equality, non-discrimination, justice and good governance, citizens living in these settlements can actually be integrated and become equal in their rights and duties. To date, only Albania has adopted legislation relevant to this matter. However, elsewhere in the regions where such issues exist, laws and by-laws are being drafted; draft laws have been identified in the preparation phase in Macedonia and Kosovo, which are aimed at providing legal grounds for legalization or formalization of informal settlements.

3. RECOMMENDATIONS

3.1. GENERAL RECOMMENDATIONS

1. Local governments shall insist and encourage their central government to continue with more intense local government reforms, especially in the area of spatial and urban planning. Local governments are closest to the citizens and have the best knowledge of their problems and needs; hence they are in the best position to find appropriate solutions and/or answers.

2. Spatial and urban planning systems should be decentralized in order to reach higher efficiency and effectiveness, according to the principles of democratic acting and subsidiarity. The central authorities need to take part in the processes only to protect state and public interests and to ensure constitutionality and legality of the processes of plan adoption and implementation by lower authority levels. Central authorities should entrust local governments and leave them space to make their own decisions.

But in this case, powerful local authorities could make some implementations without impacting surrounding cities. For example, in Turkey, before the Greater City Law (No. 5216) was enacted, some local authorities made decisions independently. These municipalities allowed new constructions on empty plots, though the entire area is within a watershed boundary and environmentally sensitive area. Today, Istanbul is beginning to be faced with the impacts of those developments. In recommendation part, while propagating the support for decentralized local authorities, central government must define critical issues such as: environment protection, major transportation, large scale industrial areas, of course in cooperation with local stakeholders. In other words, the central government defines the restrictions for construction in municipal areas by law, and the local governments prepare the plans by deciding between different possible opportunities while abiding by the law. In this way, local authorities can create rational and applicable solutions for their own areas.

3. Central and local governments are obliged to enable conditions for the sustainable development of communities. Current socio-economic needs must be addressed while protecting the future generations and their environment. Additionally, they must also develop the community in an integrative way by



coordinating planning and other activities in favour of industry, agriculture, forestry, housing, transport, environment and other sectors.

4. The procedures for the adoption of plans need to be simplified, as well as the procedures for their amendment and supplementation. The sector priorities need to be coordinated and the necessary authorisations need to be issued in a timely fashion, while sufficient time is allocated to achieve high-quality plans. In this time of rapid change, all necessary conditions need to be established for potential investors to receive fast and high-quality services. However, this shall not be done at the expense of quality of service, good reason and anti-corruption measures.

5. The legal framework should be adapted to grant local governments the right to property and management of unconstructed, as well as 'brown land' within the framework of urban plans. Adequate legal compensation measures should then be implemented for owners of property subject to land purchase or even expropriation. Property rights, public interest and cultural heritage shall meanwhile be protected.

6. Local governments need to achieve a greater degree of fiscal decentralization and to find other appropriate sources of income. This way, they will be able to gather sufficient financial means to finance the expansion of new spatial and urban plans and the amendment of the existing ones.

7. It is necessary to adopt complementary laws regulating spatial and urban planning, and to establish a clear and precise hierarchy of plans to avoid discretionary authorisations. Well-regulated by-laws should also be implemented to improve, facilitate and accelerate the procedures.

8. The procedures for receiving consent for plans by higher authority levels need to be better regulated and respected. Deadlines for giving consent need to be shortened and the entire plan adoption process accelerated. Responsiveness to citizens' and potential business investors' requests is necessary.

9. The type and content of plans as well as planning directions need to be determined by appropriate laws and by-laws adopted by central authorities. Frequent amendment of laws needs to be avoided since it creates legal insecurity. It is recommended that local governments adopt four to six year municipal development plans, while urban plans need a longer period of applicability.

10. The most recommended way to achieve high quality spatial and urban plans is to have them created by authorised public agencies and licensed

companies. This avoids the danger of a monopolistic position on the market while still obtaining quality service at reasonable prices in the face of competition.

11. Human resources in local government units, in authorised state bodies and agencies need to be trained to offer high quality services to the citizens in the area of spatial and urban planning. It is also necessary to have technical equipment and to make a high degree of use of the possibilities provided by information and communication technologies. This includes total digitalization of plans, establishment of a Geographic Information System (GIS) and providing part of the services in the form of e-services that can be accessed over the Internet.

12. Citizens' and other stakeholders' participation is of vital importance from the very beginning of the planning process. Interested individuals, groups and organizations shall be enabled to participate in priority setting for the adoption of new plans, the amendment of and additions to existing plans, in the planning process and during their implementation. Apart from the mandatory public opinion polls regarding plans, municipal councils should implement programmes for the adoption of urban plans in two phases after public discussion. It is useful to allow stakeholders to be present and participate in the municipal council sessions where plans are adopted. All interested parties should be notified about these meetings in a timely fashion. The interested individuals, groups and institutions need to be guaranteed the right to complain to higher bodies and to administrative or other types of jurisdiction court in order to exercise their constitutional rights.

13. Issuing extracts from detailed urban plans, building prerequisites and conditions, and building permits need to be under local governments' competence, with possible exceptions for building activities of state importance. It is exceptionally important that the building permits be issued from the next higher authority (but not the central government) in order to avoid corruptive and nepotistic behaviour; this is possible where several government levels exist. The local administration can oversee the entire procedure, and the next higher authority can issue the document itself. The determination of the fee for the organization of construction land depends on the specificities of each entity. In any case, this fee should represent the actual costs incurred by the local government unit to enable the local government unit to provide adequate communal services on the land where the construction is located.

14. Intangible cultural heritage needs to be protected in all phases of planning. In the planning and design rulebooks, exceptions should be provided for the protection of old city centres with distinguishable old architecture and

other culturally important privately owned buildings. Apart from listing them, it is necessary to build a sustainable system for conservation, restoration and reconstruction of facilities protected by law and to make provision of funds in order to stimulate authentic reconstruction of intangible cultural heritage under private property.

15. The illegally built facilities and illegal settlements resulting from the large migrations from villages to towns a few decades ago due to Balkan wars need to be legalised and integrated. Therefore, appropriate laws and by-laws need to be adopted. In accordance with the principles of good governance, non-discrimination, equality, equal treatment and access, the citizens living in such facilities and settlements need to be granted equal access to communal and other infrastructures in order to exercise their civil rights and responsibilities.

16. With regard to the enforcement and legal tools for enforcement, in order to be able to implement the spatial and urban plans, it is necessary to make use of other legislation, such as the law that regulates the construction land, land acquisition, reorganization of land plots and other laws and by-laws that are related to the practice in question.

3.2. LEGAL RECOMMENDATIONS FOR SPATIAL AND URBAN PLANNING

3.2.1. Recommendations for legal solutions with the goal of systematic organization of the spatial and urban planning sector

Spatial and urban planning represents not only a process but at the same time a perpetual balance between land consumption and environmental protection, and realistic needs: the usage of land for industrialization, economic growth and construction of infrastructure projects in an integrative way.

The complexity of the factors that need to be taken into account have obliged legal authorities to create policies, mechanisms and institutes to regulate and implement the legal framework of spatial and urban planning in an efficient and systematic way.

Spatial and urban planning needs to be based on clear rules that enable uniform spatial development, rational space organization and utilization, conditions for pleasant living and work for citizens, environmental promotion and protection, cultural heritage protection, and transparency for citizen participation in procedures

of plan adoption while ensuring non-discrimination and equal access to communal infrastructure for all citizens.

The legal framework of spatial and urban planning needs to regulate the conditions and organization of the spatial and urban planning system, the types and content of plans, procedures for their creation and adoption, their implementation and monitoring, and the modalities of legalisation of illegal settlements. Bearing this in mind, legal solutions ought to follow and implement the following recommendations:

1. All issues in the area of spatial and urban planning need to be harmonised, incorporated and organized within an extensive compilation of related legal laws and their comments. This will enable legal security, transparency, more adequate practical application of legal provisions, diminution of legal gaps and elimination of clashes between laws for certain legal issues that are currently regulated by several laws, such as in the case of Albania and Turkey.
2. On the central government level, one central management body should be created and given authority to manage, implement and monitor legal solutions in spatial and urban planning at the central level. Because of the complexity of the involved factors, this issue requires a centralized approach. Establishing several management institutions could lead to a clash of authorities and consequently improper management of the planning. This is the situation that was identified in Turkey, for example. A centralized approach does not imply that other central bodies should be excluded from the process. Considering the fact that this management body is established to manage central policies in the area of spatial and urban planning, its planning documents should be in full compliance with the general policy of spatial and urban planning. This can be achieved only with complete cooperation and inspection of public central institutions.

Due to the needs of the decentralization policy in spatial and urban planning, a gradual transfer of the management and monitoring from central to local levels needs to be foreseen by law, increasing accountability and concern for spatial and urban planning by local government units. This is the case in Macedonia, where with the recent legislation changes, the local government responsibilities in this area increased with the transfer of authority from the central level.

3. A clear distinction should be made between central, regional and local levels of government while transferring to more decentralized planning system. Sustainable management of spatial and urban planning includes the right for local authorities to choose their development priorities and the solutions necessary to answer the needs of the citizens living in the municipality. At the

same time, though, mechanisms should be established to ensure the respect of regional, state and public interests. Such a case was identified in the legislation of Moldova, where there is no clear distinction between the competencies of the three levels of governance.

4. Planning

As a process and system, planning needs to regulate the following points:

4.1 Content of spatial and urban documents

- Spatial and urban plans need to have legally determined content and a clear hierarchy between plans should be established.

4.2 Clearly determined institutional structure for adopting relevant plans, transparent procedures and reasonable timeframes for adoption of plans by local government units or by region. The procedures for granting building permits shall be conducted within the prescribed deadlines making sure that local government unit's jurisdictions are not bypassed by alternative shortcuts from the central government or other institutions. At the same time, central management bodies should be given enough time to inspect and incorporate the plan within higher level documents.

4.3 The procedures for the creation and adoption of plans need to incorporate the following items:

4.3.1 Creation of plans

- The creation of spatial plans at the central level needs to be under the jurisdiction of a special central body.
- The creation of spatial and urban plans at local government or regional levels could be done by licensed entities whose activity is regulated by law.

4.3.2 Setting clearly determined deadlines

4.3.3 Precise procedures for funding and implementation

4.3.4 Establishing mechanisms for citizens' participation in the process of creating spatial plans. In addition, the possibility for a local government unit to participate in the creation of higher-level plans should be specified and detailed in law. The plans should be created in different phases, and citizens' participation procedures should be prescribed for each phase.

In order to create an effective public participation, authorities must be responsible for informing and educating participants before integrating into the planning process. This is especially crucial in developing areas.

4.3.5 Amendments and additions to existing plans, in particular lower level plans, should to be regulated in a way that meets the developmental needs of local government units, within a reasonable timeframe.

4.3.6 Local government units should be free to implement the plans provided that citizens' participation is guaranteed. At the same time, there should be thorough control of the quality and legality of local government units' acts by state administration bodies.

5. To achieve sustainable spatial and urban planning, it is necessary to establish and maintain a spatial-information data system registry. Therefore, legal solutions need to be foreseen for its establishment, management and maintenance at central as well as regional and local levels. In addition, procedures need to be proscribed for the inspection and issuance of content extracts.

6. Central administration monitoring shall be organized in a manner that respects the Constitution. The legality of the procedures for adoption and implementation of spatial plans and urban planning documents shall be checked.

7. The transition process and armed conflicts in the region made spatial and urban planning slow its pace and compromise the procedures prescribed by law. In some cases (like informal settlements in Albania and Republika Srpska) this resulted in the establishment of illegal settlements and the construction of facilities in disregard of legal procedures. Legalisation of the informal settlements and illegal constructions is crucial, and special laws should be adopted that deal not only with housing but also with business facilities, by providing a time framework for their legalisation, relevant procedures and compensation fees.

3.2.2. Individual recommendations for legal solutions in the area of spatial and urban planning

Based on the aforementioned conclusions and legal recommendations, the following initial legislative solutions are recommended for each of the entities within the region with regard to spatial and urban planning.

ALBANIA

- Documentation and terminology harmonisation between the Law on Urban Planning and the Law on Local Government needs to be realized in order to avoid clashes of laws and legal insecurity.
- Although a distinction has been made between central and local level authorities, the competences of local governments still need to be strengthened, especially when considering the question of the revocation of local government council's decisions by the central government.
- The legislative framework needs to be completed with provisions regarding:
 - participation of local government units in the creation of higher level spatial plans;
 - establishment and management of a spatial information data system registry;
 - procedures for the amendment and supplementing of existing plans;
 - mechanisms for citizen participation in the creation of spatial plans; and
 - separating legal part for legalization of informal constructions from the planning law.

KOSOVO

- The legislative framework needs to be completed with provisions regarding:
 - participation of local government units in the creation of higher level spatial plans;
 - procedures for amending and supplementing existing plans; and

MACEDONIA

- In the field of spatial and urban planning, the legislative framework still provides the central government with an important role, compared to the role of the local government. When creating urban plans, the local body in charge of the creation of the plan is obliged to request the latest version of the spatial plan from the central administration, because the spatial plan is not published and otherwise not available. The state administration body approves the draft of the urban plan for the local level, if the plan has been prepared in line with the legislation and the Law for Spatial and Urban Planning; following approval from central level, the Municipal Council adopts the plan.

- The legislative framework needs to be completed with provisions regarding:
 - additional determination of mechanisms for citizen participation in the creation of spatial plans; and
 - separation of the legal part for legalization of informal constructions from the planning law.
- The Law on Spatial and Urban Planning provides that law will regulate the conditions, ways and procedures for registering and determining the status and sanctioning of illegal constructions. However, such a law has not yet been adopted, which prevents illegal settlements and illegal constructions from being legalised.

MOLDOVA

- The current legislation in the field of urban planning features a significant centralistic approach. Therefore, it is necessary to create legal mechanisms to provide local government units with a greater role in the process of adoption and implementation of plans, as well as adequate financial resources.
- The legislative framework needs to be completed with provisions regarding:
 - participation of local government units in the creation of higher level spatial plans;
 - establishment and management of a spatial information data system registry, apart from or within the framework of the existing cadastre of real estate;
 - prevision of the content of major local plans;
 - legalisation of illegally built facilities;
 - specification of requirements that need to be fulfilled by persons who create the plans (license, equipment, human resources, professional experience); and
 - separation of the legal part for legalisation of informal constructions from the planning law.

REPUBLIKA SRPSKA

- In Republika Srpska, several laws, including the Law on Spatial Planning, regulate the field of spatial and urban planning. The Law on Spatial Planning deals with most of the issues. However, special laws should be adopted that address all elements of spatial and urban planning in a clear and easily understandable way.
- Citizen participation regarding plan documentation does not extend further than stating opinions on draft plans. There are no mechanisms for citizen participation at all when it comes to amendments and supplements to plans.

- The legislative framework needs to be completed with provisions regarding:
 - participation of local government units in the creation of higher level spatial plans;
 - establishment and management of a spatial information data system registry;
 - procedures for amending and supplementing existing plans and
 - mechanisms for citizen participation in the creation of spatial plans;
 - separation of the legal part for legalization of informal constructions from the planning law.

TURKEY

- Within the region in question, the Republic of Turkey has the most complex state system and hierarchy of institutions within the area of spatial and urban planning. It has been over-dimensioned as a result of the size of the country as well as the constitutional and political system.

Note: The legislation regarding spatial and urban planning has not been submitted yet. Therefore, the development level of all issues cannot be determined.

- What can be noticed from the questionnaire is that:
 - illegal settlements can only be legalised in historical areas and in the event of natural disasters, which disable the rule of law and equal treatment of all citizens; so now legalisation of illegal settlements is truly only possible in historical areas and areas exposed to natural disasters. Until the urban renewal law is amended, the situation remains unclear. Currently, local governments' only chance to legalise illegal settlement is by using total coalition. They have no power to conduct a renewal project without getting full satisfaction. Expecting full satisfaction from the residents is one thing, but in reality most block and resist renewal projects.
 - duly accredited state bodies create and implement certain plans independently and regardless of other stakeholders and participants. This not only violates the principle of hierarchy but also the right to participation and to voice an opinion about the plans
 - there is a clear lack of regulations when it comes to the establishment and management of a spatial information data system registry.

4. INDIVIDUAL PROFILES WITH SPECIFIC RECOMMENDATIONS

4.1. REPUBLIC OF ALBANIA

Area	Total: 28,748 sq km Land: 27,398 sq km Water: 1,350 sq km
Geographic location	Bordering Greece 282 km, Macedonia 151 km, Montenegro 172 km, Kosovo 112 km
Population	3,639,453 (July 2009 est.)
Urbanization	Urban population: 47% of total population (2008) Rate of urbanization: 1.9% annual rate of change (2005-10 est.)
Administrative division	Albania is divided into twelve counties (Albanian: qarku, sing. qark (official term) and prefectures. Every county has a different number of municipalities and communes. Albania is divided into 65 municipalities, and 308 communes. The capital city, Tirana, has a special status.
Economic indicators:	
- GDP	\$21.82 billion (2008 est.)
- GDP per capita (PPP)	\$6,000 (2008 est.)
- GDP composition by sector	Agriculture: 20.6% Industry: 19.9% Services: 59.5% (2008 est.)

Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/al.html>

I. LEGAL AND ADMINISTRATIVE FRAMEWORK

- A) National legislation
 - Law on Physical Planning (1993)
 - Law on Environmental Protection (1993)
 - Decision on Hazardous Waste
 - Ministerial Act no. 321 on a coastal protection belt along the Albanian coast
- B) Applicable ratified documents
 - Vienna Declaration on Informal Settlements in South Eastern Europe
- C) Administrative organization
 - Central government (Council of Ministers, the ministries, and other central institutions or agencies;
 - Regional government - county (the second level of local government)
 - Local government - municipality, commune (base local government units)

D) Challenges and Recommendations

- Continue with the process of reforms in the system of local self-government, and particularly with the process of decentralization in the areas of urban and spatial planning.
- Adjust the consistency of the organic law on local self-government and the law on urban and spatial planning in order to avoid incompatibility.
- Distinctly define the hierarchy and interdependency of national plans.
- The central government should retain the right of approval in the process of implementation of the spatial and urban plans by the lower levels of government.
- A clear division of jurisdiction between the central, regional and local authorities should be made to avoid confusion. Discretionary rights to be exercised when establishing local development priorities should be granted to the local authorities.
- New legislation or amendments to the existing legislation should address the issues of protection of cultural heritage, building after natural disasters and health and safety standards of buildings near a source of emission of waves, rays or heat.

II. SPATIAL AND URBAN PLANNING

A) *Central level*

The Ministry of Public Works, Transport and Telecommunication, is the highest organ at the national level within the field of territorial planning.

The highest level for approval of the urban studies is the Council for Territory Adjustment of Republic of Albania (CTARA)

CTARA approves:

1. All regional plans as well as specific ones like:
 - tourist areas
 - protected areas, national parks
 - port areas, airports, strategic areas
 - infrastructure projects
2. All master plans of areas over 10 ha, and specifically:
 - tourist areas
3. General regulatory plans:
 - for cities with over 10 000 inhabitants
 - infrastructure projects
4. Partial urban studies for:
 - city centres with over 50 000 inhabitants
 - surfaces over 15 ha within the cities
 - green spaces within the city
5. Site construction permits for:
 - areas over 0.5 ha outside of the construction boundary of the cities, villages and the inhabited centres
 - site construction permits in the cities pursuant to point 4
 - tourist areas
6. Construction permits for:
 - the constructions in cities pursuant to point 4
 - tourist areas

CTARA CAN ABROGATE THE DECISIONS MADE BY THE REGIONAL AND LOCAL COUNCILS.

B) Regional level

The Council for Territory Adjustment of County (CTAC) approves:

- The initial phase for the approval of regional plans
- The initial phase for the approval of master plans
- Master plans under 10 ha

- Site construction permits for areas under 0.5 ha outside of the boundaries of construction approved for cities and villages, according to the master plans
- Construction permits for areas under 0.5 ha outside the boundaries of construction approved for cities and villages according to the master plans

C) Local level

The Council for Territory Adjustment of the Municipality/Commune (CTAM/C) approves:

1. General regulatory plans for cities with fewer than 10 000 inhabitants
2. Partial urban studies for:
 - city centres with fewer than 50 000 inhabitants
 - all partial urban studies under 15 ha according to the master plans
3. Site construction permits for the studies in their competence, and initial phase of approval for the site construction permits that fall within the competence of CTARA
4. Construction permits for the studies in their competence, and initial phase of approval of the construction

D) Spatial planning process

The administration of the land is carried out through the regional plans, master plans, general regulatory plans and partial urban studies. Their hierarchy is not defined by law. Only the dependency of the partial urban study from the general regulatory plan can be inferred.

There is apparent confusion in the used terminology and a disconnection between the Urban Planning Law of 1998 and the Law on Local Government of 2000. In the urban planning law, local governments do not have the means to carry out their new urban planning responsibilities, while the central government retains a large role in the approval of plans.

The highest level of approval of the urban studies is the Council for Territory Adjustment of the Republic of Albania (CTARA) that covers all the approval levels of planning (regional plans, master plans, general regulatory plans and partial urban studies), limited by the city's population and the surface of the area. CTARA can abrogate the decisions of the regional and local councils (CTAC, CTAM/C).

At the regional level, the Council for Territory Adjustment of County (CTAC) approves master plans under 10 ha and issues site and construction permits for areas under 0.5 ha according to the approved master plan.

At the local level, the Council for Territory Adjustment of the Municipality/Commune (CTAM/C) approves the General Regulatory Plan for the cities with fewer than 10 000 inhabitants and partial urban studies for the areas under 15 ha, and city centres for cities with fewer than 50 000 inhabitants.

The administration and use of the public and private land are made through the regional plans, master plans, general regulatory plans and partial urban studies. However, the adoption and preparation of these plans is not mandatory. Only the partial urban studies are requested (Art. 40) for the issuance of site and construction permits and in the cases mentioned below.

The partial urban studies within the construction boundaries approved for the cities, villages and inhabited centres are obligatory for the private owners who want to build. In cases where the partial urban studies are lacking, these can be prepared by the private and public parties themselves; but the respective levels of government are not obligated to accept and approve them.

The issuance of the site and construction permits must be based on the approved urban studies.

E) Planning levels and plans

The contents of regional plans, master plans, general regulatory plans and partial urban studies and their frameworks are regulated by Urban Regulation (April 2004). This regulation has been approved by the Council of Ministers and is legally binding. There are no other regulations in this matter.

(1) Regional plans comprise:

The guidance objectives for the territorial policy, the chosen territorial model, the definition of the directives, of the main problems for every area in the plan, considerations about the environmentally or culturally important areas, the elements of the state regulation for Environment Impact Assessment, the localisation of public works, infrastructures at the local, regional and national level, specification of the priorities at the regional and local level, and their coordination according to the economic-financial programme.

The regional plan (explanation of the content) is composed of:

- the duty/task of projection
- the general report



- the map of the existing situation of the region in scale 1: 25 000 - 1: 5 000
- the regional plans of inhabited centres and industrial areas.

(2) The master plan (explanation of the content) is prepared on the basis of the duty of projection that is composed of the data on the geographic positions, seismology, climate, hydrology, hydrogeology, hydrotechnics, morphology, geomorphology, pedology, environment, land use, cultural heritage, infrastructure, demography, and urban studies for the inhabited centres. Each of the data is given in layers in scale 1:50000 - 1:10000.

(3) The general regulatory plan (explanation of the content) comprises: The boundaries of the construction area and of the suburban area are defined in this plan. The contents of this plan is as follows: objectives and strategy, conditions that determine the ownership of the land and its value, classification of the territory into functional areas, urban reconstruction areas, areas for the future development of the city, urban conditions, territorial structure, elements of urban development, study of geologic, hydrologic and seismologic conditions, coordination with the master plan and the regional plan, economic-financial assessment and the forecast for demographic developments.

The general regulatory plan is prepared on the basis of the duty/task of projection that is composed of the data on the geographic positions, seismology, climate, hydrology, hydrogeology, hydrotechnics, morphology, geomorphology, pedology, environment, land use, cultural heritage, infrastructure, demography, and urban studies for the inhabited centres. Each of the data is given in layers in scale 1: 5 000 - 1: 2 000

III. INSTRUMENTS FOR IMPLEMENTATION (PROCEDURES)

A) Legal

Only the expropriation for public interest is foreseen in the existing legislation. The favoured party for whom the expropriation will be done has to present the request for expropriation and all related documents at the Ministry of Public Works, Transport and Telecommunication (MPWTT). The minister then orders the special commission to be set up to follow and implement the expropriation procedures. The request can be turned back and refused if the procedure is not completed according to the law. The applicant can appeal this decision within thirty days. If the request is admitted within ten days from the application date, an agreement between the contractual parties will be signed.

Within ten days of signing the agreement with the applicant, the MPWTT will notify each owner of the private properties to be expropriated about their compensation

options. In the meantime, the ministry will publish the request for the expropriation in public interest.

The persons who claim compensation shall present their claim in court within fifteen days from the date of the publication. One month after the completion of the procedures, the ministry will present the request for the expropriation decision to the Council of Ministers. The court procedures will not block the decision and the expropriation. The value of the expropriation is decided by the Council of Ministers.

B) Challenges and Recommendations

The current approach to decision-making is the subordination of public interest to private, or the reduction of urban development to construction. The Councils for Adjustment of the Territory at all levels, national and local, usually approve the site and construction permits without having the approved urban studies. The approved plans can entail partial urban studies, but generally, the plans for private investments do not feature any analysis. The urban plans are limited to physical designs.

Albania has developed no regional or master plans at the national level. Each city needs to develop or update the existing regulatory plans or partial plans. The urban planners are inadequately and insufficiently trained.

The local strategic development plan of priorities should be enacted by the local authorities with a validity period of four to six years, followed by an extension of the validity period of the urban plans.

The planning process should involve successful vertical and horizontal coordination and incorporate the sector priorities along with the principles of sustainable development.

IV. SPATIAL PLANNING AND THE CITIZENS

A) Public participation

Following the fulfilment of the design, the regional plans, master plans, general regulatory plans and partial urban studies are deposited in the Secretariats of the CTA of the county and municipality within fifteen days. They remain available to the interested people for thirty days. When deposited, the plan is announced by the public media. The comments made by the public (or interested people) are reflected by the urban unit in the final plans. The final urban plans are submitted to the competent bodies for approval.

In practice, the plans are made without public participation.

B) Challenges and Recommendations

In 2008, Tirana was the only municipality that actually tried to achieve public participation in the framing of the general regulatory plan.

- Provide transparent procedures including a high level of public participation (individuals, groups, organizations, companies) as early as possible in the planning process.
- Ensure active public participation in the process of enactment (surveys, public meetings, including provision of right of appeal, etc.). Public participation should continue throughout the entire process of implementing such plans.
- Shorten the period of building permission and consent.

V. INFORMAL SETTLEMENTS

A) Legal framework

The law No. 9482, dated 3 April 2006 on “Legalisation, urbanisation and integration of informal building”, amended by:

- Law No. 9786, dated 19.7.2007
- Law No. 9895, dated 9.6.2008

The procedures that follow the legalisation process are related with the preparation and approval of the urban plans for the legalised areas (defined by “the boundaries of the legalised area”) as well as with its urbanization and integration. Urban plans are developed according to the law on territorial planning.

As already shown, legalisation happens before the development of urban plans and before the processes of urbanization and integration. This means that the value of the expropriation for the right of way or for public spaces will be calculated according to the market prices, which will be very expensive.

B) Current situation

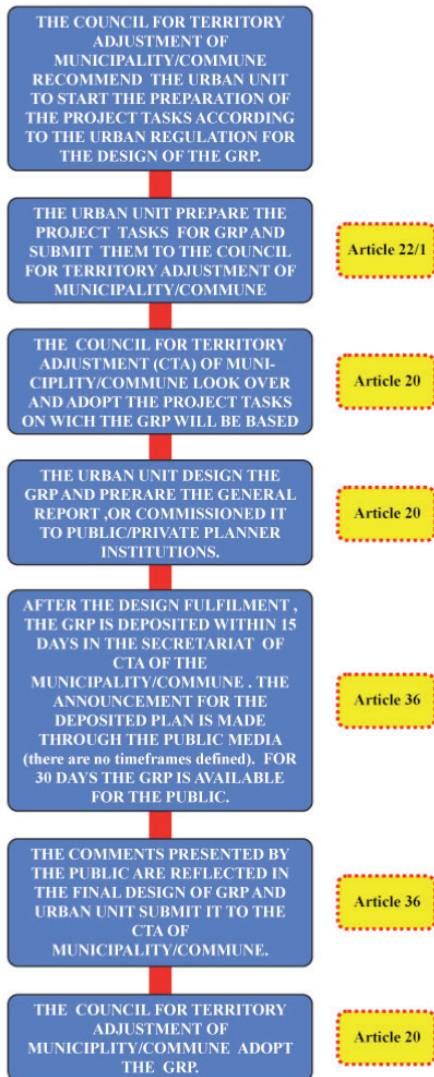
- There are three levels of planning.
- There is no coherence in the hierarchy of the plans.
- Studies show that the issuance of building permits generates unequal spatial development in the country.
- The central government has the authority to interfere with regional and local governance. This includes the possibility of repealing their decisions and of issuing building permissions on their land.

- Regional and local authorities have only limited mandate and insufficient budget in the planning process.
- Environmental protection is not taken into sufficient account during the planning process.
- Insufficient land and space analyses are realized prior to the start of the planning process.
- The planning process lacks public participation.
- Citizens need to be informed about their involvement possibilities during the planning process.
- The legalisation of informal settlements is regulated by law, but is implemented before the enactment of the urban plans.
- There is no data on economic feasibility of the planning process.
- There is no GIS.

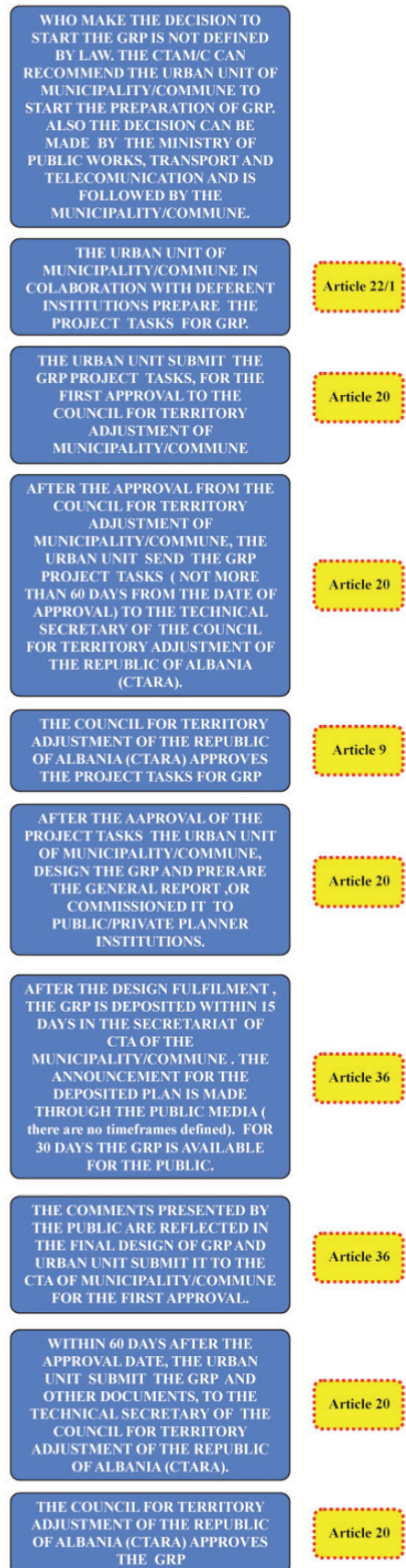
C) Challenges and Recommendations

- The hierarchy and interdependence of national plans at each level of government should be improved and adjusted. The various levels of government should be interdependent.
- Before approving plans, the hierarchy between lower level and higher level plans should be taken into account to prevent revocation of the plans by the central government.
- The interdependence between all levels of government in the planning process should be clearly defined. Each level of government should be given planning responsibilities.
- Funds to support the planning process at each level, particularly for the local and regional levels, should be identified.
- A law should regulate the enacted plans at each level.
- Citizens should be informed about the importance of the planning process.
- All the plans should integrate a development characteristic and should be economically viable.
- The implementation of the plans should be regulated by proper legislation.
- The improved legislation should cover the needs for all-round space and land analyses.
- The contents of the plans should comply with strict environment protection policies.
- There should be no limitation to the period of validity of the plans in order to enable amendments when necessary.
- Public participation should be improved upon and even possibly be made obligatory for the initial phase of the planning process.
- The GIS and the corresponding legislation should be prepared.

A - For the cities under 10 000 inhabitants



B - for the cities over 10 000 inhabitants



4.2. REPUBLIC OF KOSOVO

Area	Total: 10,887 sq km Land: 10,887 sq km Water: 0 sq km
Geographic location	Bordering with Albania 112 km, Macedonia 159 km, Montenegro 79 km, Serbia 352 km
Population	2,153,139 (July 2009 est.ESK)
Urbanization	
Administrative division	30 municipalities
Economic indicators:	
- GDP	\$5 billion (2007 est.)
- GDP per capita (PPP)	\$2,300 (2007 est.)
- GDP composition by sector	Agriculture: 20.6% Industry: 19.9% Services: 59.5% (2008 est.)

Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>
<http://www.ks-gov.net/esk>

I. LEGAL AND ADMINISTRATIVE FRAMEWORK

- A) National legislation
 - Law on spatial planning
 - Law on special protective zones
 - Law on construction
 - Law on agricultural land
 - Law on environmental protection
- B) Applicable ratified documents
 - Vienna Declaration on Informal Settlements in South East Europe
- C) Administrative organization
 - Two levels of government: central and municipal
 - 30 municipalities

D) Challenges and Recommendations

- Lack of enforcement of legislation for registration/licensing of urban planners
- Public procurement procedures based on “economically more suitable

operators” do not necessary ensure the selection of first-class and professional operators.

- Lack of legislation regarding land consolidation.
- Lack of sufficient finances at the municipal level, which in many cases affects the implementation of regulatory plans.
- The central government should be encouraged to continue the reform of the system of local self-government. The process of decentralization should be intensified, with an eye on the best European practices. This process should include the transfer of more responsibilities assigned to the local level, supported with capacity building programmes aimed at the local administration in charge of urban planning. Additional technical assistance should result in improved customer service and in a successful implementation of all other tasks.
- Improvement to legislation concerning the urban and spatial planning, legalisation of the illegal settlements, implementation of GIS, planning in the event of natural disasters.
- Solid legislation for a good fiscal decentralization should be secured in order to ensure sufficient funding for the urban development and spatial planning processes.

II. SPATIAL PLANNING

A) Central level

The role division for the drafting of spatial planning and urban planning documentation is regulated by the Law on Spatial Planning adopted in 2003 and revised in November 2008.

According to this Law, the central level (the Ministry of Environment and Spatial Planning - MESP) is responsible of drafting the following documents:

- Spatial Plan of Kosovo (SPK) and
- Spatial Plans for Special Areas

B) Local level

According to the Law, the municipalities are responsible of drafting:

- Municipal Development Plans (MDP)
- Urban Development Plans (UDP)
- Urban Regulatory Plans (URP)

The MDP should be consistent with the SPK (Article 13.4 “of the Law on Spatial Planning”).

Municipalities may prepare UDP as part of the MDP or as a separate document (Art. 14.6). The URP represents the lowest level of planning. They are based on and comply with the UDP.

The URP determines the conditions for the regulation of space and the rules regarding the location of buildings on urban land plots (Art. 15).

The construction zones are determined in the MDP, in the regulatory plans and in the spatial plans for special areas (Art. 17).

Municipalities are responsible for issuing site and construction permits.

C) Planning levels and plans

The Government of the Republic of Kosovo through the Ministry for Environment and Spatial Planning is responsible of drafting and managing the Spatial Plan of Kosovo (SPK) and the Spatial Plans for Special Areas.

Municipalities are responsible for the drafting of:

- The Municipal Development Plans (MDP)
- The Urban Development Plans (UDP)
- The Urban Regulatory Plans (URP)

The Ministry for Environment and Spatial Planning is responsible for the drafting of:

- The Spatial Plan of Kosovo (SPK)
- The Spatial Plans for Special Areas

Municipalities are responsible for the drafting of:

- The Municipal Development Plans (MDP)
- The Urban Development Plans (UDP)
- The Urban Regulatory Plans (URP)

D) Spatial and urban planning process

Planning levels and plans are defined by the law on spatial planning.

The MESP prepares the decision for the drafting of SKP, and the decision itself is adopted by Parliament (Art. 16). The Spatial Plan of Kosovo and plans for special areas, are drafted and managed by the Ministry for Environment and Spatial Planning, through the Institute for Spatial Planning.

Municipal Development Plans (MDP), Urban Development Plans (UDP) and Urban Regulatory Plans are the responsibility of the municipalities.

Municipalities must comply with the Spatial Plan of Kosovo (SPK) and the Plans for Special Areas. These are determined by the Law on Spatial Planning approved by the Kosovo Parliament.

The entire process of drafting and adopting plans on the local level is managed by the municipality. Only when starting the Municipal Development Plan (MDP), are municipalities obliged to inform the Ministry for Environment and Spatial Planning. Additionally, before the Municipal Assembly adopts the plan, the municipality is obliged to send a copy of the draft plan to the ministry in order to verify compliance with the Spatial Plan of Kosovo. The Ministry then has fifteen days to give its consent (Art. 13.9).

Municipality may prepare the UDP as part of its MDP or as a separate document (Art. 14.6)

The URP represents the lowest level of planning. They are based on and comply with the UDP. The URP determines the conditions for the regulation of space and the rules regarding the location of buildings on urban land plots (Art. 15).

The technical work with regards to municipal plans is performed by the urban planning section of the municipality. The urban plans are developed either by the urban planning section staff or by a licensed company.

The construction building plans by developers can involve only construction zones determined in the MDP, in the regulatory plans or in the spatial plans for special areas. The procedure for the adoption of these plans by the municipality is standard. Municipalities are responsible for issuing site and construction permits.

The content of the municipal plans (MDP, UDP and URP) is regulated by administrative decisions, issued by the Ministry for Environment and Spatial Planning

Prior to the Municipal Assembly's decision to commence with drafting the Municipal Development Plan (MDP), the municipal planning authority should hand over the draft to the Ministry of Environment and Spatial Planning to decide on its adoption. Decisions for other urban plans are brought up by the Municipal Assembly directly.

Municipal Development Plan (MDP) and the Urban Development Plan (UDP) contain textual and graphic sections. The textual section consists of the spatial/urban development profile and analysis of the current situation; vision, principles and goals; the spatial development framework; implementation strategies and actions; and enforcement provisions. The graphic section consists of cartographic data and other graphic supplements representing current situations and spatial interventions

- The Urban Regulatory Plan (URP) contains a textual section (description and arguments relating to the graphics, general urban conditions and other necessity elements. Graphics in the urban regulation part include: a) an extract from the development urban plan or municipal development plan with space position which is treated with regulation urban plan; b) space borders; c) use of space and manner of land use respective to object use; regulation of construction; regenerative of existing conditions, separation of integral spaces and units in the framework of the plan; d) plan of the road infrastructure with characteristic profiles and analytic-geodetic elements for new road infrastructure; e) levelling plan; construction lines; regulative lines; f) parcelling plan; g) plan of the network and infrastructure objects, surfaces, free spaces, etc; h) Other additions, dependent upon plan needs.

III. INSTRUMENTS FOR IMPLEMENTATION (PROCEDURES)

A) Legal

Until year 2008 and based on the constitutional framework, UNMIK was the authority with a reserved competency for expropriation. With a new constitution coming into force, a set of laws have been adopted which regulate the area of public interest and enable the implementation of plans [law on expropriation, law on construction land, law on cadastre, and recently the law on public-private partnership].

Judicial conditions are created by law for implementation of spatial and urban plans, although in practice, only few implementation projects have taken place in municipalities due to change of competencies as of last year. (Implementation of this set of laws is much more advanced on the central level).

For implementation of projects in the public interest (mainly technical infrastructure), municipalities proclaim the public interest. Prior to entering the expropriation procedures, parties (municipality and private land owner) enter into an agreement. On the local level, the agreement guides through municipal regulations for compensation and regulation of construction land. If no agreement is reached between the parties, the municipality (also in consultation with the land owner) makes the decision in the “public interest”. The Ministry of Finance is responsible for the evaluation of the expropriation for municipalities (and central level too).

Municipalities in Kosovo do own land and thus implementation of social infrastructure is usually done on municipal land.

However, due to the lack of legislation on land consolidation, implementation of provisions of plans that require consolidation of private lands for the benefit of



larger development is rather difficult and relies on private agreements. In this respect, municipalities may encourage developments only by providing more detailed plans (which are not mandatory) and better development conditions (mainly by increasing urban density), which in any case does not guarantee the implementation of certain smaller scale projects.

B) Challenges and Recommendations

IV. SPATIAL PLANNING AND THE CITIZENS

A) Public participation

There is a specific by-law (No. 15/05) “on the implementation of the Law on Spatial Planning regarding the procedure for public review for spatial and urban plans”. According to this by-law, “prior to the finalization of the plan, the ministry shall make the draft available for review and comment to the public and to other government agencies. The period for review and comment shall be sixty (60) days” (Articles 11.5 and 12.5)

For municipal plans, this period is at least thirty days (Article 13.5).

There is an article in the Law on Spatial Planning that says “if the proposed construction of a building or other improvement on a land plot is inconsistent with the URP or does not comply with the applicable location conditions, the person proposing the construction must obtain a location approval from the municipal authorities in addition to obtaining a building permit” (Art. 23.6). In practice, the initiation of urban plans may be presented to the municipalities if the proposal involves city areas that are not covered by regulatory plans.

In general, public participation in municipalities does not quite meet the “good governance” principles as required by legal acts. Meetings with citizens are usually held after the completion of the first draft, and are usually organized in the form of an information session. Since draft plans are not made public prior to these public sessions, citizens are unable to comprehensively get involved in the discussions. However, they are given the option to leave their comments during the thirty days of public review. This is however usually the weakest part of the process: in the case of the regulatory plans, comments are usually limited to personal concerns of the residents of the affected area or of potential investors.

B) Challenges and Recommendations

- Provide transparent procedures including a high level of public participation as early as possible in the planning process.

- Ensure active public participation in the process of enactment (surveys, public meetings, including provision of right of appeal, etc.). Public participation should continue during the entire process of implementation of such plans.

V. INFORMAL SETTLEMENTS

A) *Legal framework*

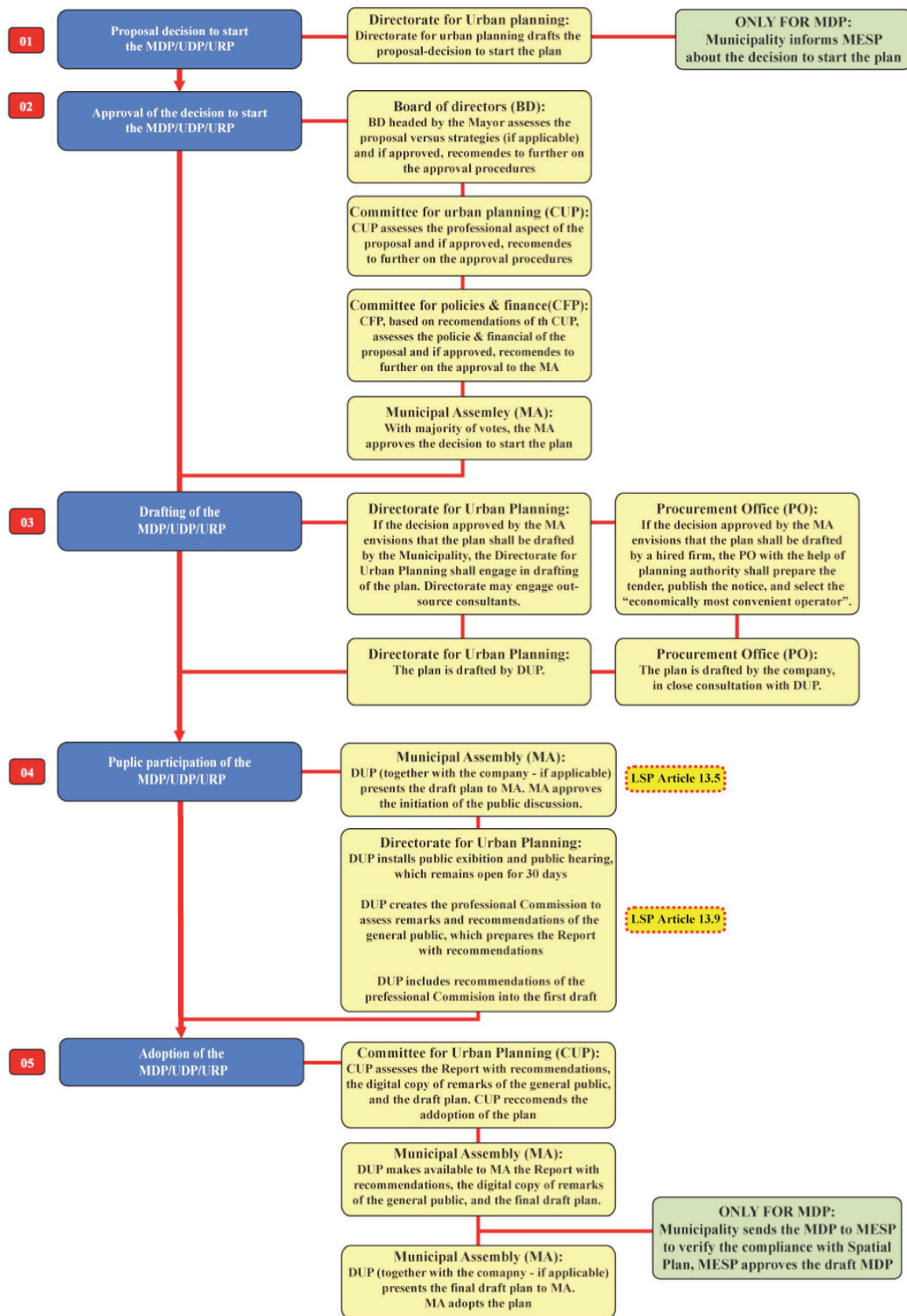
- No legislation for the legalization of informal settlements has been adopted yet although the issue has been acknowledged by the central government (the Ministry of Environment and Spatial Planning drafted a report on informal settlements in Kosovo in 2005).
- However, the Law no. 03/L-106 to amend the Law no. 2003/14 on spatial planning, obliges municipalities that during the drafting of plans at the municipal level Informal Settlements to be identified and regulated.
- There is a “draft Law on the Treatment of Illegal Construction”, which is still in the process of being adopted. Due to the lack of such law, several municipalities over the past few years have adopted municipal regulations on the legalization of buildings built without construction permits.

B) *Current situation*

- Ministry of Environment and Spatial Planning, Department of Spatial Planning is responsible for informal settlements in the Republic of Kosovo. Informal settlements have launched to be treated in Kosovo in 2003 with the organization of a Roundtable organized by the OSCE.
- In 2004 the Kosovo Standards Implementation Plan (KSIP) within the standard 6, property rights have foreseen actions related to treatment of informal settlements
- In 2005, Kosovo signed the Vienna Declaration of Regional and National Policy and Programs on Informal Settlements in South-Eastern Europe, MESP (Ministry of Environment and Spatial Planning) responsible for drafting policies for the regulation of space in 2005 has drafted, “research report for the existing situation of informal settlements” pilot project for four municipalities (Pristina, Gjakova, Gjilan and Gjakova).
- MESP in 2005 has drafted, “Spatial planning guide for informal settlements”. Subsequent activity was the organization of activities on “Application of the Spatial Planning Guidelines for IFS in the municipalities of Kosovo In 2006, organization of two awareness field workshops on the IFS’s situation; In 2006 and 2007 organization of the Conference for IFS treatment.
- As inheritors PZSK, prevention and regulation of IFS is included also in the document of EPAP (European Partnership Action Plan) 2009 (Action 45) MESP has established internal working group for drafting the Strategy and action plan

Kosovo Procedure of Preparation and Adoption Of MDP / UDP / URP

MDP -Municipal Development Plans
UDP -Urban Development Plans
URP -Urban Regulatory Plans



for the regulation of informal settlements. So far 10 municipalities in Kosovo which are equipped with the assent of MESP-DSP IFS have identified IFS and have incorporated in Municipal Development Plans and Urban Development Plans

- **There are two levels of planning.**
- There is a hierarchical consistency in the planning.
- There should be no limitation to the period of plan validity in order to enable amendments when necessary.
- Environmental protection is taken into consideration during the planning process.
- Due to the lack of legislation on land consolidation, the implementation of plans is often difficult.
- The planning process lacks previous comprehensive land and space analyses.
- Even though public participation is regulated by law, practice shows that the participation of citizens is neither full nor proper.
- Citizens need to be informed about the planning process and the benefits of participation.
- There is no data on economic feasibility of the planning process.
- Partial legislation regarding GIS does exist, has been incorporated in different laws and is available online.

Challenges and Recommendations

- The draft Law on the Treatment of Illegal Constructions should be enacted.
- The by-laws relating to the Law on the Treatment of Illegal Constructions should be prepared and enacted.
- The municipal regulations on the legalisation of informal settlements should be adjusted according to the Law on the Treatment of Illegal Constructions, following enactment of this law.
- Good practices from the municipalities that have already undertaken steps towards the legalisation should be transferred to those municipalities that have not yet addressed the issue.
- There is an urgent need of legislation on informal settlements. The local governments and their associations should participate actively in the preparation of this legislation.
- Legislation on expropriation and management of urban land should be adopted.
- The involvement of the stakeholders in the planning process (architects, engineers, company licensing, etc.) should be regulated.
- Funds to support the planning process at each level, particularly at local the level should be identified.
- The citizens should be informed about the importance of the planning process.
- All the plans should integrate a developmental characteristic and should be economically viable.
- The implementation of the plans should be regulated by proper legislation.
- The improved legislation should cover the need for all-round space and land analyses.
-



- There should be no limitation to the period of validity of the plans in order to enable amendments when necessary.
- Public participation should be improved and even possibly be made obligatory for the initial phase of the planning process.
- The GIS and the corresponding legislation should be prepared.

4.3. REPUBLIC OF MACEDONIA

Area	Total: 25,333 sq km Land: 24,856 sq km Water: 477 sq km
Geographic location	Bordering with Albania 151 km, Bulgaria 148 km, Greece 246 km, Kosovo 159 km, Serbia 62 km
Population	2,066,718 (July 2009 est.)
Urbanization	
Administrative division	84 municipalities (opstini, singular - opstina)
Economic indicators:	
- GDP	\$18.52 billion (2008 est.)
- GDP per capita (PPP)	\$9,000 (2008 est.)
- GDP composition by sector	Agriculture: 11.4% Industry: 27.2% Services: 61.4% (2008 est.)

Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>

I. LEGAL AND ADMINISTRATIVE FRAMEWORK

- | | |
|----------------------------------|--|
| A) National legislation | <ul style="list-style-type: none">• Law on spatial and urban planning• Law on construction• Law on the city of Skopje• Law on local self-government• Law on implementation of the spatial plan of RM |
| B) Applicable ratified documents | <ul style="list-style-type: none">• Vienna Declaration on Informal Settlements in South East Europe |
| C) Administrative organization | Two levels of government:
Central: <ul style="list-style-type: none">• Ministry of Environment and Spatial Planning• Agency for Spatial Planning• Ministry of Transport and Communications |

Local:

- City of Skopje,
- Municipalities (84 and City of Skopje),
- Municipal Assemblies

The country is also divided into 8 statistical regions

D) Challenges and Recommendations

- The planning system is relatively rigid and centralised.
- Municipalities are not entitled to land ownership. All public ownership is at the central level.
- Municipalities do not prepare necessary plans due to the lack of financial resources.
- Public participation is stipulated by law but not implemented in most cases, since the citizens are not well informed about the significance of the planning process.
- There is no spatial information system.
- The implementation of the reform of local self-government and the decentralization should continue. Therefore, the confidence of the institutions should be improved.
- The necessary legislation guaranteeing the principles of sustainable development while ensuring sufficient funds for the entire process of planning should be adopted.
- Building the capacity and provision of technical assistance to the central and local departments responsible for urban and spatial planning.
- The ownership and management rights of the land should be transferred from the central to the local level.

II. SPATIAL PLANNING

A) Central level

The hierarchy is stipulated by law and consent is obtained in practice if everything is in order, but not always in the legally prescribed timeframe of fifteen days.

One level of planning is done at the central level: the spatial plan of the Republic of Macedonia. It is elaborated upon by the spatial plan of the region, spatial plan of special interest of the country, spatial plan of the municipality, spatial plan of the city of Skopje, state urban planning documentation and architectural urban planning project.

The Ministry of Environment and Physical Planning and its Agency for spatial planning, manage the spatial planning process on behalf of the government.



B) Local level

Urban plans are adopted at the local level as follows:

- General Urban Plan (GUP)
- Detailed Urban Plan (DUP)
- Urban Plan for Villages (UPV)
- Urban Plan Outside of Populated Places (UPOPP)
- Local urban planning documentation
- Architectural urban planning project

The preparation of the GUP, UPV and UPOPP requires conditions for spatial planning, which are linked with the spatial plan of the Republic of Macedonia. These plans are issued by the Ministry of Environment and Physical Planning (MoEPP) through the Agency for Spatial Planning.

DUP is subjected to an extract of the GUP at the local level.

Urban plans at the local level are the responsibility of the municipalities; the city of Skopje is responsible only for the GUP for the city of Skopje.

The Mayor of the municipality establishes a commission, to give opinion on the draft-plans on the local level and make proposals to the Mayor for approval of the local urban planning documentation.

Ministry of Transportation and Communications (MTC) gives approval on the draft urban plans on the local level that are adopted by the municipal council.

The urban planning process is managed and governed by the municipalities through their sector or department for urban planning.

The technical work is performed by the municipal staff (municipal administration) in the sector for urban planning. The required planning analyses are performed by the municipality in accordance with the law.

The urban plans are developed by a licensed company.

C) Spatial planning process

The Government of the Republic of Macedonia is responsible for the spatial plan at the central level through the MoEPP.

D) Planning levels and plans

The hierarchy is stipulated by law and the consent is obtained in practice if everything is in order, but not always in the legally prescribed timeframe of 15 days.

The Government of the Republic of Macedonia is responsible for the spatial plan at the central level through the MoEPP.

The urban planning process is managed and governed by the municipalities through their sector or department for urban planning.

The technical work is performed by the municipal staff (municipal administration) in the sector for urban planning. The required planning analyses are performed by the municipality in accordance with the law.

The urban plans are developed by a licensed company.

The content of the urban plans is prescribed by the law on spatial and urban planning and by the rulebook on the content of the urban plans.

The law is adopted by the Parliament and the Rulebooks by the government through its line ministries.

The content is a legal obligation and must be applied. If the content is not applied, then consent/approval will not be given for the plan. Hence, the plan will not be adopted.

The commission, managed and elected by the minister of transport and communications, shall prescribe the laws and rulebooks.

Plans are adopted in two phases:

1. Draft of the urban plan
2. Proposal of the urban plan

Content of the urban plans:

Planned situation - Textual section, graphic presentation of the planned solutions and numerical section with balance indicators

Documented base - Data about the existing situation

Content of the graphic attachments:

GUP:

- Borders of the planned scope (border of the town)
- Zone borders according to the planned land usage and general regime for construction and usage
- Primary traffic network with leveling solution



- Primary ducts and buildings of all town infrastructures
- Borders of the urban areas for detailed spatial planning
- Borders of monumental areas and other protected areas

DUP:

- Borders of the planned scope
- Boundary lines
- Plots of the construction land
- Surfaces for building construction, specified with building lines
- Maximum height of the buildings in meters
- Intended use of the land and buildings
- Planned solution for the secondary traffic network with levelling solution
- Planned solutions for secondary communal and telecommunication infrastructures

UPV:

- Borders of the planned scope
- Planned constructions and land usage
- General building conditions
- Planned solutions for primary traffic network
- Planned solutions for primary communal and telecommunication infrastructures

For villages with densely constructed villages, the UPV shall also contain:

- Boundary lines
- Building lines
- Borders of construction plots
- Planned solutions for the secondary traffic network
- Planned solutions for the secondary communal and telecommunications infrastructures

UPOPP:

- Borders of the planned scope and aim and manner of using the space, for complexes and buildings
- Planned constructions and land usage
- Boundary lines
- Plots of the construction land
- Areas for construction of buildings specified with building lines
- Maximum height of the buildings in meters
- Planned solution for the primary and secondary traffic network with levelling solution
- Planned solutions for all primary and secondary communal and telecommunication infrastructures

The urban plans are valid in accordance with the laws and regulations. These laws and regulations limit the possibilities for simplifying the implementation and adoption procedure.

The plans have not been fully reconciled and adopted for the whole territory of the towns and villages, because this is a very expensive process, and the municipalities are not financially able to follow the legally prescribed dynamics. This is especially true of the DUP, for which the law prescribes making new plans or revising the existing ones every five years.

This anomaly is due to the transitional processes: a different approach in the planning, the respect of private ownership and the introduction of the market economy while trying to achieve economic sustainability of the proposed solutions and land management.

The municipality, i.e. the municipal administration of the sector for urban planning is preparing the Planning programme for preparation of urban plans, which determines the boundaries and contents of the planning scope. This planning programme is reviewed by the commission for urban planning under the Municipal Council and is adopted by the Municipal Council. The planning programme has to be supported by its own budget, which in turn represents part of the municipal budget.

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 survey and presentation to the citizens commence. The period is set by law and cannot last less than ten days. During the survey or the hearing, citizens can submit comments in written form. Also, within ten days after the public survey and hearing are 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), it 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.

Some problems persist:

- Frequent change and amendment to the legislation creates confusion.
- Local development plans and the development plan of the city of Skopje should be introduced with a validity period of four to six years.
- The validity period of the urban plans should be extended to meet the actual needs.
- The central government should simplify its process of plan approval.
- The local authorities should be provided with discretionary rights that could be exercised when establishing the local development priorities.
- The issues of cultural heritage protection and preservation of old city architecture and of culturally important privately owned buildings should be improved upon thanks to new legislation or amendments to the existing legislation.
- The procedures for planning following natural disasters should be simplified.
- A GIS should be introduced and implemented. The plans should be digitalized and e-services should be launched for individuals as well as for companies.
- Health and Safety standards for buildings near a source of emission of waves, rays or heat should be introduced in a new legislation or via amendments to the existing one.

III. INSTRUMENTS FOR IMPLEMENTATION (PROCEDURES)

A) Legal

If the buildings of public interest (roads and streets, water-supply, sewers, electricity supply and other infrastructures) are located on privately owned areas (land), the expropriation becomes mandatory once the character of public interest has been proclaimed. The expropriation can be done in agreement with the owners or in a more formal manner, with judicial assistance.

The municipalities do not possess land and cannot purchase land for themselves.

The expropriation of the land is done for the benefit of the state, and only the state can dispose of land.

In general, the municipalities in Macedonia have all the responsibility for the land, whereas the state has all the rights to the land.

Privately owned land is excluded from this provision.

The body that adopts the plan is obliged to request permanent transformation of the agricultural land from the Ministry of Agriculture, Forestry and Water Economy, if the plan incorporates new land, i.e. if it extends the scope of the plan.

Procedures are implemented in accordance with the law on construction land and the law on expropriation.

B) Challenges and Recommendations

- The current laws should be adapted and simplified to efficiently regulate the area of the protection of private property, with market-based compensations and protection of public interest.
- The planning process should be completed within the timeframe stipulated in the laws.
- Building permits should be granted within strict deadlines.
- The needs of potential investors should be understood and welcomed, while always taking the public interest into consideration.

IV. SPATIAL PLANNING AND THE CITIZENS

A) Public participation

Public participation is regulated by law.

It is not practiced very well. There is only little information available to the public and poor interest from the citizens. The citizens are not sufficiently informed about the importance of the plans. They act only when they are personally interested about certain buildings. But by then, it is often too late.

Interested persons and investors can start an initiative for changes and amendments to the urban plans, and this initiative must be submitted to the municipality, which will review and adopt it by entering it into the programme for the preparation of changes and amendments to the urban plans for the current year.

The adoption procedure is the same as previously mentioned.

The problems in this field can be summarized as follows:

- The public is not informed before the process starts.
- The first information is given when the programme for the preparation of urban plans is adopted.
- During the adoption process, the citizens are involved in the public survey and public presentation for the DUP, UPV and UPOPP. They provide their comments and proposals on the questionnaires of the public survey and 10 days after the public survey.
- As far as the GUP is concerned, the citizens are less involved, because a professional hearing is organized and specific target groups are invited to participate, and they can also leave their comments 10 days after the public survey.

B) Challenges and Recommendations

- The urban plans of the municipalities are approved in two phases. This would ensure greater accountability and would provide more opportunities for public participation in all phases of planning including the setting priorities.
- Transparent procedures including a high level of public participation (individuals, groups, organizations, companies) as early as possible in the planning process of the plans should be provided.
- Active public participation in the process of enactment thanks to surveys, public meetings, provision of the right of appeal should be ensured. Public participation should continue throughout the entire process of implementing such plans.

V. INFORMAL SETTLEMENTS

A) Legal framework

There is no existing legislation for legalisation/formalization of informal settlements and illegal buildings.

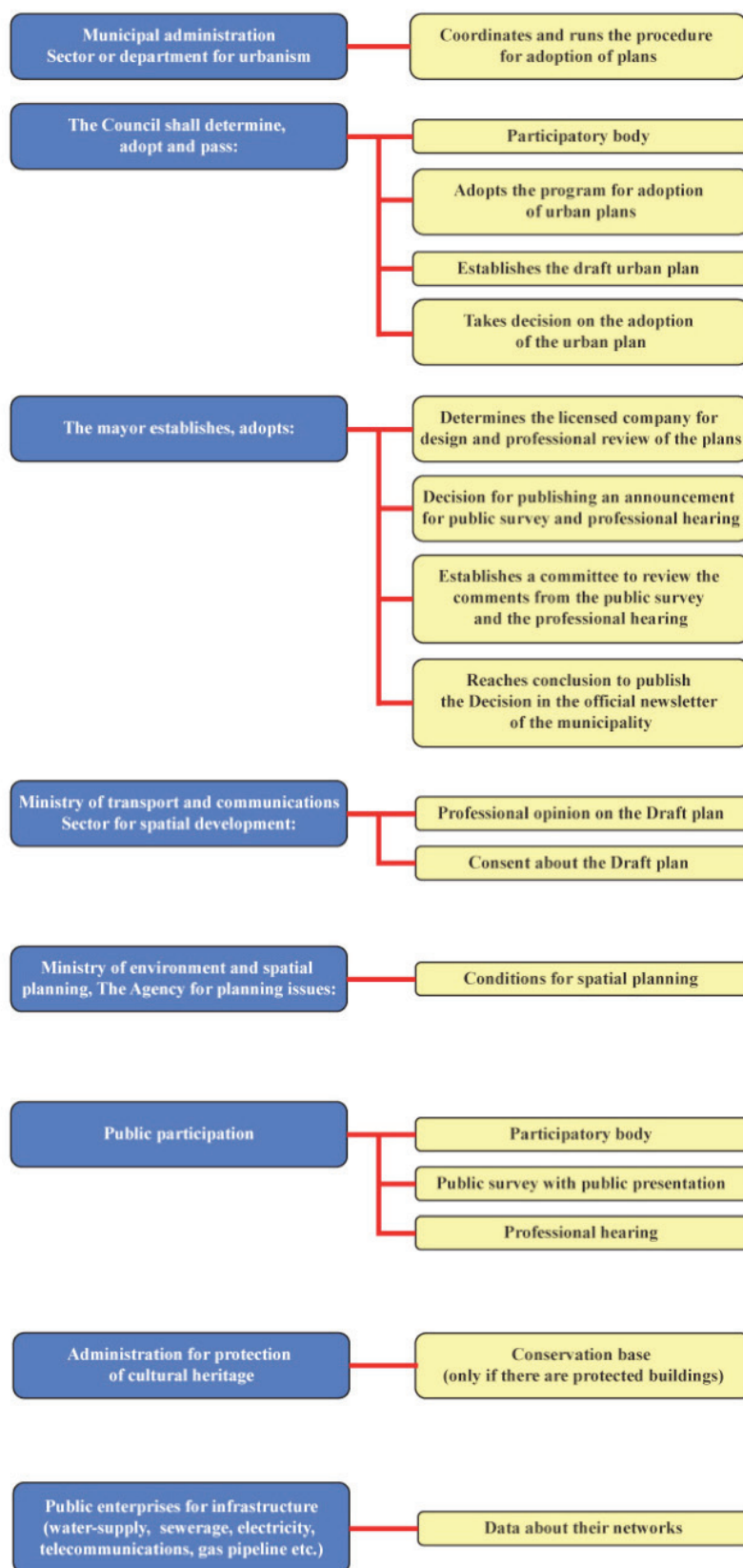
The law on legalisation is currently being drafted.

The existing legislation considers the settlements and buildings to be illegal. According to the current legislation, they cannot be legalised, but only entered into the plans as such. The construction inspectorate is responsible for them.

B) Current situation

- The existing legislation considers the settlements and buildings to be illegal. According to the current legislation, they cannot be legalised, but only entered into the plans as such.
- The legalisation of informal settlements is forbidden by law. However, a draft law on legalisation is being drafted.
- The construction inspectorate is responsible for them.
- There are two levels of planning.
- There is a hierarchical consistency ensured through expert opinions and approvals.
- The overall planning process is still highly centralised.
- Environmental protection policy is not adequately considered in the planning process.
- The land and space analyses prepared prior to the start of the planning process are insufficient.

Overview of the activities in the procedure for adoption of urban plans in Republic of Macedonia on local level, according to the competencies





- Though public participation is regulated by law, some practical improvements are still necessary.
- The citizens need to be informed about their possible involvement in the planning process.
- External grants have enabled some municipalities to introduce a GIS.
- Municipalities in Macedonia do not own their land.

C) Challenges and Recommendations

- Legislation for legalisation/formalization of informal settlements is badly needed.
- The process of enactment of local plans needs to be simplified and the central government should have no say in local planning.
- More responsibilities in terms of planning should be transferred to the local government units.
- Access to the funds for planning at both central and local levels should be enhanced.
- The plans should integrate a development characteristic and be economically viable.
- The contents of the plans should comply with strict environmental protection policies.
- There should be no limitation to the period of validity of the plans in order to enable amendments when necessary.
- Public participation should be improved upon and even possibly be made obligatory for the initial phase of the planning process.
- The GIS and the corresponding legislation should be prepared.

4.4. REPUBLIC OF MOLDOVA

Area	Total: 33,843 sq km Land: 33,371 sq km Water: 472 sq km
Geographic location	Bordering with Romania 450 km, Ukraine 940 km
Population	4,320,748 (July 2009 est.)
Urbanization	
Administrative division	32 rayons (raioane, singular - rayonul), 53 municipalities (municipiul), 1 autonomous territorial unit (unitatea teritoriala autonoma Gagauzia), and 1 separatist unrecognised territory (Transnistria) territorial unit (unitatea teritoriala)

Economic indicators:	
- GDP per capita (PPP)	\$10.63 billion (2008 est.)
- GDP composition by sector	Agriculture: 17.3% Industry: 21.5% Services: 61.2% (2008 est.)

Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/md.html>

I. LEGAL AND ADMINISTRATIVE FRAMEWORK

A) National legislation

- The law on the principles of urbanism and territory arrangement, No. 835 from 17.05.96
- Regulation concerning the urbanism certificate and the authorisation of the constructions and their liquidation, adopted by the Government's decision No. 360 from 18.04.1997
- Decision No. 1362 from 07.12.2001 on the endowment of the municipalities and territories with the necessary documentation for urban planning and spatial planning
- Government's decision on the consultation of the population in the process of elaboration and approval of the spatial planning and urban planning documentation, No. 951 from 14.10.97
- Government's decision No. 626 from 30.09.1992 on the expansion, advice and approval of the local master plans
- Government's decision No. 623 from 02.07.1999 for the approval of the regulation for construction of private houses
- Government's decision for the approval of the urban functional cadastre, No. 1300 from 27.11.2001
- Law on expropriation for the cause of public utility adopted, No. 488, from 08.07.1999
- The civil code of the Republic of Moldova, No. 1107, from 06.06.2002
- The contravention code of the Republic of Moldova from 29.03.1985
- The contravention code of the Republic of Moldova No. 218 from 24.10.2008



- B) Administrative organization Three levels of government:
- Central government
 - 2nd tier local (rayons-districts)
 - 1st tier local (municipalities)

D) Challenges and Recommendations

II. SPATIAL PLANNING

A) *Central level*

- The national plan is binding for all levels of planning. The zonal spatial plans are binding for the rayons and municipalities that comprise the respective zones. The rayonal plans are binding for the respective rayons and for the municipalities situated on the territory of the respective rayons. The local plans are binding for the respective municipalities.
- The Parliament of the Republic of Moldova approves the national spatial plan. The zonal spatial plan is approved by the government. The rayonal spatial plans are adopted by the rayonal councils. The inter-municipal plans are approved by the city/town councils. The plans for cities, towns and communes are approved by their respective local councils.
- Each of these plans must comply with the legal forms enacted at the higher level, depending on their legal force. The government's decisions must be in accordance with the law adopted by the Parliament. The decisions of the Rayonal councils must be in accordance with the government's decisions and the laws, and so on.

B) *Local level*

C) *Spatial planning process*

D) *Planning levels and plans*

The urban planning and spatial planning documentation includes the plans for the arrangement of territories (spatial plans), urban plans and their corresponding regulations.

The plans for the arrangement of territories (spatial plans) are the following:

- a. The national spatial plan
- b. The regional spatial plans
 - i. The zonal spatial plans
 - ii. The spatial plans of the Municipality of Chisinau (the capital city)
 - iii. The rayonal (second level of local public administration) spatial plans

- c. The local spatial plans
 - i. The spatial plans of the inter-municipal territory
 - ii. The municipal spatial plans

The national spatial plan has served as an exclusive guideline. It is composed of correlated sections, representing the governmental programmes in different fields for the entire country.

The national spatial plan ensures:

- a. The correlation of the national programmes with the international ones in the field of spatial planning
- b. The interconnection of the governmental sectoral programmes
- c. The correlation of the programmes at the rayonal level.

The regional spatial plans concern the territory of a zone, of a rayon or of the Chisinau municipality.

The zonal spatial plan is expanded for the territories grouped in a zone with common geographical, historical or other features and includes the territory of several rayons integrally or partially (as administrative-territorial units of the second tier of the local government).

The regional spatial plans have a serve as a guideline and ensure:

- a. The correlation of the programmes enacted at the rayonal level with sectoral governmental programmes included in the sections of the national spatial plan
- b. The interconnection of the programmes at the rayonal level
- c. The correlation of all the programmes of the territorial-administrative units from the respective zones, rayons, or the Municipality of Chisinau.

The local spatial plans concern the administrative territory of a town (commune), city, or municipality (except for the Chisinau municipality) or the administrative territory of several neighbouring villages (communes) or cities. These plans have a serve as a guideline for all the respective territories and have a regulatory nature for the territories outside of the municipalities' boundaries. They ensure:

- a. The correlation of the local programmes with the programmes at the national and regional level
- b. The interconnection of the local programmes
- c. The correlation of the urban plans and regulations for the legal entities situated on the respective territory
- d. The establishment of the building conditions for the incorporated and unincorporated areas of the villages and cities.



The provisions serve as guideline of the local spatial plans include:

- a. The main directions of territory development of the respective municipalities
- b. The major systems of technical-urban equipment
- c. The establishment of zones for which the expansion of urban plans is mandatory
- d. The establishment of zones for which major operations of spatial planning are envisaged
- e. The determination of protected zones
- f. The division of the territory into major functional zones

The regulatory provisions included in the local spatial plans are applied to the area outside the city limits and include:

- a. The delimitation of the functional areas
- b. The delimitation of the building zones and of those temporarily or definitively prohibited for constructions
- c. The establishment of the building regime
- d. The delimitation of the zone in which the execution of public utility works is envisaged
- e. The establishment of the routes and the features of the circulation methods
- f. The establishment of the method of development of the system of the technical-urban networks
- g. The determination of protected zones
- h. The delimitation of the zones in which operations of territorial arrangement are envisaged (spatial planning)

The urban plans are the following:

- a. The general urban plans, expanded for the entire territory of the locality, including all the territories necessary for the functioning and development of the municipality
- b. The zonal plans of urban planning, expanded for a part of the territory of a municipality or for a territory destined to the functioning and development of the municipality
- c. The detailed urban plans. These plans are the documentation that establish the conditions for the location and execution of one or more constructions with a precise usage on a certain territory. This documentation is expanded upon only on the basis of the approved general plan of urban planning.

The content of the Local master plan is not regulated by law. The government's decision No. 626 from 30.09.1992 on the elaboration, advice and approval of

the local master plans only mentions that the designing theme is established by the beneficiary, with the participation of the general designer, according to the requirements foreseen in the respective regulation, while the volume and the structure of the theme is established depending on the size and the particularities of the respective settlements. Every master plan contains graphics, an explanatory section and a local regulation for urbanism.

III. INSTRUMENTS FOR IMPLEMENTATION (PROCEDURES)

A) Legal

The main instrument for the implementation of the plan regarding public interest constructions is expropriation. Expropriation is regulated by the law on expropriation for the cause of public utility adopted in 1999 by the Moldovan Parliament. In the context of this law, expropriation is defined as the transfer of goods and other patrimonial rights from private to public property, with the purpose of executing public utility works for national or local public interest, after equitable compensation.

The object of the expropriation could be, among others, immovable goods, such as land, subsoil, aquatic basins, forests, buildings, but also the right of usage of movable goods for up to 5 years, unless the parties establish another period etc.

Public utility can be declared for the following works:

- The circulation and the afferent constructions
- The laying-out, alignment and enlargement of the streets and other roads
- The telecommunications, heating, sewer, energy, water and natural gas supply systems
- The terrains necessary for the construction of the houses from the state fund, of the edifices of education, healthcare, sport, social protection and assistance, and of the other social objectives that belong to the public property, as well as for the construction of headquarters for the public authorities, for the courts, embassies, consulates of the foreign states and international organizations
- The land for the organization of public gardens and cemeteries, for land-fills, etc.
- The reconstruction of urban centres, locative and industrial zones, existing architectonical complexes, according to the approved urban plans of the municipality.

The public utility of works can be declared by the Parliament, government or by the local authorities, depending on the nature of the realised interest (national, local or regional) and depending on the existence or inexistence of any misunderstandings



or conflicts concerning the declaration of the public utility character. The public utility is declared only after a previous inspection realized according to a procedure approved by the government. There are several actions that precede the expropriation, aimed at the protection of the rights of the expropriated person and at equitable compensation of the value of the expropriated goods. The expropriation can be operated by mutual agreement or can be decided by the courts if the parties cannot reach an agreement.

B) Challenges and Recommendations

In Moldova, the most visible problems relate to the enforcement of the legal framework on urbanism, but many of these problems have their roots in the legal framework. One of the key problems is the fact that the legal framework on urban planning does not correlate with other laws in the field of local public administration (especially the new laws on local public administration adopted in December 2006). This has led to many contradictions.

Another problem is the lack of a clear and detailed regulation on the procedure of adoption of the documentation of urbanism, and on the content of the plans.

Many problems faced in practice also appear because the legislation does not levy any penalties or consequences for the infringement of the provisions of the legislation on urban planning. Such problems may occur notably in the field of public consultation.

IV. SPATIAL PLANNING AND THE CITIZENS

A) Public participation

The consultation of the population during the elaboration and approval of the planning documentation is regulated by the law on the principles of urbanism and by the regulation approved by the government's decision on the consultation of the population in the process of expansion and approval of the spatial and urban planning documentation.

The public is involved before the process even starts as well as during the process. The consultation begins with informing the public about the intention to start the planning process and ends with the approval of the respective documentation of spatial and urban planning.

The public is involved by way of organised public hearings. If the documentation is more complex, the consultation of the population can be done through research about urban sociology, interviews, questionnaires, etc.

B) Challenges and Recommendations

V. INFORMAL SETTLEMENTS

A) Legal framework

Informal settlements are not very numerous in Moldova. This can be explained by the high level of land use and precise boundaries of reserve territories. Currently, the building of settlements is carried out according to the developed master plans of settlements. Nevertheless, some cases of illegal construction of objects (without proper permission, infringement of building norms and rules, inefficient use of the land...) have been observed. The legal framework concerning the legalisation of the informal settlements is poorly developed and there are no laws in preparation on this issue.

The Ministry of Constructions and Territory Development (MCTD) adopted Ordinance No. 20 on 05.02.2009 for measures to reduce the number of unauthorised buildings. This ordinance stipulates that it is forbidden to carry out technical expertise with the purpose of legalising unauthorised buildings (built without certificates of urbanism and building permits). The ordinance also emphasizes that it is forbidden to issue a certificate of urbanism for the establishment of the urban regime (or similar acts) with the purpose of legalising the constructions edified without authorisation. The local governments are also advised to intensify the control on how their sub-entities observe the legislation in the field of urbanism and territorial development.

B) Current situation

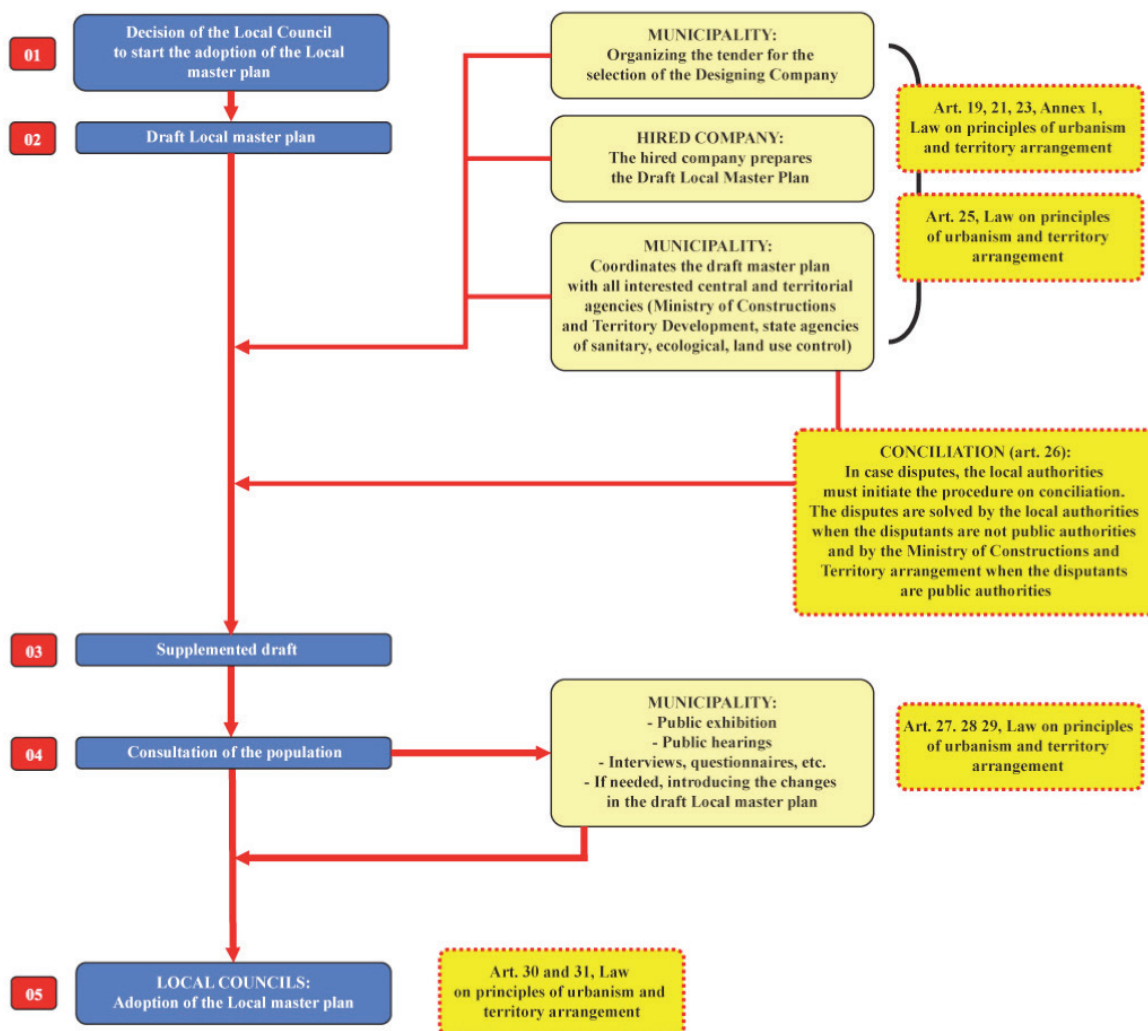
- There are three levels of planning.
- There is hierarchical consistency. However, approval from higher levels is needed.
- Plans have no listed contents.
- The implementation of the plans is regulated and is executed through expropriation.
- Public participation is present throughout the process.
- The planning legislation is inconsistent with the additional laws supporting the planning process.
- The country does not suffer from many informal settlements.
- Particular measures are undertaken to deal with informal settlements. However, there is no intent to adopt a law for the legalisation of these settlements.
- The present legislation does not regulate planning and building following natural disasters.

C) Challenges and Recommendations

- The present regulations should be improved upon, and should include the content of the plans.



Moldova Procedure of Preparation and Adoption of The Local Master Plan



- The compatibility and consistency of the present legislation on urban and spatial planning should be improved.
- A law on informal settlements should be adopted.
- The access to the funds for the planning process at both central and local levels should be improved.
- Legislation for planning following natural disasters should be developed and enacted.
- The plans should integrate a development characteristic and be economically viable.
- Environmental protection should be taken more seriously in the planning process.
- There should be no limitation to the period of plans' validity in order to enable amendments when necessary
- Legislation on the regulation of a GIS should be developed.

4.5. REPUBLIKA SRPSKA

Area	Total: 51,209.2 sq km Land: 51,197 sq km Water: 12.2 sq km
Land boundaries	
Population	1,437,477
Urbanization	
Administrative division	84 municipalities (opstini, singular - opstina)
Economic indicators:	
- GDP	\$29.9 billion (2008 est.)
- GDP per capita (PPP)	\$4.275
- GDP composition by sector	



I. LEGAL AND ADMINISTRATIVE FRAMEWORK

- A) National legislation
- Law on spatial planning (Sl. glasnici RS, No. 84/02)
 - Law on construction land (Sl. glasnici RS, No. 112/06) still in use
 - Law on property rights (Sl. glasnici RS, No. 124/08) as of 01.01.2010.
 - Law on Waterways, (Sl. glasnici RS, No. 50/06)
 - Law on environmental protection, (Sl. glasnici RS, No. 53/02 and 28/07)
 - Law on forests, (Sl. glasnici RS, No. 75/08)
 - Law on the protection of the air, (Sl. glasnici RS, No. 53/02)
 - Law on the protection of nature, (Sl. glasnici RS, No. 50/02 and 113/08)
 - Law on the national parks, (Sl. glasnici RS, No. 21/96)
 - Law on the implementation of the decisions of the commission for the protection of national monuments founded according to Annex 8 of the Dayton peace agreement in Bosnia and Herzegovina (President of RS) (Sl. glasnici RS, No. 70/06)
- B) Administrative organization
- Republika Srpska is one of two territorial divisions of Bosnia and Herzegovina
- Two levels:
- Central
 - Local: 63 municipalities
- 7 statistical regions
- C) Challenges and Recommendations
- The process of local government reform should continue, as well as the process of decentralization.
 - The transfer of expenditure responsibilities and revenue assignments to lower levels of government is very important for the planning process.

II. SPATIAL AND URBAN PLANNING

A) *Central level*

Hierarchy:

1. Strategic plans
 - a. Spatial plans
 - i. Spatial plan of the republic
 - ii. Spatial plan of the region (in special cases)
 - iii. Spatial plan of the municipality
 - b. Urban plans
2. Detailed plans
 - a. Regulatory plans
 - b. Urban projects

The mutual interdependence of the plans is strictly hierarchical:

- A lower-level plan depends on the higher-level plan, and in case of conflict, the higher-order plan is applied.
- Lower-level plans are established on the basis of the higher-level plans.
- Spatial plans exist for each level of government.
- Only the spatial plan of the republic is established on the central level.

Procedures

The minister approves the strategic plans but this approval is not necessary (if the minister does not give his consent within thirty days and does not inform the relevant municipal parliament of any inconsistencies, the proposal is considered approved).

The law on urban development prescribes the complete procedure for the acceptance of plans, the obligations to be met when accepting single plans, the obligations for the subjects of society, the contents of the plans and the aims of spatial planning. The rulebook on the content of the plans determines the detailed contents and structure of individual plans.

Some laws do not directly concern spatial planning, but must be taken into account during spatial planning.

Usually, the department of urban development is responsible for further planning documentation. The law allows a company outside of the municipality to carry out this technical work (this is decided by the municipal assembly when drafting a plan).



The company in charge of the drafting of a plan must necessarily be licensed for the drafting of plan documentation.

The minister of urban development, construction and ecology approves new strategic plans (spatial and urban).

The chamber of commerce and all interested participants, institutions and organizations responsible for the planning and programme management of development, water management, traffic, public health, culture, residential, civic management, geodesic, geologic, geophysical, seismic and hydro-meteorological matters, matters of statistics, agriculture, forestry, tourism, protection of natural and cultural-historic heritage, environmental protection, defence, and other subjects, give their consent for planning decisions in their respective fields. This, however, is not mandatory for the municipal assembly, unless it concerns a mandatory document (a plan, strategy or similar document of broader order).

B) Local level

The following plans are established:

- a) The spatial plan of the area
- b) The spatial plan of the municipality
- c) The urban plan
- d) The regulatory plans
- e) The urban projects

Plans are enacted by municipal assemblies, as follows:

- a) The spatial plan of the entity is enacted by the National Parliament of the Republika Srpska (Narodna skupština RS).
- b) The spatial plans for the areas are enacted by all the concerned municipal assemblies.

C) Spatial planning process

The decision to start on the expansion of all plans is made by the municipal urban development department for the municipal mayor and is based on the annual activities plan. This process takes the state of the planning documentation (e.g. whether a certain plan has already been enacted or whether the enactment deadline for a certain plan has expired) into consideration. An annual activities plan for this area is also prepared.

- The mayor proposes all decisions, including those concerning the enactment of plans, to the municipal assembly.
- The municipal assembly enacts a decision at the beginning of the plan

expansion process, by which it may also nominate the planning council. While this is not mandatory, it nevertheless proves very useful. In the Municipality of Prijedor, this council is generally nominated for the expansion of every plan. This council is usually composed of an equal number of experts and politicians.

D) Planning levels and plans

Spatial and urban plans must be revised at least every ten years. For regulatory plans and urban projects, this must happen at least one year before the end of the period for which the planning parameters have been determined in the decision on plan drafting.

E) Challenges and recommendations

- Local development plans to integrate the strategic local priorities with a validity period of 4-6 years should be introduced.
- The validity period for the plans should be extended.
- Capacity building for improved human and technical municipal resources.

III. INSTRUMENTS FOR IMPLEMENTATION (PROCEDURES)

A) Legal

The expropriation is regulated by the law on expropriation (Sl. Glasnik RS, No. 112/06, 37/07 and 110/08)

Real estate may be expropriated for public works, construction of objects of economic infrastructure (traffic, water management, energy and telecommunications, objects of defence, objects for protection of the environment and protection from natural disasters) or for studies of mineral and other natural resources.

In special cases, real estate may be expropriated for the needs of residential development and for the organisation of land for this purpose. Real estate may be expropriated for public interest. This is normally determined by the government of RS. After determination of public interest, an expropriation bill is enacted. The user of the expropriation (Republika Srpska or the local community) is obliged to compensate the owner for the value of the expropriated real estate, at not less than its market value, and then becomes the owner of the real estate (Art. 33).

B) Challenges and recommendations



IV. SPATIAL PLANNING AND THE CITIZENS

A) Public participation

According to the law, the draft plan must be put up for public inspection. This must be publicly announced at least eight days before public inspection.

B) Challenges and recommendations

- Provide transparent procedures including a high level of public participation (individuals, groups, organizations, companies) as early as possible in the planning process.

V. INFORMAL SETTLEMENTS

A) Legal framework

The legalisation of illegally built structures is dealt with in article 155 of the law on urban development, which states that:

Municipalities and cities are obliged to enact the decision from article 92, paragraph 4 within six months following enactment of the law revising the law on urban development (Sl. glasnik RS, No. 53/02).

The decision made on the basis of paragraph 1 establishes:

- Deadlines for filing complaints about the granting of building permits or about the enactment of decisions on the temporary halt on buildings built illegally. These deadlines may not be longer than six months from the day the decision came into effect.
- That the existence of an illegally built object can exclusively be determined by aero-photogrammetric data. These data must be provided by the municipality prior to the enactment of decisions from paragraph 1.
- The conditions under which the construction of a building started before the date of commissioning of aero-photogrammetric footage from paragraph 3, may be finished. A building thus completed may be temporarily retained in the sense of paragraph 4.

The resolution for temporary retainment of illegally built objects, in the context of paragraph 2:

- Decides for the temporary retainment of illegally built buildings, at most until the date the resolution on urban consent for the construction of a structure or for other works comes into effect. This happens in order to bring the

construction land to its ultimate usage as determined by the appropriate planning documentation.

- Mentions that for the temporarily retained building, the limitations from paragraph 1 are withdrawn, except those concerning compensation in case of demolition of the building.

As for illegally built or initiated structures, a resolution on demolition of the structure shall be enacted, in accordance with article 128, point 8 or 9, of this law unless, before the deadline determined by the decision enacted on the basis of paragraph 1 or 2, the owner:

- Files a request for the retroactive granting of a building permit resolution, or
- Files a request for the enactment of a resolution on temporary retainment.

Nevertheless, if the request is legally overruled or if the building has been started without a building permit after the date of commissioning of the aerophotogrammetric footage from paragraph 3, the demolition resolution shall be enacted.

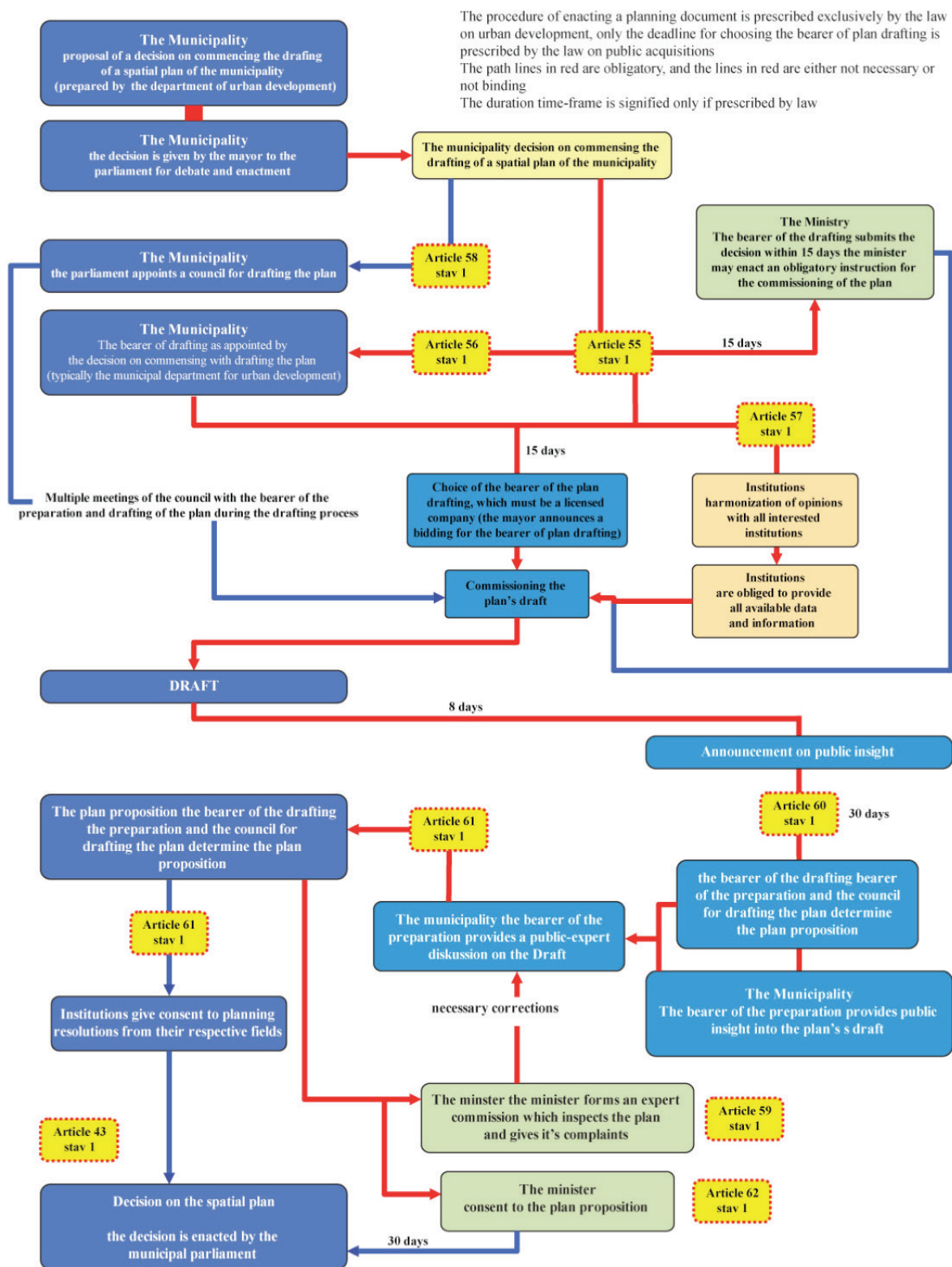
The decision made on the basis of paragraph 1 shall determine the amount, deadline, and method of paying compensation for the needs of legalisation, or temporary retainment of structures in terms of arrangement, acquisition and utilisation of construction land.

The municipal assemblies have enacted the decisions as prescribed by law.

B) Current situation

- There are two levels of planning.
- There is a good coherence in the hierarchy of plans. This hierarchy is considered flexible in practice.
- The period of validity of plans is considered to be a limitation by the local administration.
- Environmental protection is taken into consideration during the planning process.
- The existing Law on Expropriation supports the planning process.
- Insufficient land and space analyses are carried out prior to the start of the planning process.
- Though regulated by law, public participation in the planning process is insufficient.
- Citizens need to be informed about their possible involvement in the planning process.
- No data on economic feasibility of the planning process are provided.
- The legalisation of informal settlements has been widely implemented, however buildings without building permits are a common phenomenon.
- There is a GIS.

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C) Challenges and Recommendations

- New legislation on legalisation needs to be enacted in order to help communities and settlements integrate into the existing infrastructure, hence improve the lives of many people who live in informal settlements.
- The most important problem in spatial planning is definitely illegal constructions, in particular from two standpoints:
 - The legalisation of illegally constructed buildings, with a special emphasis on informal settlements.
 - The prevention of further illegal construction, which should be very strict, and enforced from the very beginning. Efficiently preventing illegal constructions is probably impossible, unless legalisation issues are solved in a decent manner.

Currently, the planning documentation actually tracks illegal constructions instead of being an upfront development plan as it is supposed to be.

- The participation of citizens in spatial planning is late and insufficient in the planning process itself, but also in the elaboration of planning documentation. This is a consequence of the legal procedure itself, but also of the insufficient education of and information for the citizens concerning the actual meaning of a plan, the possibilities that it can offer and the consequences of the enactment of a plan.
- The geodetic background and ownership registry are outdated. During the planning process, geodetic maps must be used legally. Besides being outdated, these maps are not easily accessible: the geodetic administration demands compensation for the use of maps they do not have, while using these outdated maps during the planning process does not make sense.

Recommendations:

- Funds to support the planning process at each level, particularly the local level, need to be identified.
- Citizens need to be informed about the importance of the planning process.
- All the plans should integrate a development characteristic and be economically viable.
- The improved legislation should cover the needs of all-round space and land analyses.
- There should be no limitation to the period of validity of the plans in order to enable amendments when necessary.
- Public participation should be improved and even possibly be made obligatory for the initial phase of the planning process.
- The current GIS legislation needs to be improved.



4.6. REPUBLIC OF TURKEY

Area	Total: 780,580 sq km Land: 770,760 sq km Water: 9,820 sq km
Geographic location	Bordering Armenia 268 km, Azerbaijan 9 km, Bulgaria 240 km, Georgia 252 km, Greece 206 km, Iran 499 km, Iraq 352 km, Syria 822 km
Population	76,805,524 (July 2009 est.)
Urbanization	Urban population: 69% of total population (2008) Rate of urbanization: 1.9% annual rate of change (2005-10 est.)
Administrative division	81 provinces
Economic indicators:	
- GDP per capita (PPP)	\$906.5 billion (2008 est.)
- GDP composition by sector	Agriculture: 8.5% Industry: 28.6% Services: 62.9% (2008 est.)

Source: <https://www.cia.gov/library/publications/the-world-factbook/geos/tu.html>

I. LEGAL AND ADMINISTRATIVE FRAMEWORK

A) National legislation

- Law No.3194
- Law No.5302
- Law No.2872
- Law No. 5018, 5393, 5216, 5436
- Law No.5216
- Law No: 2863
- Municipality Law No: 5393
- Regulation on “Principles for physical development planning procedure and planning revisions”
- National Development Plan

B) Administrative organization

Four levels of government:

- National Level
- Regional Level
- Province Level
- District Level

C) Challenges and Recommendations

- Different sectors are authorised to prepare their own plans without conciliation with other stakeholders.
- Amendments to the current legislation should be enacted to achieve transparency and improved co-operations, as well as consistency in the entire planning process. The length of the process should be shortened.
- New legislation on GIS should integrate the implementation phase to gether with improved services to the citizens (e-services).
- New legislation seeking to legalise the informal settlements should be enacted.

II. SPATIAL AND URBAN PLANNING

A) *Central (national) level*

At the central level, the Turkish planning system is organized by the Turkish Planning Prime Ministry State Planning Organization. The national level plan is prepared by concerned sectors. For each sector, macro goals and objectives are defined by a seven year time period.

In the Turkish planning system, several planning levels exist at each level of government. A district municipality of an ordinary city has both structure and physical implementation plans, and also detailed preliminary projects/plans. Each government level is responsible for implementing higher-level plans into their plans. District level municipalities, for example, have to adapt their physical implementation plans to the structure plans of the city.

B) *Regional level*

Regional level plans are prepared by the Ministry of Environment and Forest with the cooperation of relevant ministries.

C) *Province level*

At the province level, Turkey has two different systems. One of them is that metropolitan cities and for these one metropolitan municipality is responsible for planning studies. City governorship is only responsible for inspection and control of the overall system. But in an ordinary city structure, city governorship is responsible for planning city-wide development, infrastructure and transportation. Both kinds of these cities, district level municipalities perform their own duties similarly.

D) *District level*

The legal basis for strategic planning has been established. The metropolitan municipalities have started their preparations within the framework of this legal basis. Most of the municipal programmes did not include making strategic plans

before this became a legal requirement. Although having understood the meaning of strategic planning, the municipalities have generally not been able to create an actual vision for the city. Their goals, however, are quite clear. Each municipality conducts strategic planning activities with a different institutional model for organization.

E) Spatial planning process

- The national plan is approved by the council of ministers.
- The regional plan is approved by the state planning organization.
- The Province master plan is approved by the province governorship.
- The metropolitan master plan is approved by the Ministry of Public Works and Settlement.
- The Regional and Environmental master plan is approved by the Ministry of Environment and Forestry.
- The Province development plan is approved by the province governorship.
- The Strategic plans and performance plans are approved by the councils of the province governorship and municipality.

Special Purpose Plans:

- The privatization plan is approved by the privatization administration.
- The conservation plan is approved by the metropolitan municipality, while respecting the instructions of the cultural and natural heritage conservation boards.
- The tourism area plan is approved by the Ministry of Tourism and Culture.
- The industrial area plan is approved by the Ministry of Industry and Trade.
- The mass housing area plan is approved by the Housing Development Administration of Turkey.
- The structure plan is approved by the metropolitan municipality and by the urban municipalities.
- The physical implementation plan is approved by district level municipalities.
- The preliminary plan is approved by district level municipalities

Note: In metropolitan cities, both physical implementation and preliminary plans have to be approved by the metropolitan municipality as well, but if the city is not a metropolitan city, each district municipality can approve their own plans.

F) Planning levels and plans

Development plans at the national level are there to define macroeconomic and national goals and objectives. There are no spatial references within these plans, but each level of government has to adapt itself to the defined goals and objectives.

III. INSTRUMENTS FOR IMPLEMENTATION (PROCEDURES)

A) Legal

Expropriation and land consolidation are only possible during the implementation of the physical development plans.

B) Economic

Municipalities can request a contribution from the residents to afford costs of road (infrastructure) construction, but if a municipality requests a contribution from the residents, no further contribution can be requested for five years.

C) Challenges and Recommendations

- The power to expropriate property for public interest needs to be defined.
- Property rights need to be protected and compensations need to be in accordance with the market, taking the community interests into consideration.

IV. SPATIAL PLANNING AND THE CITIZENS

A) Public participation

According to the Law on Cultural and Natural Heritage Conservation, public participation only happens for conservation plans.

The participation process starts before the prepared plan is presented to the city council.

The responsible institution has to organize at least one meeting with the public, universities and NGOs.

B) Challenges and Recommendations

- Ensuring active public participation in the process of enactment (surveys, public meetings, including the provision of the right to appeal, etc.). Public participation should continue throughout the entire process of implementation of such plans.

V. INFORMAL SETTLEMENTS

A) Legal framework

Legalisation of informal settlements is possible only in historical areas and also in areas that are exposed to natural hazards.

No law further regulates the legalisation of informal settlements.

Currently, laws and draft laws are independently implemented in illegal housing areas.

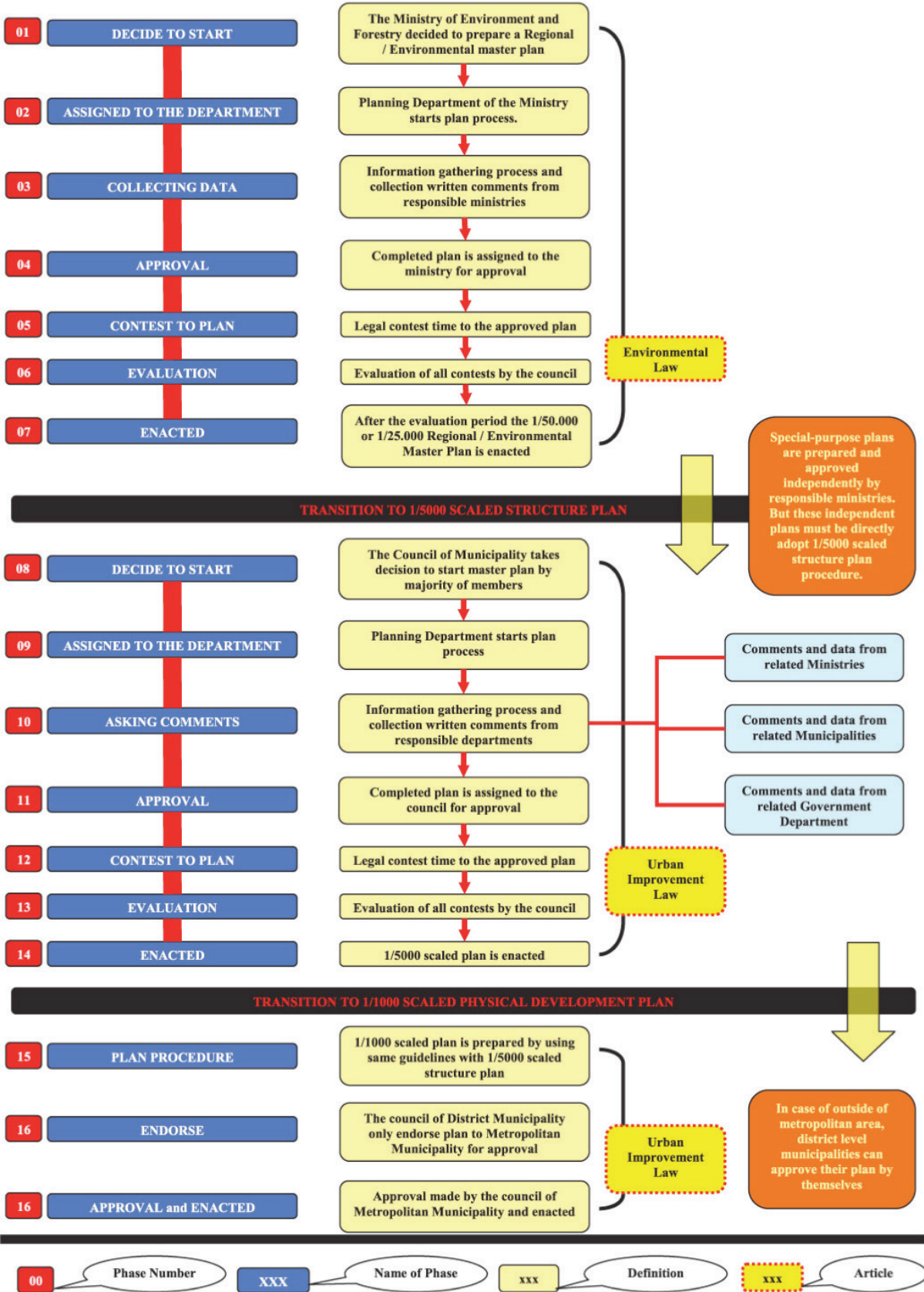
B) Current situation

- There are four levels of planning.
- The hierarchical structure for the approval of plans is very complex.
- The period of validity is not defined. New plans replace the old ones.
- Public participation is limited to the conservation areas only.
- Expropriation is a widely used practice during the implementation phase.
- The content of the plan is clearly defined.
- The existing legislation does not cover GIS.
- The legalisation of the informal settlements is limited to specific areas only.
- Informal settlements and their legalisation are not regulated.

C) Challenges and Recommendations

- Legislation regulating the informal settlements in the whole country rather than only in specific locations is needed.
- Public participation at all levels and throughout the entire planning process is needed.
- New legislation on GIS should be enacted.

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5. MATRIX TABLES OF SITUATION ANALYSIS AND RECOMMENDATIONS BY KEY INDICATORS

5.1. MATRIX TABLE - COMPARATIVE ANALYSIS BY KEY INDICATORS - COMPLEXITY OF THE PROCESS

Albania

Institutional setup	Planning process
Administrative organization The levels of government are: 12 Counties called prefektura 36 districts and 351 municipalities. Each region has a Regional Council and is composed of a number of municipalities and communes, which are the first level of local governance responsible for local needs and law enforcement. • Central government (Council of Ministers, the ministries, and other central institutions or agencies; • Regional government - county (the second level of local government) • Local government - municipality, commune (base local government units)	Central level Regional level Local level The territorial planning authority in Albania resides at the national and local level. National territorial planning authority is vested in the central government, while local government bodies administer the territory under their jurisdiction.

Institutional setup	Planning process
Institutions	Contents of the plans
Central level Council of Ministers, the ministries, and other central institutions or agencies Institute of Urban Studies Territorial Planning Council of the Republic of Albania Territory Planning Directorate	Regional plans, master plans, general regulatory plans and partial urban studies Partial urban study Detailed urban planning study, which complies with the general regulatory plan and includes areas or parts of its territory where regulating interventions are envisaged.
Regional level County (the second level of local government)	Site-development blueprint Graphic material resulting from the partial urban study and that is attached to the decision made on the adoption of the site development and its urban conditions.
Local level Municipality, commune (base local government units)	Bordering lines of development Geographic border of the location of new buildings; yellow line Suburban border or suburban line It is the geographical border of the location of the city periphery over the multiyear period Regional urban planning study Complex urban planning study that includes the territory of one or more local government units and districts Master plan Urban planning study with a specific theme. It includes the entire national territory or specific parts of it.

Institutional setup	Planning process
Administrative organization Two levels of government: • central and municipal • 30 municipalities	The Ministry for Environment and Spatial Planning (MESP) is responsible for the drafting of: • The Spatial Plan of Kosovo (SPK) • The Spatial Plans for Special Areas Municipalities are responsible for the drafting of: • The Municipal Development Plans (MDP) • The Urban Development Plans (UDP) • The Urban Regulatory Plans (URP)
Institutions	Contents of the plans
Central level • Ministry for Environment and Spatial Planning (MESP) • Spatial Planning Institute Local level • Municipalities • Municipal Assemblies	Local level Municipal Development Plan (MDP) and the Urban Development Plan (UDP) contain textual and graphic sections. The textual section consists of the spatial/urban development profile and analysis of the current situation; vision, principles and goals; spatial development framework; implementation strategies and actions; and enforcement provisions. The graphic section consists of cartographic data and other graphical supplements representing current situations and spatial interventions The Urban Regulatory Plan (URP) contains the textual section (description and arguments corresponding to the graphics, general urban conditions, and other necessity elements. Graphical part of urban regulation part include:

Kosovo

Institutional setup	Planning process
	a) extract from development urban plan or municipal development plan with space position which is treated with the regulation urban plan; b) space borders; c) use of space and manner of land use respectively object use; regulation of construction; regenerative manner of existing conditions, separation of integral spaces and units in the framework of the plan; d) plan of the road infrastructure with characteristic profiles and analytic-geodetic elements for new road infrastructure; levelling plan, construction lines, and regulative lines; e) levelling plan; construction lines; regulative lines; f) parcelling plan; g) plan of the network and infrastructure objects, surfaces, free spaces, etc; h) other additions, dependent upon plan needs.

Macedonia

Institutional setup	Planning process
Administrative organization Two levels: central and local • 84 municipalities • City of Skopje (distinct unit of local self government) • 8 statistical regions	Levels of Planning The Spatial Plan of the Republic of Macedonia and state urban planning documentation are adopted at the central level. The urban plans are adopted at the local level, as follows: • General Urban Plan (GUP) • Detailed Urban Plan (DUP) • Urban Plan for Village (UPV) • Urban Plan Outside of Populated Place (UPOPP) • Local urban planning documentation

Institutional setup	Planning process
	The preparation of the GUP, UPV and UPOPP requires conditions for spatial planning, which are linked with the spatial plan of the Republic of Macedonia. These plans are issued by the Ministry of Environment and Physical Planning (MoEPP) through the Agency for spatial planning. The DUP is subject to an extract from the GUP at the local level. The spatial plan is adopted only at the central level. Urban plans at the local level are the responsibility of the municipalities; the city of Skopje is responsible only for the GUP of the city of Skopje.
Institutions	Contents of the plans
Central level - Ministry of Environment and Physical Planning - Agency for Spatial Planning - Ministry of Transportation and Communications Local level - City of Skopje - Municipalities (Departments for Urban Planning) - Municipal Assemblies	Central level Planned situation Textual section, graphic presentation of the planned solutions and numerical part with balance indicators Documented base Data about the existing situation Content of the graphic attachments: see details in country profile

Institutional setup	Planning process
Administrative organization • Central government • 2nd tier local (rayons-districts) • 1st tier local (municipalities)	Levels of planning The plans for territorial arrangement (spatial plans) are the following: a) The national spatial plan b) The regional spatial plans i. The zonal spatial plans ii. The spatial plans of the Municipality of Chisinau (the capital city) iii. The rayonal (second level of the local public administration) spatial plans c) The local spatial plans i. The spatial plans of inter-municipal territory ii. The municipal spatial plans The national spatial plan serves exclusively as a guideline and is composed of correlated sections representing the governmental programmes in different fields for the entire country.
Institutions	Contents of the plans
Central level • Parliament of the Republic of Moldova • Government of the Republic of Moldova • Ministry of Constructions and Territory Development (MCTD) Local level • Local Municipalities, Chisinau Municipality • Regional Councils, City Council • Local Councils	The content of the local master plan is not regulated by law. The government's decision No. 626 from 30.09.1992 on the expansion, advice and approval of the local master plans only mentions that the designing theme is established by the beneficiary, with the participation of the general designer, according to the requirements foreseen in the respective regulation, while the volume and the structure of the theme is established depending on the size and the particularities of the respective settlements.



Institutional setup	Planning process
Administrative organization - Two levels: central and local - Republika Srpska is one of two territorial divisions of Bosnia and Herzegovina 63 municipalities 7 statistical regions	Levels of planning - Strategic plans - Spatial plans - Spatial plan of the Republic - Spatial plan of the region - Spatial plan of the municipality - Urban plans - Action plans (detailed) - Regulatory plans - Urban projects The mutual interdependence of the plans is strictly hierarchical: - A lower-level plan depends on the higher-level plan, and in the case of conflict, the higher-order plan is applied. - Lower-level plans are established on the basis of the higher-level plans. - Spatial plans exist for every government level.
Institutions	Contents of the plans
Central level - Ministry of urban planning, construction and environment (for strategic plans) - Office for trade/economy Local level - Municipality parliament	Central level The law on urban development and the rulebook on the contents of plans, prescribes the detailed contents of all plans The law is enacted by the parliament of the Republika Srpska. The rulebook is adopted by the Minister of urban development, construction and ecology

Institutional setup	Planning process
Administrative organization • National level • Regional level • Province level • District level	Levels of planning In the Turkish planning system, several planning levels exist at each level of government. A district municipality of an ordinary city has both structure and physical implementation plans, and also detailed preliminary projects/plans. Each government level is responsible for implementing higher-level plans into their plans.
Institutions	Contents of the plans
Central level • Council of Ministers • Ministry of Public Works and Settlement • Ministry of Environment and Forestry • State Planning Organization Local level • Province Governorship • Municipalities and Cities	Local level The contents of the local level master plans are regulated by the regulation on the principles for physical development planning procedure and planning revisions. Obligatory Contents: • Information on the location of the planning area • Organization, departments, authority area • Physical environment and current land use analysis • Environmental values and conservation areas • Hazards data, hazard potentials, settlements and properties • Demographic, social, economic, cultural, historical and related information about the planning area • Transportation, energy transmission lines and all infrastructure data • Sectoral structure • Military areas • Ownership structure and data • Local characteristics and properties of settlements

5.2. MATRIX TABLE - COMPARATIVE ANALYSIS BY KEY INDICATORS - LEVEL OF DECENTRALIZATION OF THE PROCESS

Albania

Legal framework	Division of roles central-local level
Administrative organization The levels of government are: • The central government (Council of Ministers, the ministries, and other central institutions or agencies) • The regional government - county (the second level of local government) • The local government - municipality, commune (base local government units)	Planning phase Central level • The highest level for approval of the urban studies is the Council for Territory Adjustment of Republic of Albania (CTARA) Regional level • The Council for Territory Adjustment of County (CTAC) Local level • The Council for Territory Adjustment of the Municipality/ Commune
	Supervision/Approval Central level Supervision and approval is the responsibility of CTARA for regional plans, master plans, general regulatory plans, partial urban plans, and site construction permits. Regional Level CTAC approves the initial phase of regional plans and of master plans, master plans under 10 ha, and construction permits. Local Level CTAM/C approves general regulatory plans with fewer than 10 000 inhabitants, some types of partial urban studies, and some types of construction permits and the initial process of construction permits that are under the competence of CTARA.

Legal framework	Division of roles central-local level
Administrative organization The central level is competent for the drafting of: • The Spatial Plan of Kosovo (SPK) • The Spatial Plans for Special Areas Municipalities are competent for the drafting of: • The Municipal Development Plans (MDP) • The Urban Development Plans (UDP) • The Urban Regulatory Plans (URP)	Planning phase MESP prepares the SKP and Plans for areas of interest to the national level. Municipal plans must comply with the spatial plan of Kosovo (SPK) and the plans for special areas by law. MDP and UDP are managed and developed by municipalities
Spatial planning Central level The Spatial Plan of Kosovo (SPK) and the Spatial Plans for Special Areas are managed and developed by the Institute for Spatial Planning/MESP. MDP and UDP are managed and developed by the municipal planning department. The technical work is carried out by licensed companies. In some cases, MDPs are supported by international agencies operating in Kosovo, and plans are then drafted by international experts and municipal planning department officials. In practice, small changes to the municipal plans may be made by delivering revision proposals to the Municipal Assembly for adoption.	Supervision/Approval Central level The MESP prepares the SKP drafting decision, and it is adopted by Parliament (Article 16, law on SP). Local Level The entire process for drafting and adopting MDP, UDP and URP is managed by the municipality. Only when starting the Municipal Development Plan (MDP), are municipalities obliged to inform the Ministry for Environment and Spatial Planning. Additionally, before the Municipal Assembly adopts this plan, the Municipality is obliged to send a copy of the draft plan to the Ministry in order to verify the compliance with the Spatial Plan of Kosovo The construction zones are determined in the MDP, in the regulatory plans and in the spatial plans for special areas (Art. 17 law on SP). Municipalities are responsible for the issuing site and construction permits.

Legal framework	Division of roles central-local level
Administrative organization • The spatial plan of Macedonia and state urban planning documentation are planned at the central level • The urban planning project • The following plans are planned at the local level a. General Urban Plan b. Detailed Urban Plan c. Urban Plan for Villages and d. Urban Plan Outside of Populated Places e. Local urban planning documentation f. Architectural Urban Planning Project	Planning phase One level of planning is done at the central level: the spatial plan of the Republic of Macedonia. It is expanded by the spatial plan of the region and the spatial plan of special interest of the Republic, spatial plan of the municipality and spatial plan of the city of Skopje. There are several levels of urban planning at the local level, as follows: • The General Urban Plan • The Detailed Urban Plan • The Urban Plan for Villages and • The Urban Plan Outside of Populated Places • Local urban planning documentation The Government is responsible for the spatial plan at the central level through the Ministry of Environment and Spatial Planning. Urban plans at the local level are the responsibility of the municipalities, and the city of Skopje is responsible only for the GUP of the City of Skopje.
Spatial planning The Spatial Plan of the Republic of Macedonia is adopted at the central level.	Supervision/Approval The hierarchy is stipulated by law, and the consent is obtained in practice if everything is in order, but not always in the legally prescribed timeframe of fifteen days. The Ministry of Environment and Spatial Planning and its Agency for Spatial Planning manage the spatial planning process on behalf of the government.

Legal framework	Division of roles central-local level
Administrative organization Three levels: local government that has 2 levels: 1st tier (municipalities) and 2nd tier (rayons-districts) and central government	Planning phase At national and zonal levels, there is only one level of planning (master plan), while at the first tier (municipal) and second tier (rayons), there are two levels of planning (master plan and detailed plan).
Spatial planning • The national spatial plan • The regional spatial plans • The local spatial plans The national spatial plan serves exclusively as a guideline. It is composed of correlated sections, representing the governmental programmes in different fields for the entire country. The regional spatial plans concern the territory of a zone, of a rayon or of the Chisinau municipality. Local level The local spatial plans concern the administrative territory of a town (commune), city, or municipality (except for the Chisinau municipality) or the administrative territory of several neighbouring villages (communes) or cities.	Supervision/Approval The national spatial plan is signed off by the government and approved by the Parliament; the zonal spatial plan is signed off by the central interested agencies and by the Department of Architecture and Constructions and it is adopted by the government; the rayonal or municipal spatial plans are signed off by the interested central agencies and the Department of Architecture and Constructions and they are adopted by the rayonal council and respectively by the municipal council; the inter-municipal and the inter-communal plans are signed off by the interested territorial agencies and by the Department of Architecture and Constructions and are approved by the city/town councils; the local spatial plans (city and communal spatial plans) are signed off by the interested local agencies and the Department of Architecture and Constructions and are approved by the city/village council.



Legal framework	Division of roles central-local level
Administrative organization Republika Srpska is one of two territorial divisions of Bosnia and Herzegovina Two levels: Central: Local: 63 municipalities 7 statistical regions	Planning phase The decision to commence with construction of all plans is prepared for the municipal mayor, based on the yearly activities plan, by the municipal urban development department, which takes care of the state of planning documentation (e.g. whether a certain plan has already been enacted, whether for a certain plan the deadline onto which it has been enacted has expired), and makes a yearly activities plan for this area. • The municipal mayor proposes all decisions, including those concerning plan enactment, to the municipal parliament. • The municipal parliament enacts a decision to commence with plan construction, by which it may also nominate the planning council, which is not mandatory, but nevertheless very useful. <i>In the Prijedor Municipality it is usual practice that the counsel is nominated for the construction of every plan. It is mostly comprised in one half of experts, and the other of politicians.</i>
Spatial planning The mutual dependence of the plans is strictly hierarchical. On the municipality level the following plans are established: • The spatial plan of the area • The spatial plan of the municipality • The urban plan • The regulatory plans • The urban projects	Supervision/Approval Plans are enacted by the municipal assemblies, as follows: • The spatial plan of the entity is enacted by the National Parliament of RS • The spatial plans for areas are enacted by all the municipal assemblies of the relevant municipalities (those municipalities that belong to the area). • All other plans are enacted by the municipality assemblies.

Republika Srpska

Legal framework	Division of roles central-local level
The rulebook on the contents of plans determines in detail the contents and structure of individual plans.	The minister approves the strategic plans, but this approval is not necessary (if the minister does not give his consent within thirty days and does not inform the relevant municipal parliament of any inconsistencies, the proposal is considered approved).

Turkey

Legal framework	Division of roles central-local level
Administrative organization • National Level • Regional Level • Province Level • District Level	Planning phase Each level of government is responsible for more than one stage of planning. In the hierarchy, each government is responsible for adapting higher-level plans into their plans. In metropolitan cities, both physical implementation and preliminary plans have to be approved by the metropolitan municipality as well, but if the city is not a metropolitan city, each district municipality can approve their own plans.

Legal framework	Division of roles central-local level
Spatial planning Development plans at the national level are there to define macroeconomic and national goals and objectives. There are no spatial references within these plans, but each level of government has to adapt itself to the defined goals and objectives.	Supervision/Approval • The National plan is approved by the Council of Ministers. • The Regional plan is approved by the State Planning Organization. • The Province master plan is approved by the Province Governorship. • The Metropolitan master plan is approved by the Ministry of Public Works and Settlement. • The Regional / Environmental master plan is approved by the Ministry of Environment and Forestry. • The Province development plan is approved by the Province Governorship. • The Strategic and performance plan is approved by the councils of province governorship and the municipality. • The Special-Purpose Plans are approved by various agencies (see country profile).

5.3. MATRIX TABLE - COMPARATIVE ANALYSIS BY KEY INDICATORS - PUBLIC PARTICIPATION

	Legal framework	Actual situation / Recommendations
Albania	Central level After the fulfilment of the design, the regional plans, master plans, general regulatory plans and partial urban studies are deposited in the Secretariats of the CTA of the county and municipality within fifteen days. They remain available to the interested people for thirty days. When deposited, the plan is announced by the public media. The comments left by the public (or interested people) are reflected by the urban unit in the final plans. The final urban plans are submitted to the competent bodies for approval. Local level Same as the central level	Central level In practice, the plans are made without public participation Local level In practice, the plans are made without public participation Recommendations: Improve public participation in the urban planning on both government levels; establish an obligatory procedure in the legislation that requires public involvement in spatial analysis and planning phase

	Legal framework	Actual situation / Recommendations
Kosovo	Central level Public participation is regulated by law on Spatial Planning: “Prior to the finalization of the Plan, the Ministry shall make the draft available to the public and other government agencies for review and comment. The period for review and comment shall be sixty days”. For the SPK, participation is practiced throughout the planning process. Local level Public participation is regulated by law and the review and comments period for municipal plans is at least thirty days.	Central level Public participation is regulated by law, and is practiced. Local level IPublic participation is regulated by law, but is insufficiently practiced. Recommendations: Improve public participation in the urban planning on both government levels; establish an obligatory procedure in the legislation that requires public involvement in spatial analysis and planning phase



Macedonia

Legal framework	Actual situation / Recommendations
Central level Public participation is regulated by law. Local level Participatory body, public survey with public participation, professional hearings.	Central level Public participation is not practiced quite well. There is only little information available to the public, and poor interest from the citizens. The citizens are not sufficiently informed about the importance of the plans. They act only when they are personally interested in certain buildings. But by then, it is often too late. Recommendations: Improve public participation in the urban planning on both government levels; establish an obligatory procedure in the legislation that requires public involvement in spatial analysis and planning phase

Moldova

Legal framework	Actual situation / Recommendations
Central level The consultation of the population during the expansion and approval of the planning documentation is regulated by the law on the principles of urbanism and by the regulation approved by the government's decision on the consultation of the population in the process of expansion and approval of the spatial planning and urban planning documentation. The public is involved before the process starts as well as during the process. The consultation begins with informing the public about the intention to start the planning process and ends with the approval of the respective documentation of spatial and urban planning. The public is involved by means of organised public hearings. If the documentation is more complex, the consultation of the population can be carried out through research about urban sociology, interviews, questionnaires, etc.	Central level Public participation is regulated by law and it is very well implemented in both levels of government in the process of spatial and urban planning.

Republika Srpska

Legal framework	Actual situation / Recommendations
Central level By law, public participation only happens by way of public inspection of drafts of plans. The actual participation usually remains at a very low level.	Central level In everyday practice, prior to the beginning of plan drafting, the entity in charge of drafting the plan, implements a poll among the citizens who live in or own property in the area concerned by the plan (only for detailed plans); i.e. they go from door-to-door to collect data on the plotting land (size, ownership, etc.), on the constructed buildings (number of floors, types of construction materials used, etc.), connection to infrastructure (water, electricity, etc.), number of persons living in the building and other information needed for the drafting of the respective plan. Recommendations: Improve public participation in urban planning on both government levels; establish an obligatory procedure in the legislation that requires public involvement in spatial analysis and planning phase.

Turkey

Legal framework	Actual situation / Recommendations
Central level According to the Law on Cultural and Natural Heritage Conservation, public participation only occurs for conservation plans. The participation process starts before the prepared plan is presented to the city council. The responsible institution has to organize at least one meeting with the public, universities and NGOs.	Central level Public participation is ensured only for the protected areas. Recommendations: Regulate public participation by law, and ensure greater public participation in all processes of planning on all government levels.



5.4. MATRIX TABLE - COMPARATIVE ANALYSIS BY KEY INDICATORS - INFORMAL SETTLEMENTS

Albania	Legal framework	Actual situation / Recommendations
	Central level The Law No. 9482, dated 3 April 2006 on the “Legalisation, urbanisation and integration of informal building” Amended by • <i>The Law No. 9786, dated 19.7.2007</i> • <i>The Law No. 9895, dated 9.6.2008</i> The procedures that follow the legalisation process are related with the preparation and approval of the urban plans for the legalised areas (defined by “the boundaries of the legalised area”) as well as with its urbanization and integration.	Central level / Local level Urban plans are developed according to the law for territorial planning. Legalisation/formalization of informal settlements is regulated by law and will take place before the development of urban plans and before the processes of urbanization and integration. This means that the value of the expropriation for the right of way or for public spaces will be calculated according to the market prices, which will be very expensive. Legalization/formalization of the informal settlements is the responsibility of the agency for legalization/formalization.

Kosovo	Legal framework	Actual situation / Recommendations
	Central level No legislation for the legalization of informal settlements has been adopted Law no. 03/L-106 to amend the Law no. 2003/14 on spatial planning (this law obliges municipalities that during the drafting of plans at the municipal level, IS to be identified and regulated. The draft “Law on Treatment of Illegal Construction” is in process of being adopted.	Central level / Local level Ministry of Environment and Spatial Planning is responsible for informal settlements in the Republic of Kosovo. Informal settlements have launched to be treated in Kosovo in 2003 In 2005, Kosovo signed the Vienna Declaration of Regional and National Policy and Programs on Informal Settlements in South-Eastern Europe. MESP has drafted, “research report for the existing situation of informal settlements”, “Spatial planning guide for informal settlements”. , etc.

Legal framework	Actual situation / Recommendations
Local level Municipal regulations for Treatment of Illegal Constructions” (in some municipalities only)	As inheritors PZSK, prevention and regulation of IFS is included also in the document of EPAP (European Partnership Action Plan) 2009 (Action 45). MESP has established internal working group for drafting the Strategy and action plan for the regulation of informal settlements. So far 10 municipalities in Kosovo which are equipped with the assent of MESP-DSP IFS have identified IFS and have incorporated in Municipal Development Plans and Urban Development Plans. Recommendations: Complete the procedure for enactment of the law for legalization/formalization of informal settlements.



Macedonia

Legal framework	Actual situation / Recommendations
Central level / Local level There is no legislation for the legalisation of informal settlements and illegal buildings. With the existing legislation, legalisation is forbidden.	Central level / Local level The Law on the legalisation of informal settlements is currently being drafted. The existing legislation treats informal settlements as illegal settlements and buildings. According to the current legislation they cannot be legalised, but only entered as such into the plans. The construction inspectorate is responsible for them. Recommendations: Enact a law for legalisation/ formalization of informal settlements as soon as possible in order to have legal grounds for legalisation of the informal settlements and illegally constructed buildings.

Moldova

Legal framework	Actual situation / Recommendations
Central level / Local level The legal framework concerning the legalisation of the informal settlements is poorly developed and there are no draft laws in preparation in this matter.	Central level / Local level Informal settlements are not characteristic for Moldova, and their legislation does not allow for issuance of permits for already constructed buildings that were constructed illegally. Recommendations: Enact a law for the regulation of the status of the illegally constructed buildings that have been constructed without abiding to the law.

Republika Srpska

Legal framework	Actual situation / Recommendations
Central level / Local level The legalisation of illegally built structures is handled in Art. 155 of the Law on Urban Development, which states that municipalities and cities are obliged to enact the decision from article 92, paragraph 4 within six months from effectiveness of the law, which revises the law on urban development.	Central level / Local level Legalization/formalization process for informal settlements is in progress, however there are newly emerging illegally constructed buildings. Recommendations: It is necessary to improve the process of its implementation.

Turkey

Legal framework	Actual situation / Recommendations
Central level / Local level Currently, the legalisation of informal settlements is possible only in historical areas and also in areas exposed to natural hazards. Otherwise, no law regulates the legalisation of informal settlements.	Central level / Local level The Turkish Government has been working on a draft urban regeneration law since 2005. Currently, legalization of informal settlements is allowed only in historical areas. There is no law for the legalization/formalization of informal settlements in other areas. Recommendations: Regulate the informal settlements in other areas (by enactment of appropriate laws) as soon as possible.

6. APPENDICES

6.1. PROJECTS IN THE FIELD OF UPGRADING OF INFORMAL SETTLEMENTS IN THE SIX NALAS MEMBER COUNTRIES

6.1.1. ALBANIA

BATHORE	TITLE OF PROJECT	Community Based Urban Development in Bathore
	IMPLEMENTED	Co-PLAN- Institute for Habitat Development, Ministry of Public Works, other Donors
	AREA	<i>Bathore</i> is a suburban area near Tirana, part of the Municipality of Kamza Population: 25 000 inhabitant Surface: 400 ha, but 170 ha are covered by the pilot project
	CONTENT	<i>Bathore</i>, village becomes one of the biggest settlements established after 1992 by informal occupation of land. The population of this area is mostly coming from the Northeast region of Albania, which historically has been one of the poorest area of the country. The purpose of the project was: • the integration of the informal settlements through the definition of the right of way and provision of the access to the urban and social services, through the involvement and participation of the community that live in the informal settlements. The activities of the project were developed promoting the community organization , and their involvement. The infrastructure networks such as water supply, sewage and roads were extended and schools and kindergartens were built. Still the legalization process in the area is dealing with the unclear title of the ownership of the land. The informal settlements still have a poor physical infrastructure.
	FINANCED	Investments in the infrastructure network are done by government, donors and households. Donors provided financing for the schools and kindergartens.
	STATUS	Finished in 2005

BATHORE II	TITLE OF PROJECT	Urban Land Management Project and upgrading of informal settlement
	IMPLEMENTING ORGANISATION	Ministry of Public Works through PCU (Project Coordinating Unit) as the executing Agency, Municipality of Tirana and the Region of Tirana where Project Implementation Unit is established. The local community and NGO-s serve as catalysts between central/local level and community, and Utility Companies.
	AREA	Bathore-suburban area near Tirana, Municipality of Kamza Population: 25 000 inhabitant Surface: 400 ha, but 13 ha are covered by the project (1000 inhabitants)
	CONTENT	<i>Bathore</i>, village becomes one of the biggest settlements established after 1992 by informal occupation of land. The population of this area is mostly coming from the Northeast region of Albania, which historically has been one of the poorest area of the country. Bathore II, was the third neighborhood to be upgraded under the land management program of World Bank. The component of the project are: • Decision of the Council of the Ministries headed by the Prime Minister to develop urban Bathore detailed plan • Initiating the Urban Land Management Project through participatory approach • Starting the process of legalization of the land occupiers • The quick occupation of land changed the aim of the project from a land development project into a settlement upgrading one. • Construction of primary and secondary sewage network and water pipes, roads and drainage as the area risks flooding. • Introduction the logic of investment plans guided by the demand for these services and based on public participation, meaning that the inhabitants should be willing to contribute with 20% of the costs for the secondary infrastructure according to the priorities identified by them.
	FINANCED	<i>Financed by World Bank</i>
	STATUS	<i>In progress</i>

KENETA	TITLE OF THE PROJECT	Urban integration of communities in Keneta, Durres Municipality
	IMPLEMENTING ORGANISATION	Co-Plan Institute for Habitat Development in collaboration with the Durres municipality
	AREA	KENETA - suburban area of Durres municipality



KENETA

CONTENT	The area of Keneta used to be a drained marsh, where the informal settlements started from 1997 reaching a number of 10 000 inhabitants. The access to infrastructure is very limited and the area is not served by schools and other social services. The purpose of the project is the integration of the informal settlements in the urban tissue, through the involvement and engagement of the community and local government in the urban planning process. This project took place in the largest informally development of Keneta in the city of Durres, currently home to more than 30,000 inhabitants and nearly 350 hectares. The project is focused on a selected pilot area of 50 ha and aims to integrate the newly created `informal` community within the formal structures of Durres Municipality, by supporting the legalization process. The project made a good progress in 2005 with regard to the preparatory phase of self-declaring of homes by residents for the legalization In cooperation with the Municipality, Co-PLAN carried out a planning process for the area and basic infrastructure improvements together with the local community.
FINANCED	The Austrian Government financed this project with a budget of 351,748 Euro, while the Municipality co-financed an amount of 52,000 Euro.
STATUS	initiated in 2004- in progress

KAMZA

TITLE OF PROJECT	Urban Development and Environmental Requalification by Means of Private/Public Cooperation And Civil Society Participation
IMPLEMENTING ORGANISATION	Co-Plan Institute for Habitat Development and <i>CISP (Committato Internazionale per Lo Sviluppo dei Popoli)</i> in collaboration with the Kamza municipality
AREA	Kamza municipality (near Tirana)
CONTENT AND RESULTAS	The activities of the project are based on the elaboration and implementation of a pilot scheme for solid waste management in two pilot areas: • Kamza center area • Bathore neighborhood no.1 as the biggest informal area The project overall goal consisted in elaboration and implementation of waste management pilot scheme as a model to be replicated in solid waste managment process at local level, through strengthening municipal capacity building, realization of reforms at organizational and administrative level with impact to public service sector, especially Cleaning and Greening Enterprise.
FINANCED	financially supported by European Commision, implemented by
STATUS	finished

6.1.2. KOSOVO

TITLE OF PROJECT	
IMPLEMENTED	Ministry of Environment and Spatial Planning, Department of Spatial Planning is responsible
AREA	Kosovo
CONTENT	2003 - Roundtable organized by the OSCE 2004 - the Kosovo Standards Implementation Plan (KSIP) within the standard 6, property rights have foreseen actions related to treatment of informal settlements 2005 -Kosovo signed the Vienna Declaration of Regional and National Policy and Programs on Informal Settlements in South-Eastern Europe, MESP (Ministry of Environment and Spatial Planning) responsible for drafting policies for the regulation of space in 2005 has drafted, "research report for the existing situation of informal settlements" pilot project for four municipalities (Pristina, Gjakova, Gjilan and Gjakova). MESP has drafted "Spatial planning guide for informal settlements". Subsequent activity was the organization of activities on "Application of the Spatial Planning Guidelines for IFS in the municipalities of Kosovo 2006 - organization of two awareness field workshops on the IFS's situation; 2006 and 2007 organization of the Conference for IFS treatment 2008, the Kosovo Assembly adopted the Law no. 03/L-106 to amend the Law no. 2003/14 on spatial planning; this law obliges municipalities that during the drafting of plans at the municipal level VBJ to be identified and regulated. As inheritors PZSK, prevention and regulation of IFS is included also in the document of EPAP (European Partnership Action Plan) 2009 (Action 45) MESP has established internal working group for drafting the Strategy and action plan for the regulation of informal settlements. So far 10 municipalities in Kosovo which are equipped with the assent of MESP-DSP IFS have identified IFS and have incorporated in Municipal Development Plans and Urban Development Plans Municipalities that are equipped with the assent of the MESP-DSP (Peja, Gjakova, Gjilan, Mitrovica, Ferizaj, Decani, Vushtrria, Shtime, Istog, Gillogoci MESP-DSP is in the stage of drafting the Strategy and Action Plan for regulation of informal settlements
FINANCED	Ministry of Environment and Spatial Planning
STATUS	In progress



6.1.3. MAKEDONIA

In Macedonia there were no projects on with the goal to legalize an informal building.

6.1.4. MOLDOVA

In Moldova the Law doesn't allow to legalize a building, for that reason there were no project for legalization of any informal settlements.

6.1.5. REPUBLIC OF SRPSKA, BOSNIA AND HERZEGOVINA

TITLE OF PROJECT	Urban integration of informal settlements in Municipality of Prijedor
IMPLEMENTING ORGANISATION	Association of towns and municipalities of Republic of Srpska in cooperation with NALAS (Network of Associations of Local Authorities of South-East Europe)
AREA	Nova Orlovaca is an urban area in Municipality of Prijedor. Municipality of Prijedor is located in the north-western part of the Bosnia and Herzegovina Population: around 1568 inhabitants Surface: 59,9 ha
CONTENT	Nova Orlovaca is 'refugee type' of informal settlements that came as a consequence of forced migrations of the population in the war and postwar period in Bosnia and Herzegovina. At very end of 1999. Municipal Assembly of city Prijedor has brought decision which adopted scheme of a Project "Prijedor 2000-home to all people". This project was created in order to solve housing problems of refugees, displaced persons and returnees in Municipality of Prijedor. The municipality provided land divided into parcels and distributed it to refugees. These dwelling units are the result of subdivision of agricultural land. Plotting was done on a basis of a sketch. Unfortunately, this is the lowest type of planning - no land assessment was done and no basic infrastructure was built. Construction started in 2000. And neither one building has building permission. The main results of the project are expected to be: • In depth socio-economic as well as physical analysis of selected informal settlements and the implications • Comprehensive SWOT Analysis on the informal settlements and inflicting areas • The development of a transferable approach on how to integrate informal settlements/housing into the formal, urban structure.

CONTENT	• The development of a transferable approach how to participate the affected citizens and relevant institutions into the urban planning process • Training local manpower for practicing participation models • Advisory services to the Municipality and the public of Prijedor with aspects of dissemination the knowledge of common problem solutions, incl. the drafting of statutes and/or secondary legislation of relevancy • Preparation of 3 to 4 typical area action plans • Potential inputs to the legal urban plan for Prijedor • Potential inputs to the NALAS Knowledge Center • Dissemination of knowledge to and feedback from the region
FINANCED	Financed by GTZ
STATUS	In progress

6.1.6. IN TURKEY

In Turkey there were no projects on with the goal to legalize an informal building.



6.2. SURVEY QUESTIONNAIRES

6.2.1. QUESTIONNAIRE AND DESCRIPTION OF METHODOLOGY

1. Project goals

The purpose of the task is to get a comparable insight into the main features of spatial planning in each of the analysed countries. Emphases are given on the contents and procedures of spatial planning on the last (local) level.

Therefore a uniform questionnaire was prepared. From this questionnaire, the main features of a national system should be deduced on comparable levels. Questions are classified in logical groups (chapters). Sub-questions may be added to some questions in brackets, which tend to give guidance on the desirable content of the answer.

2. Instructions

You should bear in mind that the model of questionnaire was based on legislation and experience in Slovenia and therefore in some parts (because of the different historical and social backgrounds) may not be 100% suitable for your country. For that reason some corrections are envisaged:

- If you think that a certain question cannot be answered properly (satisfactorily), try to give a best possible answer and mark an answer with *** (number) (for example: *** (1)) and then describe the reasons which stopped you from giving a satisfactory and clear (easily understandable) answer in the chapter with the title “Explanation notes”. If reasons in different answers are somehow connected mark the answer with the same number and add a letter in alphabetical order to it (for example: *** 1a, ***1b...) and put the reasons (marked only with adequate number) in the chapter with the title “Explanation notes”.

- If you wish to add any additional comments, which you find useful, please do so in the “Important comments” chapter.

In some cases your questions may be based solely on empirical background. If so, please state that the answer is of an empirical nature and briefly describe how you obtained the information (your own experience, literature or formal/informal data of governmental or local origin, non-governmental source, persons involved in decision-making process etc.)

3. Personal information of the answering person (this will help us understand your insight into the subject matter).

COUNTRY:

Name:

Age:

Profession (occupational background)

Important practical experience (Short CV)

4. Explanation of the terms used:

Local master plan/ detailed plan if there are two levels of planning on the local level; the term master plan is used for a higher/more abstract plan in the hierarchy, as opposed to a detailed plan on a more concrete level.

5. Please prepare a flowchart (diagram) of procedure for preparation and adoption of a local master plan and a narrative description of the chart

(Slovenian procedure is enclosed as an example)!

6. Wherever possible, at the end of the answer please refer to the legal act and article or other regulations relevant to the answer.

7. Wherever possible or applicable, at the end of the answer please add a time line of the processes or estimate necessary time to fulfil the task.

8. At the end of the Questionnaire, please make the list of laws and/or other legal regulations that you refer to in the Questionnaire!



QUESTIONNAIRE

A. SYSTEM OF SPATIAL PLANNING

COUNTRY: _____

1. Main features of the procedure on local acts on spatial planning (if planning is made on a higher level please state so and give answers for the last government level of spatial planning)

Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
1. How many levels of government are there in your country (local, regional, central)?				
2. Describe the hierarchy and interdependency of national plans on each level of government and interdependency between different levels of government! (Are there spatial plans on each level of government?)				
Are there more than one levels of planning on each level of government (Master plan and detailed plan)?				
Who is responsible for adopting the plan on each level?				
- For whom are the various plan levels are binding? - Who approves what?				
What is the legal form by which a plan on each level is enacted?				
In what hierarchy are those different legal forms?				
Are there legal remedies against such act and which bodies decide on them?				
Is there an automatic hierarchy measure and how does it function?				

Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
3. Who is leading (managing) the development of the plan / planning process / (municipal office, planning department, mayor's office) and who is doing the technical work (people employed with municipality, hired company)?				
4. Who does the necessary analysis and studies and who prepares the local plans?				
5. What level of municipal plan is a legal basis for issuing building permits?				
6. Is it possible to issue a building permission on the basis of the municipal master plan or a detailed plan must also be adopted? • If so, is it possible to prepare them simultaneously?				
7. Is it possible (if needed) to change the local master plan only partially for a smaller part of the territory? (If so, what is the legal procedure?)				
8. Is it possible, when needed, to simultaneously change local and higher authority plans if there is interdependence? If so, what is the legal procedure?				
9. What is the average time needed to start, prepare and adopt the local master/spatial plan, the regulatory plan?				
10. The detailed development plan?				
What is the difference between legal timeframes and time needed in practice?				



Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
11. Do interested persons or investors have any instruments to initiate plan adoption procedures or changes adopted plans? 12. If so, describe the instruments and procedures if applicable!				
13. Regulation of public participation (Is the public participation regulated by law and/or informal guidance, how is participation practiced in reality?). 14. When is the public involved? • Before the process starts? • During the process? • Other? Please describe! • Is it obligatory to announce the start of the planning process in advance and how?				

2. Contents of local level of planning (if planning is made on higher level please state so and give answers for last government level of spatial planning)

Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
1. Are the contents of the Local master plan prescribed or regulated by law or other regulations? (What body issues those regulations?)				

Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
2. If so, are the prescribed contents legally binding or does it only serve as an informal guideline? (If it is binding, please name the regulation and name and describe the level of government, which stipulate them).				
3. If the content is legally binding, please list the prescribed content in short lines and name or describe the obligatory graphic layers!				
4. Please name and describe legal and/ or economic instruments for implementation or enforcement of the plan regarding public interest construction (public services like roads, sewage system, water supply...). (Expropriation, land consolidation or other forms of enforcement...) Please describe in detail if possible.				
5. Date of expiration of plans? - What is the “validity” of the master plans? Is it limited by legislation or regulations? - If not, please describe how often plans are changed or revised and who decides on that?				
6. Are there any planning standards prescribed in your country or good practice proposed?				
7. Are there any building codes in your country?				



3. Legalisation of informal settlements

Questions	Answers	Timeline if aplicable	Insert note or comment number	Reference Article
1. Is there any legislation about legalisation of informal settlements or illegal buildings in your country?				
2. Already adopted or in preparation?				
3. Is it connected to the planning legislation or procedures and if so what are the interdependencies?				
4. What are the consequences prescribed for informal or illegal building in the existing or coming legislation?				

4. Related topics (topics which are closely connected with spatial planning)

Questions	Answers	Timeline if aplicable	Insert note or comment number	Reference Article
1. Who issues the building permits (a local, regional or state body)?				
2. Is it possible to issue a building permission on the basis of the master plan or a regulatory or detailed plan must also be adopted?				
3. How long does it take to get a building permit on the basis of the: • master plan (if possible) • regulatory plan • detailed (urban) plan • other (What is the prescribed period and the estimated time in practice?)				

Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
4. Is there any legislation about building after natural disasters (shorter procedures - who decides)?				

Explanation notes and comments (please mark the comments or notes with the number in table)

Important comments (write your comments)

C. INTERNET DATABASES OF SPATIAL PLANNING INFORMATION (SPATIAL INFORMATION SYSTEM)

Questions	Answers	Timeline if applicable	Insert note or comment number	Reference Article
1. Is the spatial information system governed by law? (If so, by which law; is there a prescribed date in future in which the system should start to function?)				
2. What are the regulated features of the system (which data should it contain; how is the collection of data envisaged)?				
3. Is the law functional in practice (If not, why not?)				
4. Are there also private spatial information systems? Can you name (and give web link to) some of them?				



NALAS INFORMAL SETTLEMENTS QUESTIONNAIRE

General information	
Name of association	
Country	
Name(s) of expert(s) involved	
Please state if and when you accepted the following LAWS:	
Date of acceptance	<u>Law on spatial planning and development strategy</u> Actual name of law:
Date of acceptance	<u>Law on urban planning</u> Actual name of law:
Date of acceptance	<u>Law on enacting the spatial plan</u> Actual name of law:
Date of acceptance	<u>Law on construction</u> Actual name of law:
Date of acceptance	<u>Law on construction land</u> Actual name of law:
Date of acceptance	<u>Law on agricultural land</u> Actual name of law:
Date of acceptance	<u>Law on legalisation of informal/illegal buildings</u> Actual name of law:

Date of acceptance	<i>Law on environment protection</i> Actual name of law:
Date of acceptance	<i>Law on water and waste management</i> Actual name of law:
Date of acceptance	<i>Law on communal works</i> Actual name of law:
Date of acceptance	<i>Law on fire protection ***</i> Actual name of law:
Date of acceptance	<i>Law on protection and help ***</i> Actual name of law:
Date of acceptance	<i>Law on public housing</i> Actual name of law:
Date of acceptance	<i>Law on public roads</i> Actual name of law:
Please state if and when you have accepted the following SUB-LAW ACTS AND RULEBOOKS:	
Date of acceptance	<i>Rulebook with standards and norms for spatial planning</i> Actual name of law:
Date of acceptance	<i>Rulebook with standards and norms for urban planning</i> Actual name of law:



Date of acceptance	<i>Rulebook with the content, CAD and procedures for urban and spatial planning</i> Actual name of law:
Date of acceptance	<i>Rulebook for object design</i> Actual name of law:
Date of acceptance	<i>Rulebook for communal taxes</i> Actual name of law:
Date of acceptance	<i>Rulebook for designing of housing objects</i> Actual name of law:
Note: If there are other laws and rulebooks related to this topic, please include those in the questionnaire.	

CONCISE SURVEY FORM ON INFORMAL SETTLEMENTS

I. GENERAL INFORMATION

1. Country: _____
2. Name of Municipality: _____
3. Territory in ha: _____
4. Number of inhabitants: _____
5. Name of responsible Person/Officer: _____

6. Do you have Informal Settlements in your Municipality? ☐ Yes ☐ No

7. If you ticked "No", do not continue and return the questionnaire.

If you ticked "yes", please continue filling in the form before returning it.

II. OVERALL SITUATION OF INFORMAL SETTLEMENTS IN YOUR MUNICIPALITY

8. How many **informal settlements** are located within in your municipality: _____

9. What is the approx. number of non-registered buildings in the informal settlement

Area 1, Name: _____, No. of Buildings: _____ Approx. year of dev.: _____

Area 2, Name: _____, No. of Buildings: _____ Approx. year of dev.: _____

Area 3, Name: _____, No. of Buildings: _____ Approx. year of dev.: _____

10. How do you judge the quality of development and of the structures:

	Area 1, _____	Area 2, _____	Area 3, _____
Low %			
Medium %			
High %			

11. What is the predominant **use of the buildings** in the informal settlement(s):

	Area 1, _____	Area 2, _____	Area 3, _____
Residential in %			
Commercial %			
Crafts/production in %			
Other in %			



12. What is the predominant **social structure** of citizens who resides in these illegal buildings?

	Area 1, _____	Area 2, _____	Area 3, _____
Very low income in %			
Low Income in %			
Medium income in %			
High income in %			

13. On which land are the informal settlement(s) developed:

	Area 1, _____	Area 2, _____	Area 3, _____
Self-owned land			
Not-owned private land in %			
Municipal land in %			
State-owned land %			

14. Are the informal settlement(s) or parts of it prone to:

	Area 1, _____	Area 2, _____	Area 3, _____
Floods in %			
Land slides %			
Health hazards* in %			
Others**in %			

* please state type of hazard(s): _____

** please state what: _____

15. How are the informal settlement(s) supplied with physical Infrastructure:

	Area 1, _____	Area 2, _____	Area 3, _____	Private supply	Public supply
Piped water supply in %					
Sewage Disposal* in %					

Electric supply in %					
Solid waste collection in %					
Storm water drainage in %					
Asphalted roads					

* Please state type of disposal systems

16. Remarks



6.3. REFERENCE: DOCUMENTS AND LITERATURE

Albania

The Law No. 8405, dated 17.9.1998 “For urban planning”, amended by: No. 8453, dated 4.2.1999; No. 8501, dated 16.6.1999; No. 8682, dated 7.11.2000; No. 8982, dated 12.12.2002; No.8991, dated 23.1.2003; No.9743, dated 28.5.2007

The Law No. 8652, dated 31.7.2000 “For organization and functioning of local government”

The Decision of Council of Ministers No.722 dated 19.11.1998 “For approval of urban regulation” amended with: DCM No.401, dated 25.6.2004; DCM No.545, dated 12.8.2004

Law No.9482 dated 3.4.2006 “For legalization, urbanization and integration of informal buildings”, amended by: the law No.9786, dated 19.7.2007; the law No.9895, dated 9.6.2008

Kosovo

Law on Spatial Planning, No. 2003/14

Law on Construction, No. 2004/15

Bylaw No. 30/03 “on implementation of the Law of Spatial Planning in connection with basic elements on urban development plan”

Bylaw No. 25/03 “on implementation of the Law of Spatial Planning in connection with basic elements on municipal development plan”

Bylaw No. 02/05 “on implementation of the Law of Spatial Planning in connection with basic elements on urban regulatory plan”

Bylaw No. 01/05 “on implementation of the Law of Spatial Planning in connection with site conditions, issuing of urban approval and urban permit.”

Bylaw No. 2003/14 “on proposal for taking the decision on drafting MDU, UDP and URP”

Bylaw No. 15/05 “on implementation of Law on Spatial Planning regarding the procedure for public review for spatial and urban plans”

Draft law on The Treatment of Illegal Construction

Macedonia

Law on spatial and urban planning (Sl.vesnik na RM No. 51/05,137/07 and 91/09)

Law on construction (Sl.vesnik na RM No. 51/05 and 82/08)

Law on construction land (Sl.vesnik na RM br.82/08)

Law on the City of Skopje (Sl.vesnik na RM No. 55/04)

Law on local self-government (Sl.vesnik na RM No. 5/02)

Law on implementation of the spatial plan of RM (Sl.vesnik na RM No. 39/04)

Moldova

The law on principles of urbanism ant territory arrangement, No. 835 from 17.05.96

Regulation concerning the Urbanism Certificate and the authorisation of the constructions and their liquidation, adopted by the government’s decision No. 360 from 18.04.1997

Decision No. 1362 from 07.12.2001 on the endowment of the municipalities and territories with the necessary documentation of urban planning and spatial planning
Decision of the government on the consultation of the population in the process of elaboration and approval of the spatial planning and urban planning documentation, No. 951 from 14.10.97

Government’s decision No. 626 from 30.09.1992 on the elaboration, advice and approval of the local master plans

Government’s decision No. 623 from 02.07.1999 for the approval of the regulation on the construction of the private houses



Government's decision for the approval of the urban functional cadastre, No. 1300 from 27.11.2001

Law on expropriation for the cause of public utility adopted, No. 488, from 08.07.1999

The civil code of the Republic of Moldova, No. 1107, from 06.06.2002

The contravention code of the Republic of Moldova from 29.03.1985

The contravention code of the Republic of Moldova No. 218 from 24.10.2008

Republika Srpska

Law on urban development ("Službeni glasnici RS", br. 19/96, 25/96, 10/98, 53/02, 64/02 i 84/02)

Law on expropriation ("Sl. Glasnik RS", br. 112/06, 37/07, 110/08)

Law on waters ("Službeni glasnici RS", br. 50/06)

Law on environmental protection ("Službeni glasnici RS", br. 53/02 i 28/07)

Law on forests ("Službeni glasnici RS", br. 75/08)

Law on air protection ("Službeni glasnici RS", br. 53/02)

Law on protection of nature ("Službeni glasnici RS", br. 50/02 i 113/08)

Law on national parks ("Službeni glasnici RS", br. 21/96)

Law on the implementation of the decisions of the commission for protection of national monuments founded according to Annex 8. of the general framework peace agreement in Bosnia and Herzegovina ("Službeni glasnici RS", br. 70/06)

Rulebook on the contents of plans ("Službeni glasnik RS", br. 7/03)

Turkey

Laws No.3194, 5302, 2872

Laws No. 5018, 5216, 5436

Law No.5216, 2863

Municipality Law No. 5393

Regulation on “Principles for physical development planning procedure and planning revisions”

National Development Plan



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