

Čukić, Iva; Perić, Ana

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Iva Čukić, Ana Perić

14 TRANSFORMATION OF THE SPATIAL PLANNING APPROACH IN SERBIA: TOWARDS STRENGTHENING THE CIVIL SECTOR?

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Abstract

After the fall of the Berlin Wall, the countries of central and eastern Europe were eager to reshape their societies both in terms of transforming the social system and upgrading the physical environment. The European transport network policies were considered an appropriate instrument for the latter. More importantly, the transport policies highly affected spatial development as they preceded the first European spatial policies. As Serbia suffered from internal social and political problems, it was excluded from the support offered to the European Union Member States. However, due to the geopolitical importance of the Western Balkans, the entire region has become an interesting target for investments from Russia, China, Turkey and the United Arab Emirates. In extreme need of an economic upturn, the Western Balkan states are usually forced to accept the conditions of foreign investors, no matter what the consequences for society and space.

An example that illustrates such ad-hoc political decisions is the Belgrade Waterfront project, which is growing on an 90-ha area, including the recently closed railway station and its shunting yard. As spatial planners and other relevant experts are considered too weak to oppose the political regime, and as the only true critics of the project came from citizen organizations, the paper highlights the role of the civil sector, considering it a tool for transforming the spatial planning approach of a transitional society. Critical analysis of both the regulatory and institutional framework of spatial planning in Serbia indicates a paradox: on the one hand, formal documents highlighting the need for and the role of the civil sector exist, but they are not implemented in spatial planning practice; on the other hand, the mechanisms for active participation have already been developed by the civil sector, however, the institutional framework necessary for formalizing these informal instruments is missing. Solving this issue is a small step towards the progress of Serbian spatial governance, still in transition.

Keywords

Spatial governance – civil sector – formal/informal planning – Belgrade Waterfront – Serbia

Transformation des Raumplanungsansatzes in Serbien: Ein Beitrag zur Stärkung des zivilen Sektors?**Kurzfassung**

Nach dem Fall der Berliner Mauer waren die mittel- und osteuropäischen Länder bestrebt, ihre Gesellschaften umzugestalten, sowohl im Hinblick auf die Transformation des Sozialsystems als auch auf die Verbesserung der Lebens- und Umweltbedingungen. Die europäischen Strategien für die Verkehrsnetze wurden in diesem Zusammenhang als geeignetes Instrument angesehen. Noch wichtiger ist, dass die Verkehrspolitik die Raumentwicklung stark beeinflusst hat, da sie der ersten europäischen Raumordnungspolitik vorausging. Da Serbien unter internen sozialen und politischen Schwierigkeiten litt, wurde es von der Unterstützung ausgeschlossen, die den Mitgliedstaaten der Europäischen Union gewährt wurde. Aufgrund der geopolitischen Bedeutung des Westbalkans ist die gesamte Region jedoch zu einem interessanten Investitionsstandort für Russland, China, die Türkei und die Vereinigten Arabischen Emirate geworden. Die westlichen Balkanstaaten, die einen wirtschaftlichen Aufschwung dringend benötigen, sind in der Regel gezwungen, die Bedingungen ausländischer Investoren zu akzeptieren, unabhängig von den Folgen für Gesellschaft und Raum.

Ein Beispiel für solche politischen Ad-hoc-Entscheidungen ist das auf einer Fläche von 90 Hektar entstehende Projekt Belgrade Waterfront, einschließlich des kürzlich geschlossenen zentralen Bahnhofs und seines Rangierbahnhofs. Da Raumplaner und andere einschlägige Experten als nicht in der Lage angesehen werden, sich dem politischen System zu widersetzen, und da die einzig relevante Kritik zum Projekt von Bürgerorganisationen kam, stellt der Beitrag die Rolle des Zivilsektors heraus und betrachtet ihn als ein Instrument zur Transformation des Raumplanungsansatzes einer Übergangsgesellschaft. Die kritische Analyse sowohl des regulatorischen als auch des institutionellen Rahmens der Raumordnung in Serbien deutet auf ein Paradoxon hin: Einerseits gibt es formelle Dokumente, die die Notwendigkeit und die Rolle des zivilen Sektors hervorheben, die aber nicht in der Raumordnungspraxis umgesetzt werden. Andererseits wurden die Verfahren der aktiven Beteiligung bereits vom zivilen Sektor entwickelt, jedoch fehlt der für die Etablierung dieser informellen Instrumente notwendige institutionelle Rahmen. Sich dieses Problems zu widmen, ist ein kleiner Schritt zur Förderung der serbischen Raumordnung, die sich noch im Übergang befindet.

Schlüsselwörter

Raumordnungspolitik – ziviler Sektor – formelle/informelle Planung – Belgrade Waterfront – Serbien

1 Introduction: Serbia within Europe?

The first initiatives on transport development in Europe included the routes both in western and eastern Europe. Membership within the European Union (EU) was not established as an eliminatory criterion for the country's transport infrastructure to be considered part of the European network. Therefore, Serbia was recognized as one of the most important countries along the Pan-European Corridor X (defined in 1994, and elaborated in 1997) – leading from Salzburg, Graz and Budapest, respectively, towards Sofia, and Thessaloniki and Igoumenitsa, in Greece (ECMT 1997). Namely, the corridor through Serbia is the shortest and the most topographically feasible route for connecting the north and south of Europe. For example, the distance from Budapest to Thessaloniki through Serbia is only 400km, which is much shorter than the routes through other neighboring countries (e.g. Romania and Bulgaria).

Nevertheless, due to the great national crisis that Serbia faced during the 1990s, little was done to improve the Serbian railway network. More importantly, Serbia did not keep pace with many other post-communist countries in entering the EU. As the number of new EU states reached a critical number in the mid-2000s, new TEN-T (Trans-European Transport Network) policies (from 2005 and 2011) elaborated only the area covered by the EU states (CEC 2005; EC 2011). As a result, Serbia lagged behind. However, in recent years, great financial support for the development of Serbian infrastructure was obtained from Chinese and Russian investors. The role of the EU is not favored that much – the EU loans for building the railway network are about 8–9.5%, while Chinese investors provide loans of 2.5–3% (Ignjatović 2017). For example, the railroad line south of Belgrade was mainly finished by using Russian resources, while the section from Belgrade toward Subotica (in the vicinity of the Hungarian border) and further to Budapest will be financed with a loan from the Chinese government, as this section is recognized as one of the most important routes to central Europe along the branch of the New Silk Road. However, European influence should be much stronger in the Balkan area. At least, there are two reasons behind such a position: 1) from the technical point of view, all the infrastructural and signalization details would meet European standards, not Chinese, and 2) the importance of Corridor X through Serbia is relevant not only for Serbia, but also for the neighboring countries of Croatia, Montenegro, Hungary, Bulgaria and Greece (Ignjatović 2017). Nevertheless, in order for Serbia to be fully accepted as part of the EU, in addition to solving the fundamental political issues, Serbia needs significant systemic changes. This article focuses on improved spatial planning in Serbia.

2 Spatial and railway transport development in Belgrade

Keeping the above in mind, Belgrade as the capital of Serbia is certainly considered a major node that links north and south, east and west. However, large improvements in the railway network of the Belgrade agglomeration (Fig. 1) still have to emerge. Today the most difficult task is to enable the new main railway station (called Prokop) to function properly – railway tracks and necessary signalization has been provided,

however, the road network from/to the station is still missing. Despite this, and due to major urban redevelopment initiatives, the former main station was closed in July 2018. This station suffered from serious operational and technical bottlenecks – limited capacity, old and unmaintained tracks, lack of signalization, etc. – however, it was centrally located and well connected to the city. This is why it was used as the main railway station of Belgrade, while Prokop served mainly the local (agglomeration) trains. Such an unresolved discrepancy in the infrastructural features causes ad-hoc spatial solutions and, thus, spatial degradation. In order to better understand the current spatial challenges the Serbian capital is faced with, the following briefly describes the history of railway development in Belgrade (JSC SR 2017).

The former main railway station was a remarkable venture of the period when it emerged – at the end of the 19th century. The station building was built in 1884 with the first operational line Belgrade–Niš, a city in southern Serbia, as this was the route to mining areas rich in various ores. Hence, building the railway line in the Balkan region was not only of great importance for both western Europe of that time (mainly the Austro-Hungarian Empire and France) and the Orient, but also for Serbia – it designated the boost of Serbia in economic, political and cultural terms. A new way of life appeared in Belgrade thanks to the foreign engineers, while Serbia, finally breaking the connection with the great Ottoman influence, started to emerge as an important area in Europe. In addition to French engineers, Austrian architects and urban planners brought the spirit of the central-European city to Belgrade – the radial square in front of the station building as well as the grand boulevard connecting the new station square with the second most important square in Belgrade today (the square Slavija, then just emerging) were confirmation of the modern urban pattern that Belgrade chose to follow.

The first idea concerning the development of the new railway system in Belgrade appeared in the 1960s. In these first plans, it was proposed to remove the railway station to an area where it would be possible to construct it as a throughput station. A final result would be better connections between different parts of the Belgrade agglomeration. Therefore, the construction of Prokop station started in 1974, firstly building the sustaining wall, as the entire site had been used as a ditch area for decades. This was followed by a flat plateau for the placement of the tracks and platforms. Later on, in the 1980s, the two-track railway bridge was built across the River Sava, thus connecting Prokop station with the railway station in New Belgrade. Major works (building of connections with both the north and south of the agglomeration as well as the first underground station) were finished during the 1990s. However, the construction work came to a standstill during the 2000s. Since 2016, work has been accelerated and the old, central main station finally lost its function as a dominant junction node in mid-2018. Therefore, there is an urgent need to make the new ten-track station accessible in terms of approaching the site. The future infrastructural work, which will make this station a fully operable node along Corridor X, is scheduled for realization in 2020 at the earliest.

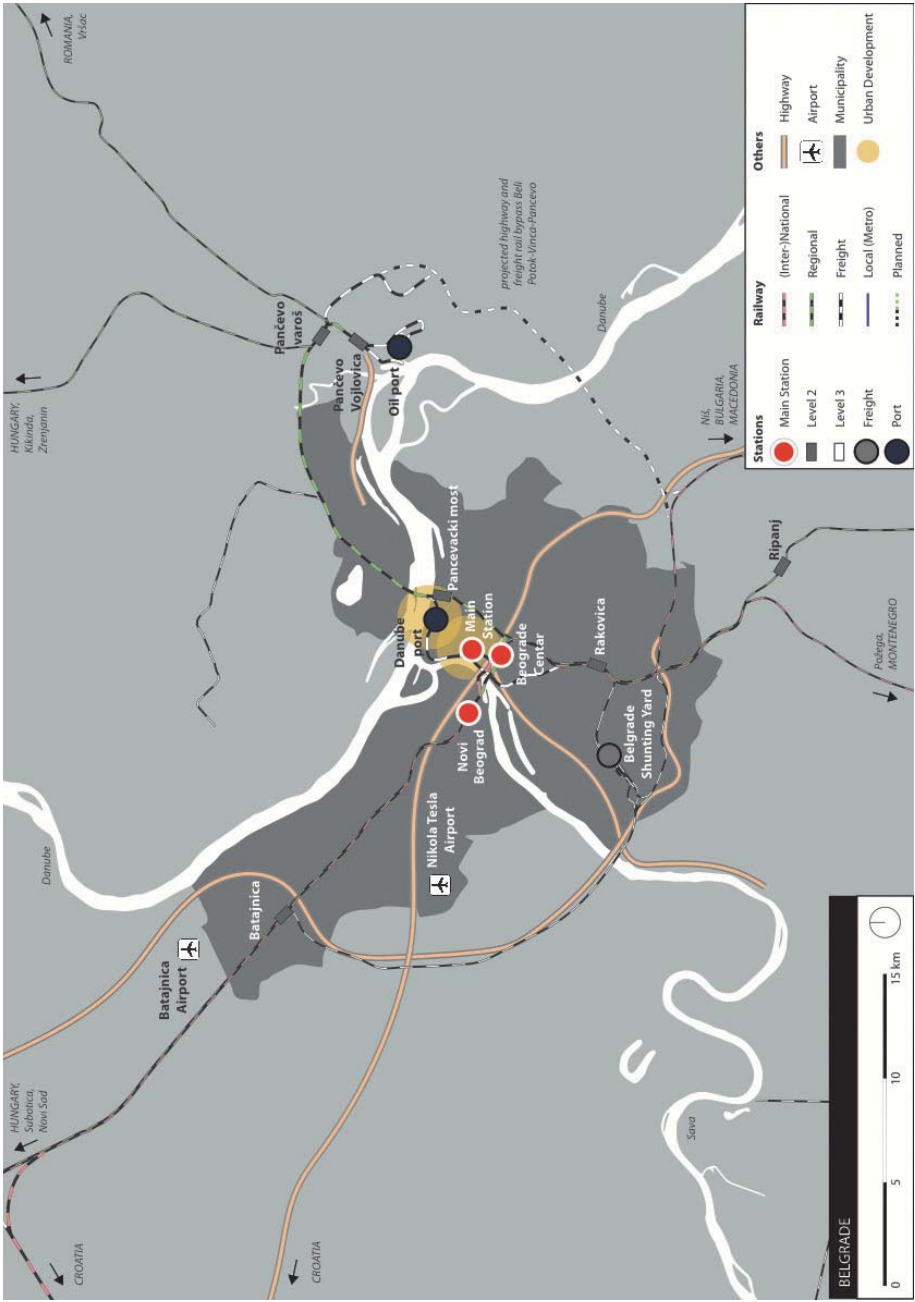


Fig. 1: Railway network in the Belgrade agglomeration /Source: Mathias Niedermaier, ETH/IRL, Chair for Spatial Development

3 Belgrade Waterfront project

The reason behind such an urgent need for a fully operable new station in the Serbian capital is the ambitious Belgrade Waterfront (BW) project (Fig. 2) – planned for the 90-ha area on the right bank of the River Sava, and thus in close proximity to the former main railway station. This idea of linking water and its hinterland is not new – it dates back to the 1920s, with a number of urban design competitions organized during the 1960s, 1970s, and even in the 1990s (Perić 2016). However, just for the purpose of the new project, for which implementation started at the end of 2015, the shunting yard and most of the railway tracks were removed by the end of 2017, as they were considered an obstacle in connecting the Belgrade urban fabric with the bank of the Sava river. Finally, the station itself was closed in July 2018.

The BW project is disputable for many reasons:

- > The function of the former (international!) railway station was reduced to a minimum (only three tracks left, entire shunting yard removed), even while there was no other operational railway station; no strategic decision about the Belgrade railway network was made;
- > The BW project occupies the most attractive site not only of local, but even of national importance, while its architectural and urban value has been extensively debated;
- > According to the contract between Serbian national government and the investor from the United Arab Emirates (UAE), the costs of the site preparation for future use (including all kinds of infrastructural networks to/from site) are to be covered by the domestic partner; the foreign investor is obliged to cover the costs for constructing the building stock on the area, with the right to total revenue of its lease or sale when built; and
- > Most importantly, the project implementation is based upon the political decision of the then-prime minister of Serbia (today the president!), with no public debate and the constant repression of citizens' voices.

The following section describes the process of negotiating about and initial construction of the BW project.

Although the area of the current BW project has been the subject of planning debate for decades now, it was always extremely difficult to find proper investors for such a site of national importance. The Serbian state could not deal with this financially demanding spatial issue, and foreign investors were uninterested. Just in 2015, the investor from the United Arab Emirates (UAE), in close cooperation with the Serbian national government (i.e. the ownership structure 68–32%, respectively), decided to build a new city on the water. The preliminary design project was created by the international teams, and further elaborated by the local planning and architectural offices (Radojević 2017). Briefly, the BW project comprises an area for over 6,000 flats (1 million m²) with 20,000 inhabitants, and the future land use is foreseen as mixed-used

– with a new shopping mall and a hotel, the future largest and tallest (210m) buildings in the Balkans, respectively, office and commercial spaces, social and cultural spaces, and a large green area. Most of the area will be covered by totally new facilities, while some of the structures of recognized architectural value (e.g. the former main railway station) are to be preserved (Eagle Hills 2015). The project is considered a generator of workplaces, mainly in the construction domain in the first phase, and later by the development of new services. However, a lot of subsidies were provided by the Serbian government to the UAE investor Eagle Hills, i.e. the state is obliged to: clean the riverfront (in terms of environmental clean-up and removal of old buildings and ships), remove the old railway tracks, invest in constructing the new Prokop railway station (outside the BW area), provide all the infrastructural equipment to and on the site, and even lease the land to the UAE investor for 99 years (OG RS 3/2013).¹ The estimated construction costs vary from 3.1 to 8 billion euros, while work on the BW project is scheduled for finalization in 2045, in three phases.



Fig. 2: Belgrade Waterfront project /Source: Belgrade Waterfront; <https://www.belgradewaterfront.com/en/>

Besides the two dominant actors in the story of Belgrade Waterfront, the position and roles of the professional community and the civil sector should be mentioned to complete the broader picture of the development project. Briefly, in the case of the BW project, strategic decisions were made at the political level (with the key role of the then-prime minister, nowadays the president), hence avoiding any kind of a public debate with a range of interested parties.

1 The issue concerning the land lease seems particularly problematic due to unfair conditions between the Serbian government and the UAE government (OG RS 3/2013), as: 1) there is no fee for the subject of the lease (the Company BW), 2) right of lease to the Company BW will be converted into the right of ownership (after constructing the buildings and a month after obtaining a use-permit), 3) previous right conversion will be possible without any fee for the Company BW, thus meaning that the land of the BW area will be given to the foreign investor for free, and finally 4) the Company BW can transfer the right of ownership to other parties without a fee.

Serbian planners do not know how to value various interests and, hence, they were completely ignored by the political power structures, tightly connected to the UAE investor (Perić 2016). A clear example of the weak position of professional planning is seen in the complaint of the National Association of Architects (NAA) to the initial spatial concept of the BW project (proposed by foreign architects and designers).² The NAA president's comment was mainly related to the project design, and not the strategic decision-making procedure that caused such a design (Maruna 2015). The persistent adherence of planners to an obsolete position, i.e. focusing on the plan as the final product of the planning process, and not on the process itself, made them players without power in a stakeholder arena, thus easily disregarded by the powerful political structures (Maruna/Čolić 2017).

The only domestic institution involved in the process of plan making, due its tight relationship to the political regime, was the Urban Planning Institute, the urban planning office of the City of Belgrade (Perić 2016). Its professionals incorporated a minimum of technical knowledge, i.e. they prepared a plan justifying the needs of the private investor, as proposed by the project. There are two main points that explain the inferior professional position: 1) in regular spatial planning practice, the project follows the rules and parameters given in the plan, and not vice-versa, and 2) the plan that was prepared for the BW project is the Plan for the Area of Specific Use (OG RS 7/2015), which is, according to planning law (OG RS 145/2014), created only for non-urban areas of particular importance – mining and coal seams, flooding areas, natural resources, etc. Furthermore, in contrast to the Master Plan of Belgrade as the highest-tier urban plan which can be implemented only by the regulatory plans, this plan is the national spatial plan and its implementation does not include the rounds of public debates and approvals by the actors at the city level, be these the planning commissions or general public. Hence, insisting on the spatial plan as a basis for construction work is an approach that clearly excludes any form of strategic deliberations (Maruna 2015).

As a reaction to such strong national pressure that rendered the planning procedure irregular in numerous ways, the civil sector through its own initiatives, e.g. “Don't let Belgrade d(r)own!” (*Ne da(vi)mo Beograd!*) (Fig. 3), raised its voice (Čukić/Sekulić/Slavković et al. 2015). The focus was mainly on the irregularity of the legal basis of the BW project, as well as the content of the contract between the Serbian government and Eagle Hills as a company of dubious status and renown (Maruna 2015). Briefly put, the civil sector has been acting to safeguard public interests in spatial planning decision-making. Moreover, the public debates among the most prominent national experts in various domains (sociology, economy, public administration, spatial planning, etc.) were organized at the end of 2014, in parallel with the procedure of plan making. The gatherings under the title “What is hidden beneath the surface of the ‘Belgrade Waterfront’” mainly influenced the public, however, without any effect on the ruling political structures whom it primarily addressed. In other words, the exclusion of both the planning profession and the public from such an important project is a clear sign of an elementary ignorance of democratic decision-making (Orlović Lovren/Maruna/Crnčević 2016).

2 To avoid possible confusion, the role of NAA as a relevant expert body is important as most Serbian urban planning professionals have architectural backgrounds.



Fig. 3: Public protests against the Belgrade Waterfront project /Source: Kamerades (<https://nedavimobeograd.wordpress.com>)

As the civil sector organizations reacted against the dominant political narrative, and as their voice was more influential than that of the professional community, the next section elucidates the position of the civil sector in Serbian spatial governance.

4 The role of the civil sector in spatial governance in Serbia

This section focuses on the critical analysis of the possibilities and limitations of the civil sector's participation in spatially relevant decision-making processes in Serbia. The analysis has been carried out in three steps. In order to define logical and contextually relevant guidelines for the transformation of the spatial planning approach in Serbia (as the main aim of this paper), the overview of European policies on spatial planning observed through the lens of the civil sector's position in spatial issues is first briefly presented. This is followed by an analysis of the legislative and regulatory framework of spatial planning (and other relevant domains) in Serbia, again clarifying the position of the civil sector. Finally, the institutional framework is presented, focusing on the public-sector bodies responsible for establishing close cooperation with the civil sector organizations, as well as on the activities of some of these organizations. The critical assessment of the current situation is achieved not only by analyzing the primary sources (relevant laws and strategies), but also through an overview of the secondary literature in the domain.

4.1 The civil sector in European spatial policies

Current European spatial development policies are oriented towards the intensive involvement of the civil sector, civic initiatives and civil society organizations³ in decision-making processes important for activating local spatial potential and resources. As a consequence, the creation of partnership relations between the public and the civil sector is emerging, and is followed by the abandonment of top-down approaches in favor of more participatory and bottom-up approaches in policy implementation.

Within a framework of the *European Spatial Development Perspective* (CSD 1999), as a first comprehensive European spatial planning policy, priority is given to new forms of partnership and governance through the intensive and continuous collaboration of various stakeholders important for spatial development (public sector, local and regional administrations, professional associations, local and regional entrepreneurs, and civil society organizations).

The importance of involving the civil sector in decision-making processes is also recognized in the European Parliament Resolution entitled *Urban Dimension of Cohesion Policy* (EP 2009). The resolution highlights the importance of the bottom-up principles in the implementation of urban policies, and the strengthening of vertical and horizontal governance, as well as partnerships and communication between all three sectors – public, private and civil.

The projects of the Seventh Framework Program of the European Union (FP7) also emphasize the importance of civil-public partnership, as states are not efficient in providing heterogeneous services, and are often unable to cover the full spectrum of heterogeneous needs of citizens (AUGUR 2012). The local and state authorities do not manage to cover the diverse needs of the urban population with the available urban infrastructure, so the modified management model should include the direct experience and knowledge of citizens and civil society organizations (Durant/Fiorino/Oleary 2004). More precisely, the new management model implies the involvement of non-state actors in shaping public policies through the participatory activism of the civil sector (Petrović 2012). Most importantly, a civil-public partnership model represents a new regime of regulation that does not assume the withdrawal of the state actors, but raises the issue of efficiency and effectiveness of public policy in a new way (Petrović 2012).

3 Viktor Perez-Diaz defines three categories in which the concept of civil society is interpreted today. First, the most important is the type of society in which there is the rule of law, the economy based on market principles, social pluralism, responsible authority, and the independent public sphere. The notion of a 'democratic society' would be a synonym for this first category. Another, narrow definition refers to those parts of society that do not belong to the state, but include the economy, the market, the public sphere and citizens' associations, or 'non-governmental civil society'. The third and lowest category excludes power, the economy and the market from its content. The concept of civil society is thus linked to new social movements, the non-profit and non-governmental sector and the autonomous public sphere with independent institutions (Perez-Dias in Paunović 2013: 7–8).

Within the *Urban Agenda for the EU* (EC 2016), the EU, in a number of cross-cutting issues and principles, also recognizes the importance of effective urban governance and integrated and participatory policy-making highlighting citizens' participation and new models of governance. The overall objective is directed towards participatory city development, i.e. by gathering relevant stakeholders and strengthening democracy through increased participation of the general public in long, mid- and short-term urban planning and design processes. The emphasis is on the complete city development, whereas the integral process and participation are seen as the guiding principles that ultimately can bring livelier, more comfortable and stronger cities.

In order to achieve the effective participation and engagement of the civil sector in the domain of spatial and urban policies, it is necessary for all the involved actors to have equal access to available and accessible resources. Elements that favorably affect the quality of the partnership are (Mišković/Vidović/Žuvela 2015; SEEDS 2015):

- > Active participation of all partners from the very beginning;
- > Trust between partners and consensus on a shared vision and goals;
- > Commitment to the partnership;
- > Partnership launched in an area with a tradition of civic activism in the community;
- > Transparent relationship of decision-making;
- > The activities initiated by the partnership should focus on achieving visible results;
- > The existence of flexibility in adapting to the needs of the community;
- > The existence of adequate resources;
- > Clearly defined roles and responsibilities; and
- > Secured source of funds.

Elements that negatively affect the quality of the partnership are recognized through:

- > Setting unrealistic goals;
- > Interventions that are incompatible with the needs of the community;
- > Small contribution to the provision of services;
- > Unclear direction of action;
- > Legislative obstacles or obstacles to labor policies;

- > A situation in which only individual stakeholders benefit from the partnership; and
- > Lack of financial resources.

Finally, the transformation of the legislative framework influences the process of urban development management, which creates the capacity for collaborative strategic action, i.e. for the adoption of specific management and governance practices.

4.2 The civil sector in spatial governance: Serbian regulatory framework

Regarding spatial development management in Serbia, the planning documents and the legislative framework emphasize the importance of decentralization for balanced development, i.e. the interpretation of this principle as a key one, which influences the extent of activation of territorial capital at the local and regional levels.⁴ Namely, after the political changes in 2000, there was progress in the domain of decentralization and strengthening the role of local governments. Thus, the Act on Local Self-Government (OG RS 129/2007, 83/2014) regulates the competencies, bodies and responsibilities of local self-government units, and they can manage public affairs of direct, common and general interest for the local population. This law also regulates the scope of the budget and the financing of local self-government, as well as property rights, i.e. the recognition of their own property, which can be independently managed in accordance with the law. Nevertheless, the authorities in the area of spatial and urban development comment that regardless of the large number of documents adopted in this area, due to the unstable transitional period Serbia is faced with, there are no great effects on spatial development practice (Stojkov 2011; Vujošević 2012; Petrović 2012; Nedović-Budić/Zeković/Vujošević 2012). More precisely, the inefficiency of the power distribution lies with the central/national political elite, which prevents the local governments from developing as autonomous political entities (Petrović 2012).

Citizens' participation in the spatial planning decision-making process is regulated by the latest Act on Planning and Construction (OG RS 145/2014) within which, for the first time, article 45a. introduces an institute of early public insight. Early public insight and public insight are the only prescribed formal instruments of citizen participation in the planning system in Serbia. Thus, the formal involvement of the public in the phase of evaluating the draft proposal takes place twice. However, the instrument of early public insight has not been clarified in detail, so without the development of adequate mechanisms for citizen involvement, very low civil society interest in spatial

4 Serbia as a nation state has a clear administrative and territorial organization, while these aspects mutually do not coincide. In administrative terms, Serbia is divided into two levels (nation state and local level), while territorial segregation involves the state, region (province) and municipality levels. According to the Constitution of Serbia (OG RS 98/2006), regions (provinces) are not recognized as administrative entities, however, their territorial organization is covered by the Constitution as well as the Act on Territorial Organization of the Republic of Serbia (OG RS 129/2007, 18/2016), which includes differentiation on various levels: municipalities, cities and the City of Belgrade as territorial units, as well as autonomous provinces as territorial autonomies. Moreover, the Act on Regional Development (OG RS 89/2015) prescribes the principle of subsidiarity in order to foster regional and local development.

and urban development could be expected. Also, even when the institute of public insight (2003) was first introduced, there was no significant progress in citizens' participation as the involvement of the public was totally dependent on planners' attitudes, i.e. there was no clear idea about the significance of public insight for spatial planning decision-making (Stojkov 2011: 12).

The *Spatial Plan of the Republic of Serbia from 2010 to 2020* (OG RS 88/2010) clearly emphasizes the need for raising awareness among citizens, investors and administration at all the territorial levels in order to regulate sustainable spatial development. Therefore, the document recognizes elements of European policies on spatial development management through introducing terms such as: territorial capital, sustainable spatial development, spatial integration, social inclusion, territorial/regional decentralization, and functional urban areas (OG RS 88/2010). More precisely, some visions identified in the Spatial Plan are: 1) active implementation of the spatial development policy by public participation, through the permanent education of citizens and administration, 2) development of instruments for directing the activities of spatial planning, and 3) development of service functions (agencies, or non-profit organizations) at the municipal and/or city level in order to consolidate all actors of spatial development. In the context of institutional responsibility, the plan requires the development of legally stipulated, but also locally conditioned informal forms of participation in the decision-making process (citizens and their associations, spatial development actors, associations and political parties), which resolves the conflict concerning a public-private relationship and generates support for policy implementation, strategies and plans that are adopted in this way. Thus, the Plan states that "the welfare should be on the side of citizens as conscious and active participants in the development of the territory they live in, which implies both the territory of the local community and the state in which the community is located. Therefore, it is necessary for citizens to have the possibility, right and obligation to decide on the spatial development of their territory, but also to participate in deciding on the spatial development of their region and state" (OG RS 88/2010).

4.3 The civil sector in spatial governance: Serbian institutional framework

In order to improve cooperation with the civil sector, a national body – the Office for Cooperation with the Civil Sector of the Republic of Serbia – was established.⁵ The Office is responsible for the harmonized functioning of the state administration bodies as well as promoting cooperation between the administration at the national level and associations and other civil society organizations. The scope of its work includes information, support programs and strengthening the capacities of civil society, as well as ensuring the cooperation of state bodies, bodies of provinces, municipalities, cities and the city of Belgrade with the civil sector. In addition to the aforementioned competences, this office has no direct connection with the urban and spatial planning system (Čukić 2016).

⁵ The body was established based on the Regulation concerning the Office for Cooperation with the Civil Sector (OG RS 26/2010).

At the city level, the institution responsible for creating and implementing planning solutions and instruments is the Urban Planning Institute. Yet, due to strong ties with political actors, this institution avoids the introduction of various forms of participation, e.g. active participation of citizens and the civil sector in the process of plan preparation, as well as in the post-planning period of implementing the proposed solutions. Participation of the civil sector is very rare and extremely spontaneous without any idea of its importance and possible role in the preparation of plans, while citizens are included as objects rather than planning entities, i.e. they are formally involved at the end of the planning process instead of its beginning.

Another feature of the contemporary planning process in Serbia is the simulation of participation. To illustrate this, a few activities of the abovementioned initiative 'Don't let Belgrade d(r)own' (directed against the BW project) are shown. The first public action of the initiative was to submit objections regarding the changes to the Master Plan of Belgrade (OG CB 70/2014). To this purpose, members of the collective 'Ministry of Space' (*Ministarstvo prostora*) invited the citizens of Belgrade to a workshop where they were joined by young professionals from different fields, and together analyzed the proposed changes. Based on the ensuing discussion, the participants composed a report made of objections. As a result, the citizens of Belgrade filed over 3,000 complaints to proposed changes. During the public insight, over 200 people came to discuss these complaints with the representatives of the city authorities and professional institutions. This session lasted for more than 6 hours, but all of the complaints were rejected, or only superficially taken into consideration, thus giving the citizens a valuable lesson on existing democratic participatory tools that proved to be only a simulation without any real effective power.

Several months later, the activists of the 'Don't let Belgrade d(r)own' initiative (now officially formed and much more numerable) opted for different tactics to oppose the new Plan for the Area of Specific Use (OG RS 7/2015) for the site of Sava Amphitheatre. Although proposed by the Urban Planning Institute of Belgrade, the new Spatial Plan contravened the current laws (Čukić/Sekulić/Slavković et al. 2015). The new plan aimed at legalizing the design previously shown on the model of the BW project, uncovered at a ceremony several months earlier to show the direction in which the new identity of Belgrade was to be developed. This new identity was envisioned by an anonymous author, without prior consultation with the professional organizations or with the citizens of Belgrade. The activists of the 'Don't let Belgrade d(r)own' chose not to give legitimacy to a process that was itself illegal. In one of their acts called 'Operation lifebelt', the activists were equipped with inflatable arm bands and lifebelts, they threw beach balls to each other and sang songs about Belgrade, all in order to interrupt the public insight session (Fig. 4). Contrary to their expectations, and despite the noise, the interruption did not occur. Instead, the members of the planning commission continued their work, complaints were again rejected, and the session was deemed successful. Once again, this has proven the total impermeability of the stakeholders to any form of public debate.



Fig. 4: Public debate in the Belgrade City Hall / Source: Kamerades(<https://nedavimobeograd.wordpress.com>)

5 Concluding remarks

By analyzing the institutional and regulatory context, it can be concluded that Serbia is characterized by a lack of harmonization of urban policies and an unbalanced level of their implementation, as a consequence of transforming its socio-economic system. Institutionally, the scarcity of relevant offices or agencies at the local and regional levels makes it impossible to achieve the objectives set by the Spatial Plan and other development strategies. Thus, lack of a competent body with clearly defined competencies in urban development, which would support citizens' involvement in planning decision-making, creates conditions for non-transparent and closed procedures.

Despite the legislation which defines the levels of territorial governance (OG RS 129/2007, 83/2014), vertical cooperation does not exist to a sufficient extent. The absence of a regional government level as well as the closure of the Republic Agency for Spatial Planning affects the quality of vertical collaboration and monitoring of spatial planning. Namely, the Spatial Plan (OG RS 88/2010) recognizes that the lack of a mid-governance level in the planning system significantly contributes to the non-coordination of the vertical and horizontal system, and lack of an integral approach. Although the Act on Spatial Plan (OG RS 88/2010) clearly stipulates the cooperation and implementation between efficient and responsible governance levels, with an emphasis placed at the regional and local levels, in practice there is no active implementation of this and the following laws: the Act on Territorial Organization of the Republic of Serbia (OG RS 129/2007), and the Act on Regional Development (OG RS 89/2015), which, in addition to the principles of decentralization and subsidiarity, prescribes partnership and synergy between the public, private and civil sectors.

By analyzing the planning system and the legislative framework in Serbia, it is concluded that mechanisms for the implementation and formalization of the civil sector's participation have not yet found an appropriate place in the regulatory framework. Moreover, the lack of appropriate mechanisms, inconsistencies in the legislative and regulatory framework, as well as strong conflict between laws and by-laws (Čukić 2016) creates conditions for abuse, non-transparent and corruptive actions. The analysis of various documents shows the following:

- 1 The Spatial Plan of the Republic of Serbia (OG RS 88/2010) instructs the promotion of local initiatives, i.e. educational, social and cultural services and activities adjust to the needs and interests of the local population. The same document recommends the introduction of incentive measures for the active involvement of citizens and civil society organizations in planning, and the organization of partnerships between the local authorities and civil society organizations. However, the lack of concrete measures and mechanisms points to a declarative commitment to both the development of partnerships and involvement of the civil sector, which is further confirmed by insufficiently encouraging results in practice.
- 2 The abovementioned strategic documents recognize the need for sustainable spatial development by the means of increasing efficiency and accountability in the use, management and improvement of space. More precisely, there is a need to identify the real needs of citizens, ensuring protection of the public interest, and ensuring the participation of the civil sector in the decision-making process. However, participation in planning is established through a formal legal process conditioned by the nature of the plan, which ensures minimum conditions for citizen participation in the planning process. According to the Act on Planning and Construction (OG RS 145/2014), institutes of early public insight and public insight are the only possibility for citizens to get involved in the planning process. Thus, the provisions defining these processes satisfy the formal notification criteria rather than essential participation in the planning process. Also, among the disadvantages of the abovementioned law is the lack of feedback between the public and the civil sectors. Feedback gives insight into ideas, suggestions and remarks, and affects the creation of trust and mutual respect, which would certainly lead to increased forms of cooperation.
- 3 At the local level, non-formal mechanisms and techniques of active participation are usually not used, i.e. their implementation depends on the goodwill of the individuals from the competent administration. The discouraging results in practice point to the conclusion that the public-sector actors do not have developed mechanisms or relations with members of the civil sector, and vice versa. Although some legal frameworks and strategic guidelines support citizens' initiatives in local development, empirical data show that this has not led to the expected effect of implementation of the initiative (Čukić 2013, 2016).

The previous analysis leads to the identification of two key measures for transforming the planning process in Serbia, viewed through the lens of the civil sector's role and participation in spatial governance. Bearing the consequences of the slow transition in mind, Serbia still faces proto-democracy as a form of social system (Vujo-

šević/Zeković/Maričić 2012), with planning policies only declaratively promoting collaboration and deliberation (Perić/Miljuš 2017), while, essentially, their formulation and implementation is still strongly influenced by the hierarchical (top-down) approach to planning decision-making. To instrumentalize civil sector practices, and in order to achieve stable and long-term solutions important for spatial and urban development in Serbia, the following measures are set out:

- > **Intensive partnership between the public and the civil sector.** This form of synergy is crucial for the transparency of the planning process, which thus remains under the control of the general public, while the civil sector becomes an important element in establishing the new governance arrangements.
- > **Strengthening the role of local self-government in cooperation with the civil sector.** Local self-government appears as a key player for efficient spatial development and cooperation with the civil sector.

These measures can be achieved in decentralized governance systems through the change of procedural approach and planning regulations. Namely, by decentralization it is possible to avoid a political monopoly over urban development, which at the same time must follow the differentiation of political from professional and administrative positions. In addition, important elements for new governance arrangements and the civil-public partnerships strongly depend on democratic social context, organized civil society and capacity to advocate urban policy practices. Thus, changes in planning instruments and governance mechanisms towards the implementation of civil sector practices in spatial policies depend on political, professional and social will, as well as readiness to change the decision-making system.

A democratized structure of governance and decision-making is realized when there is trust built between the political elites, the profession and the citizens. In this way, it is possible for concrete decisions to be applied to the specific needs of citizens, thus raising the level of motivation for participation in the decision-making process regarding the needs of the local community. Also, what further influences the decision-making system and governance in the common interest is the strong role of the civil sector and its capacity to become a vital partner. Therefore, the improvement of spatial planning policies and practices will depend on a model that enables citizens to control spatial governance, i.e. a civil-public partnership model that will influence the change of urban development policies.

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Authors

Iva Čukić (*1983), holds a PhD in Urban Planning, is co-founder of the ‘Ministry of Space’, a Serbian collective aimed at fostering citizens’ participation. Her book *Map of action about urban activism in Serbia* won a Special Mention for the Ranko Radović award. She serves on boards of the European funding platform *Fund Action and Active communities in Serbia*. In addition, she is an active member of *INURA* (International Network for Urban Research and Action), *European Commons Assembly*, *European Network Citizens Lab*, and *Independent Cultural Scene of Serbia*.

Ana Perić (*1982), holds a PhD in Urban Planning from the University of Belgrade and works as Lecturer and Senior Researcher at the Institute for Spatial and Landscape Development of ETH Zurich. Devoted to exploring spatial planning for development, she has participated in several projects on various topics: from transnational cooperation to brownfield regeneration initiatives. Apart from publishing extensively, she also serves on review boards for three international journals and is an active member of *ISOCARP* (International Society of City and Regional Planners) and *AESOP* (Association of European Schools of Planning).