

SYSTEM OF SPATIAL PLANNING IN SERBIA: A CRITICAL OVERVIEW

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Abstract

Spatial planning has always been a kind of calculated risk, but the situation in Serbia is critical on all levels, from national straight to local, due to the absence of the regional level. Most of the spatial planning institutions adhere to a traditional rigid planning model with no room for different interests and ideas. This paper deals with basic social and economic frames in which planning is performed in Serbia in recent years. It also argues for the necessary changes aiming to increase the spatial planning system efficiency.

Key words: spatial planning, planning system, transition, constraints, planning practice, Serbia

SISTEM PROSTORSKEGA NAČRTOVANJA V SRBIJI: KRITIČNI PREGLED

Izvleček

Prostorsko planiranje velja od nekdaj za kalkulirano tveganje, vendar so razmere v Srbiji kritične na vseh nivojih, od nacionalnega do lokalnega zaradi odsotnosti regionalnega nivoja. Večina planerskih ustanov vztraja na tradicionalnem, togem sistemu načrtovanja, v katerem ni prostora za različne interese in zamisli. Prispevek obravnava temeljne družbene in ekonomske okvire, znotraj katerih poteka planiranje v Srbiji v zadnjih letih. Poziva tudi k potrebnim spremembam za povečanje učinkovitosti sistema prostorskega planiranja.

Ključne besede: prostorsko planiranje, sistem planiranja, tranzicija, planerska praksa, Srbija

I. INTRODUCTION: SERBIA AS A RISK SOCIETY

Mentioning Serbia to someone, will bring out the recollection of social ‘earthquakes’ that occurred in the past 18 years – wars with neighbors, sanctions, refugees, deep economic crisis, bombing, the fall of the dictatorship, assassination of the Prime Minister Zoran Djindjić and the end of the last two Yugoslavia’s. In the same period, one system collapsed and another was, and is still being established now in the new independent Serbia.

The move from a centralized to market economy is never easy and it requires from government and citizens in any country to make difficult choices. However, while other ex-communist/socialist countries started this process in 1989, Serbia did not initiate its reforms until early 2001. Economic, social and institutional deterioration of the 1990s left a more difficult legacy in comparison to the stabilization and reform processes that took place in other countries of Central and Eastern Europe (CEE) at their transitional beginnings. Unlike those countries, Serbia lost the international markets due to international economic sanctions. Also, since the state was going through a long period of deep crisis, it was considered politically risky to impose any kind of financial discipline and there was not enough strength to build government institutions.

After the democratic revolution in year 2000, the path of economic and political reform, if not always linear, has been definite and has made impressive accomplishments, especially in making good macroeconomic climate. However, the Republic of Serbia today still lags behind many of its neighbors, particularly due to:

- high rate of unemployment (over 20 %);
- low per capita GDP (3,525 US\$);
- high poverty rate (about 20 %);
- low competitiveness (87th on the world list);
- striking internal and external imbalance (17.7 % inflation rate and high balance-of-payments deficit amounting to 9.2 % of the GDP in 2005);
- uneven regional development by European standards.

Unfortunately, now that it has reached the same level of economic development as in 1989, Serbia is standing at the point where the benefits of market economy have not yet been materialized and there are still other painful steps ahead that should be taken which will mostly cost already poor layers of society. Foreign direct investments inflow to the country, which would mitigate these negative effects and accelerate economical growth, is not sufficient (7.7 % of GDP) due to Serbia’s bad image, existence of risks and high rate of corruption. Social collapse is manifested through the loss of traditional values, break-up of family structures, decreased family size (very low birth rate), and growth of single and elderly households. Public interest is unprotected in all spheres – social security, health, education, and spatial policy. Finally, many new laws are introduced (including the new Constitution in 2006), but they are not well harmonized – the fact that leads to their frequent misinterpretation or misuse.

Recovering from the legacy of 1990s and the transition, Serbia is at the same time burdened with crimes committed in the name of its nation, swinging between alternatives

– right wing and the political centre, on how to deal with it. Directly connected with it is the future of its European integration, and all that it implies. In general, uncertainties regarding EU expansion as a political issue of EU and compliance with the International Criminal Tribunal for the Former Yugoslavia as a political issue of Serbia could reduce the value of EU integration as a key motivator for reform. Attention to reform is also diverted by the status of the 15 % of its territory as the province of Kosovo and Metohija. Regardless of outcome of the negotiations between internal and external actors, there is a potential for negative and possibly destabilizing effects in Serbia. Other destabilizing factors are coming from constant infighting among democratically oriented political parties which form today's government, weak public sector and transition delays which have created opportunities for a rise in the influence of nationalist and populist parties. This has also resulted in a lack of political and public consensus on every important state issue, key transition policies and consistent political will to make difficult but necessary reforms.

Taken together, there are too many questions and uncertainties regarding Serbia's future in general and a lot of them are highly dependent on international scene and factors. Consequently, there are those that depend on reaching the consensus between internal players which doesn't make them any less complicated or more predictable.

Other questions are: In this country of uncertainty and bad experiences, how is a planner, a spokesman of long-term goals of development, progress and better quality of life, the carrier of mostly good news, being seen by the ones he is planning for? How does the planning work in a country like this? Since the first one is rhetorical, we will try to answer the second question further in this paper.

2. SERBIAN PLANNING IN TRANSITION

During almost two decades that have elapsed since the overthrow of state socialism (or communism) in Central and Eastern Europe, substantial changes have occurred in the nature, role and functioning of government and other institutions involved in spatial development and urban policy (Taşan-Kok 2004). Urban planning and policy responses of localities have been quite diverse, reacting to specific and often dramatic conditions: political democratization, reintroduction of market principles, the fiscal crisis, massive privatization, commercialization, discontinuation of 'welfare state' programs, and intensified international financial transactions and investments in urban areas (Tsenkova and Nedović-Budić 2006). The new circumstances have prompted not only new institutions but also a 'new notion of planning' that strives to regain its legitimacy, become more flexible, and adapt to the new economic and political circumstances (Kornai 1997; Maier 1994). In those dynamics, an idiosyncratic mix of old, new and innovative practices interjects into the transforming reality (Nedović-Budić 2001).

The transition of societies and cities from communist to post-communist, therefore, involves, among other things, new systems of government (or governance); new legal, constitutional and institutional frameworks; new economic order; new rules of social integration; and new policy choices for privatization and redistribution of public assets (Harloe 1996; Andrusz et al. 1996; Offe 1997). The theory of transition is rooted in the democratization

theory that views transition as primarily a political process (Stark 1992; Thomas 1998). Transition specifically of urban phenomena and processes, too, is viewed as essentially political and economic, and perhaps not distinguishable from the transition in general (Holmes 1997; Wu 2003).

The case of former Yugoslavia and present Serbia illustrates well the changes that a planning system undergoes in response to the changing political regime, socio-economic system and institutions. While the planning systems in other CEE countries have been under transition during the post-Second World War and the more recent post-communist period, the Serbian case is particularly heavy in societal dynamics and scope that went beyond what could be considered a typical experience and context of a communist or a post-communist CEE country (Vujošević and Nedović-Budić 2006; Nedović-Budić and Cavrić 2006). The more extreme variations in how planning profession and practice operated in former Yugoslavia and how they responded to the societal circumstances from 1989 onwards, offer a rich set of observations that would point to the relationships between planning law and its broader context on one hand, and planning practice on the other hand. The lingering transition as Thomas (1998) terms 'the moment of discontinuity', which in Serbia seems to have been more complex and less predictable than in other post-communist European countries, also allows for an extended time period for studying the processes and issues that underlie the formation of a new planning system.

Along with the events already mentioned, and the new key factors that transition introduced (political pluralization, privatization and marketization), Serbia witnessed a deep crisis of planning, not only because of the chaotic state of the country, but also as a reaction to too optimistic and rigid planning that characterized previous period of socialist development. There was some effort to meet the challenges of these turbulent times with the creation of the new legal arrangements and the adoption of the Spatial Plan of the Republic of Serbia (1996). But in fact, the practice showed to be a mixture of old habits and few institutional changes which could not match the impact of the new political, economical and social factors. The spatial planning system as a whole was recognized like a »strange mix of heterogeneous elements from several disparate modes i.e. 'crisis-management planning', 'planning-supporting-wild marketizationand-privatization', 'project-based-planning' etc.« as mentioned by Vujošević (2002, 59). This unsuccessful retouching of the planning system that happened in the mid-1990s was characterized as:

- More or less developed spatial-geographical environmental system of planning criteria; certain crucial mistakes of planners, which we encounter from time to time still do not discredit this planning dimension;
- Utterly undeveloped and inadequately established assessment and evaluation system of the financial-economic feasibility of planned solutions and an even more serious problem of the complete lack of a passable economic development strategy, without which the spatial plan is placed in an unreal economic space and time;
- Not of lesser significance is the social system development out of which should derive the ideas on the needs, values and goals of a social community for which we make plans. This system has been subjected to a mere improvisation in plans (urbanization, housing, renewal, public services, special assets).

Pajović (2005, 6) maintains that »urban law and system ‘spring’ from society, are ‘born’ with a state, and ‘grow’ in the space for which they are tied, in which they are ‘rooted’«. Drawing on this notion, this chapter focuses on changes in planning legislation in Serbia as the defining factor of its evolving planning system and as an important reflection of the dynamic socio-economic, institutional and political context. Indeed, the hyper-production of urban statutes and regulations which evolves from 1974 through 1989 as the ‘third generation’¹ of planning documentation proliferates, especially at the level of the republics² and communes, with a proportional lack of implementation power. In this paper we focus on the 1985 Spatial Planning and Management Act (*Zakon o planiranju i uredjenju prostora*) as the formal culmination of this period and its fully decentralized approach to planning (even though it builds on the 1974 Spatial Planning and Management Act and is followed by the 1989 Spatial Planning and Management Act, which is fundamentally similar except for the introduction of the requirement for the Spatial Plan of Serbia). The ‘fourth generation’ of planning legislation ensues from 1989 on, with two acts that are also the focus of this paper – the 1995 Spatial Planning and Management of Settlements Act of the Republic of Serbia (*Zakon o planiranju i uredjenju prostora i naselja Republike Srbije*) and the 2003 Law on Planning and Construction of the Republic of Serbia (*Zakon o planiranju i izgradnji Republike Srbije*).

The three planning legislative acts that we will consider are the 1985 Spatial Planning and Management Act, the 1995 Spatial Planning and Management of Settlements Act of the Republic of Serbia, and the 2003 Law on Planning and Construction of the Republic of Serbia. They are compared with respect to their basic premises, required spatial and urban planning documents, transparency of the process, implementation, sustainability component, and a miscellaneous category for items that stand out in some way (interesting, new, different, peculiar, etc. (Table 1).

In the basic premises, the departure from the socialist declaration of rights and obligations in the 1985 law to more substantive guiding principles in the 1995 and 2003 law is clear; the 2003 law also explicitly includes harmonization with European norms as one of its premises. Sustainability is referred to all three – in the former with its integrated and comprehensive nature, and in the latter two as a standard normative base of planning. In terms of required documents, the 1995 law is peculiar in excluding the spatial plans at the municipality level, and the detailed plan (although some of its aspects are covered in the urban plans and projects). Detailed plans are the legacies of the socialist planning, still lingering in the 2003 law. The 1995 law also had a section especially devoted to the formation of urban information system.

¹ The period from 1953 to 1963 sees a departure from the centralized state administrative system of planning along with overall institutional decentralization, the introduction of economic system of self-management, and the nationalization of land for construction. This is the beginning of the post-Second World War urban legislation – the ‘first generation’ of Serbian urban planning laws, among which we highlight the 1961 Law on the Urban and Regional Spatial Planning (*Zakon o urbanističkom i regionalnom prostornom planiranju*). The ‘second generation’ of urban laws was born between 1963 and 1973, including the 1965 Law on Urban and Regional Spatial Planning of Serbia (*Zakon o urbanističkom i regionalnom prostornom planiranju*). This law was complemented by urban planning legislation of individual republics and provinces that leave the federal level with only general policy and harmonization roles.

² Except for the Spatial Plan of Serbia which was started in 1967, completed in 1993, and adopted in 1996.

The level of participation is similar in the 1995 and 2003 laws, ensured by the public review of the draft plans and the professional review; it is a stark departure from (and probably an overreaction to) a participatory process of the socialist period. The efforts to ensure implementation of planning documents are commendable in all three laws, primarily through the issuance of urban locational and technical conditions. In addition, the 1985 law uses mid-term plans devised by socio-political entities, the 1995 law reduces the tools to an urban permit and agreement, while the 2003 law goes into the building permitting process (in the part of the law that deals with construction) and introduces a few other implementation tools and institutions: the Directorates for Urban Development, the Chief Architect, and the Implementation Contract. The 2003 law is also responsible for several other innovations, such as the founding the Republican Agency for Spatial Planning, professional institution and planers' licenses, legalization of built structures, introduction of the possibility of private ownership of urban land together with planning board of commissioners, new system of plans, their contents, institutions responsible for their adoption, as well as subject, programs, contents, types, adoption and alterations of urban plans and other urban design and architectural solutions within the urban planning.

Table 1: Comparison of the main elements of the 1985, 1995 and 2003 planning laws
Preglednica 1: Primerjava glavnih sestavin prostorskih planov iz let 1985, 1995 in 2003

	1985 law	1995 law	2003 law
Basic premises	<ul style="list-style-type: none"> Right and obligation of workers and citizens Goals of socio-economic development Harmonization (coordination) of interests 	<ul style="list-style-type: none"> Protection and preservation of natural and created assets and environments Rational use of space 	<ul style="list-style-type: none"> Sustainable development Efficiency and responsibility in the use, management and protection of space Balanced and coordinated development Harmonization with European norms
Urban property ownership	<p>Land – societal, municipal (only given to use)</p> <p>Buildings – societal, enterprise, municipal, co-operative, private</p>	<p>Land – state, municipal</p> <p>Buildings – state, municipal, private</p>	<p>Land – public (national, local), private</p> <p>Buildings – public (national, local), private</p>
Spatial plans	<ul style="list-style-type: none"> Socialist Republic of Serbia – republic Municipality Settlement Regional associations of municipalities Special purpose areas 	<ul style="list-style-type: none"> SR Serbia Region Special purpose areas Infrastructure network 	<ul style="list-style-type: none"> Strategy for spatial development of Serbia Schemes of spatial development Special purpose areas Regional spatial plan Municipal spatial plan

Urban plans	<ul style="list-style-type: none"> • General • Regulation base • Detailed 	<ul style="list-style-type: none"> • General city / settlement plan • General landscape plan • General plan of infrastructure network • Regulation plan • Urban plan, urban project and subdivision plan (as part of general or regulation plan) 	<ul style="list-style-type: none"> • General urban plan for arrangement • Regulation plan (general and detailed)
Process transparency	<ul style="list-style-type: none"> • Agreements on plan basis and goals among all 'subjects' of planning • Extensive public participation in all phases • Professional control 	<ul style="list-style-type: none"> • Professional control • Public review of the draft 	<ul style="list-style-type: none"> • Professional control • Public review of the draft
Implementation	<ul style="list-style-type: none"> • Mid-term plans of socio-political entities • Urban conditions (locational and technical) for development issued by the socio-political unit; expires in 2 years (could also be delayed for 2 years if detailed or regulation plan are not available) 	<ul style="list-style-type: none"> • Urban permit and agreement • Valid for 5 years 	<ul style="list-style-type: none"> • Implementation contract • Urban conditions and project (expires in 3 years) • Building permit (expires in 2 years) • Detailed regulation • Directorates for Urban Development • Chief Architect
Sustainability	<ul style="list-style-type: none"> • Environmental protection emphasized 	<ul style="list-style-type: none"> • Included in the basic premises (although the specific term is not used) 	<ul style="list-style-type: none"> • Explicit reference to sustainable development in the basic premises
Other	<ul style="list-style-type: none"> • Detailed plan developed by the state offices 	<ul style="list-style-type: none"> • Information system for arrangement of space and settlements 	<ul style="list-style-type: none"> • Establishment of the Republic's Agency for Spatial Planning • Coupled with construction law (construction rules) • Legalization of built structures (request within 90 days) • Private ownership of urban land

The latest Law on Planning and Construction (2003) was aiming to fill out the gaps created in the previous decade and to answer to the new political, economical, social and spatial context of planning as well as to incorporate new concepts and instruments that were

at that time dominating the Western one. The intention was to bring planning closer to the citizens, to make the procedure of acquiring building licence easier and more in concordance with European practice, to differentiate the public and other land and to make a step towards denationalization and to put planners back on the scene by giving them more plans to work on and more responsibility (Djordjević 2003). Essential task to provide the framework for the prosperous development of the settlement, municipality or the state has been given to the local or state government.

The main pillars of this law were:

- comprehensiveness: only one law that regulates the matters of planning, land and construction instead of previous 30 acts that were decisive for planning activities; plans are regulating all the conditions for every kind of construction;
- moderateness: instead of solving and defining everything, planning is more concentrated on public interest;
- adequateness: the list of possible planning answers to different issues is extended;
- responsibility: planners have the professional license issued by the new professional association (Chamber of Engineers) under certain conditions; planners also have full responsibility for the quality of the products – plans;
- applicability: spatial plans contain the Contracts for Implementation and urban plans have the Mid-term Programs;
- simplicity: every construction is welcomed if it is in a concordance with the plan, also there is a limited number of rules which can be interpreted by every professional;
- democracy: the rules determined in plans are equal for all;
- decentralization: every municipality has its spatial plan, rules and conditions for construction depending on its particularities.

DISCOURSE: GAP BETWEEN LEGISLATION AND THE REAL LIFE

At a more general plan, the law is criticized for its turn away from the integrated planning, recession to the functionalism and physical dimension and avoidance of more complex issues of social, economic, political, and ethical implications of planning interventions. In justifying such a departure and explaining the rationale of recalling the Law on Construction (Zakon o izgradnji) from 1931, Djordjević (2003) suggests that this law used rules:

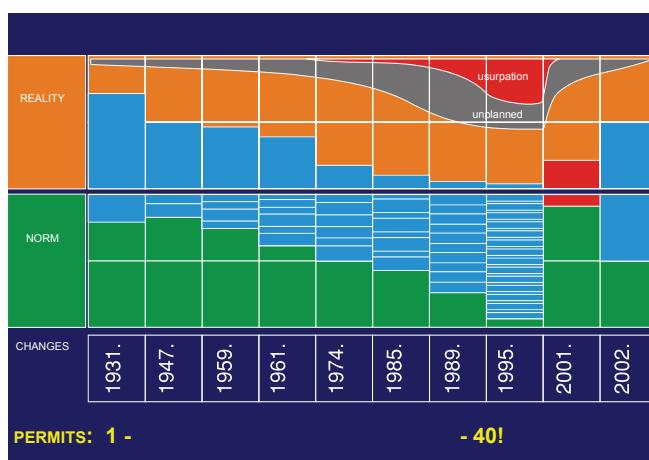
“to regulate the concrete construction and arrangement of cities and towns (arrangement base – regulation plan and construction codebook), [while] the statutes and laws which proliferated after [the 1931 law] were slipping away from the concrete space. Even the first set of laws and statutes (1959–1961), as the proper planning acts, abandoned the rules that never returned into the laws. They were increasingly concerned with the actual planning, procedures, controls, supracontrols and numerous permissions, conditions and agreements. The momentum to this tendency was given during the consensus planning, i.e., the integration of physical and social (economic) planning, self-management compacts and consultations, which was the root of a deception that for the future world it was sufficient to describe optimistically and draw plans. In reality, the plans were rarely realized. The status today is that the whole area of arrangement of settlements,

planning, land and construction, including the steps and procedures, regulate, at various levels and through numerous institutions, a complicated and often uncoordinated, even contradictory, a total of 30 rigid and exclusive laws and 31 ordinances.

The consequences of the enlisted societal changes and the described multiplication of laws and statutes, may be interpreted in great length, while only one is sufficient and obvious – aside from numerous previous permissions and agreements (from 19 to 42), the building permit takes today in Serbia as long as 3 years, and often it is hard to obtain at all. An impressive illustration of the consequences of this process is offered through an analysis of the so-called illegal construction (shown in the figure): it grew at the same dynamics as the proliferation of laws and statutes and when they reached the culmination, a new phenomenon also became significantly frequent – the »usurpation« – the unplanned or unlawful use of land and property (land, public areas, other's property, infrastructure...« (p. 46–47).

Figure 1. The 'usurpation' of space (grey and red) increases with decreased number of rules (green) and increased number of declarative laws (blue) in 1931–2002 period

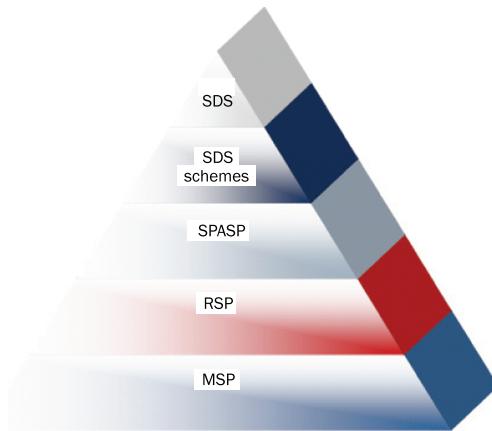
Slika 1: 'Prilaščanje' prostora (sivo in rdeče) narašča z upadanjem števila pravil (zeleno) in naraščanjem števila deklarativnih zakonov (modro) v obdobju 1931–2002



(After Djordjević 2003, cf. Krešić 2004)

Even though this new legal framework was debated inside the professional circle, other solution was not offered. Being given the new rules, not all the planners managed to take full advantage of them. While urban planning seems much stronger and more resistant in Serbia's risk society, spatial planning is far more fragile. Between suggested types of spatial plans in the law (Figure 2): Spatial Development Strategy of Serbia (SDS), Spatial Development Schemes (for 9 sectors) (SD schemes), Regional Spatial Plans (RSP), Spatial Plans for Areas of Special Purposes (SPASP) and spatial plans of municipalities (MSP), in current Serbia's planning only the last two types are being elaborated and adopted so far.

Figure 2. The pyramid of spatial planning levels in Serbia
Slika 2: Piramida nivojev prostorskega planiranja v Srbiji



Source/vir: Republic Agency for Spatial Planning 2008.

3. MAIN CONSTRAINTS FOR PLANNING IN SERBIA

Five years after this beautiful pyramid (Fig. 2) was introduced, there is still no Spatial Development Strategy of Serbia, and consequently, no schemes since they should be elaborated after the adoption of the strategy. Hence, the unique instruction for leading the spatial development of the country as whole and elaborating spatial plans of lower tiers is still the Spatial Plan of the Republic of Serbia (1996). As a political document, this spatial plan was seen as decentralizing and as 'recovering state's integrity' by political elite of that time. In the context of planning, it was comprehensive with elements taken from other doctrines (or planning paradigms) such as controlled and allocative planning. It was created and adopted in a period of different political, social and economic system, internal, as well as during different relations between Serbia and its neighboring countries, other European countries and the rest of the world. Also different were the spatial structures and tendencies of spatial development, technological, demographic and environmental issues. However, even though the Republic Agency for Spatial Planning along with respectable number of planning experts created the Programme for Elaboration of the National Strategy of Spatial Development there is still no political will or pressure from planners to adopt this document and continue the process. It just may be that this process is waiting for the Kosovo and Metohija resolution to mark definitely the borders of the territory that the Strategy should take in consideration. This is unfortunate for at least two reasons. First, Serbia's political elite is deliberately postponing the decision on proposed status to gain more time to change its position in negotiations, and the second reason is actually a question: who really thinks that in any case scenario (supervised independence or supervised autonomy), official Belgrade will really have the right to make strategic decisions about spatial development of Kosovo and Metohija? In any

case, Serbia should as soon as possible gather the strength and the will to create valid and updated long-term development strategy, together with sectoral development policies at the national level to steer the economic and overall societal development and offer a relevant framework for the policies and plans of lower levels.

Going down from national level of planning which lacks the system of general strategic policies, we are coming to the void presented in undeveloped regional level. Except the Regional Spatial Plan of Belgrade's Administrative Area, even though they were anticipated in the law, no other regional spatial plan were prepared or adopted. The matter of regionalization which was announced as one of the main topic of the new Constitution slipped from its contents when it was presented and adopted at the end of 2006. Again, there was no strength to deal with such a political issue. Serbia, according to the Constitution, has two autonomous provinces Vojvodina, Kosovo and Metohija. Their institutions have the authority over spatial planning in respective provinces. Also, the Constitution allows the creation of more of these provinces if it is the will of their citizens expressed on a referendum. It is lately that Serbia will not have regional institutions authorized and responsible for regional spatial development and planning for a long time, since the existing districts (possible NUTS 3 regions), at least for now, are as far from building them as these possible but non-existent autonomous provinces. There is however, a type of plans that stands between national and local level and which is being produced. As we mentioned before, these are the Spatial Plans for Areas of Special Purposes. Most of them are concerning the areas of protected nature, water accumulations, coal basins (lignite) and infrastructure corridors. Unfortunately, they, along with some other regional policies which are appearing now, consist of ad hoc measures expected to solve only urgent problems or to justify already made decisions on capital investments. They are being carried out in retroactive and non-coordinated manner, without adequate research provided financial but even more so, organizational and institutional planning support for their implementation.

Local (municipal) spatial plans, together with Spatial Plans for Areas of Special Purpose, are being produced more often. Accordingly to the current law, these plans determine the starting point, the spatial development objectives and land use, organization and protection rules of the planning area. In theory, the number of municipal spatial plans and general plans for municipal centres, both having strategic developmental aspirations can climb up to the total number of municipalities – a bit less than 200. For now they are the only wheels turning in Serbia's planning and the main source of our planners' existence. They are accommodating the quantitative development of planning in Serbia but most of them are not showing any shift in methodology which would enable the planning to respond quickly to changes occurring in all societal domains but foremost in the economic sphere. They are backed up by poorly assessed economic and social needs development analyses (sometimes even badly assessed spatial dimension), so that they come down to the physical/geographic definition of the often illusory planning objectives, solutions and propositions. Without applying integrative planning method, more ex-post and ex-continuo instead of prevailing ex-ante evaluation, these plans will hardly contribute to quality improvement or, more importantly, to a prosperous development of the planning area. There lays the chief indifference of the authorities and citizens to participate in elaboration of such plans, let alone be guided by them.

The current planning practice is therefore, predominantly planners' centered; implying that it is the planner who identifies the problems and seeks for planning alternatives. There is little or no room for different interests and ideas, inter-sectoral coordination and synchronization or partnership between public and private actors. Consequently, there is hardly any room for various stakeholders and actors to take part in the planning process and the ensuing implementation phase.

How can we explain this failure of spatial planning and which are the pillars we should build to make it more developed and more stable for turbulent times that could come in the future?

4. CONCLUSION

Over the past half century, Serbia has experienced major societal turbulences – post-Second World War reconstruction, nationalization of land and property, frequent changes of Constitution, several changes of societal practice (centrally planned economy, self-management, decentralization, 'etatization' at the republican level, etc.), the disintegration of the former Yugoslav federation, fall of the communism and establishment of a multi-party system, privatization, and market economy. All these changes are followed by continuous alterations of the legislation used to guide development and arrangement of Serbian settlements and cities. Spatial and urban planning doctrine and practice adjusts to the overall societal context and its main trends.

With the transition, planning was supposed to mitigate the negative effects of the new player – the market – to the public interest. However, it seems that spatial planning did not find the mechanisms to mitigate those effects created by the market economy. Planning institutions in pre-transitional period were exclusively in public sector. We have now some rather large planning institutions on one side, partially financed from the state's budget, usually with the monopoly over elaboration of one group of plans, and on the other side, smaller institutions which are being privatized. Both are thrown to the market and are trying to acquire as much engagements as possible to secure enough financing. They are producing more plans for less money in a shorter period of time. As a result, these former public agents, diverted by the new hostile conditions given by undeveloped market and neo-liberal environment, are still presenting traditional rigid planning model, deterministic and inflexible, with fixed land use parameters and regulations. Seems like the turbulent times in which the most important task is to survive did not give them a chance to develop and to introduce more innovative and novel models in view of participative, strategic and action plan oriented planning.

The discourse deals with the contexts surrounding the 1985, 1995 and 2003 planning laws, their contents and implementation capacity confirms a strong interaction between planning legislation and societal setting. While no law is perfect and none of these laws is used long enough for their utility and applicability to be fully tested, all three represent an attempt to improve planning practice and deal with extremely dynamic reality of the past two decades, e.g., illegal construction, lack of building maintenance, economic crisis, etc. Under these conditions, urban planning legislation follows the moves of a 'swinging pendulum' – from centralized (top-down) model to fully decentralized (participatory bottom-up approach), to

yet another re-centralization and re-decentralization after the 1989, coupled with a revived planning pragmatism reflected in the 2003 law's emphasis on construction, streamlining of the implementation process, and legalization of illegally built structures. Clearly, establishing a planning system requires careful balancing of the roles of government and markets and the roles of national and sub-national levels, especially given the potentially still important tasks retained at the state level (e.g., as a developer and investor in capital projects; strategic planner; or only a 'guarantor').

We find the state of Serbian planning quite complex – driven by conflicting professional cultures and highly politicized set of other actors who represent narrow private or commercial interests. The system still lacks the capacity to exert strong guidance and implementation of generally well conceived plans and to promote (let alone protect) public interest.

It is our tentative conclusion that the institutional and societal (political and economic) problems are more of an obstacle than the laws themselves. It is not the laws but their implementation that is based on flawed institutional processes and difficult societal circumstances. The legislative activity seems to be only the means of masking the practice that disregards or abuses the laws. Yet another initiative for changing the current law that is motivated by the investment interests may be indicative of this situation. So, we could state that spatial planning laws and system are not only born but also may be strangled by the societal circumstances, as is the case in Serbia.

The other problem lays in insufficient recognition of importance and purpose of planning among politicians, and the lack of persuading voices and pressure coming from the profession, as well as in the loss of its legitimacy. To illustrate the confusion and neglect of previous political elite when planning was concerned we are informing that spatial planning was situated between 2004 and 2008 first under the Ministry of Capital Investments, then under the Ministry of Infrastructure. After the formation of the new government in spring of 2008 spatial planning in Serbia is for the first time in its history under the Ministry of Environment and Spatial Planning.

Democratic and economic reforms are not only critical to an overall successful transformation in Serbia, but also inextricably linked to achieving successes in each reform area which also includes planning. Democratic processes are an essential component of Serbia's economic growth and stability, and economic growth is essential to create the conditions for a continuing stable democracy. Reform in the social sector is also necessary to secure their better performance. When Serbia as a whole ensures safer environment, it is certain that our planning will be able to redefine its priorities and to concentrate on the development of coherent theoretical and methodological framework as a main goal.

The professional cultures involved in planning – planners, architects, engineers, economists, sociologists, geographers – are also prominent factors. These professional groups are in search for self-identity and the boundaries of the planning field. They are active parts in the formation of the Serbian planning doctrine and planning system, often pulling in different direction. While this is a long-standing and ongoing productive and creative 'battle' that will certainly continue in future, what is currently needed for Serbia is to settle on the operational and effective practice that would exert some law and order and care in the process of urban development. Institutional improvements and a firm action in curbing corruption

and opportunism in land and property development would be an important first step.

On that path, following the stable democratic course of the country, planning has the chance to:

- advance the normative-institutional framework;
- make the new generation of national policies which would enforce the overall system of governance and harmonize the work of ministries and other planning institutions at the national tier;
- concretize and operationalize concepts of sustainable socio-economic, spatial and urban development;
- define clear criteria and indicators to measure the achievements of plans;
- research for defining future alternative development scenarios;
- evaluate the expected short and mid-term investment projects and programmes from the standpoint of the long-term development needs;
- elaborate and put into operation the up-dated system of techniques and mechanisms which will enable a more efficient and reliable development governance.

After showing some positive results in solving these tasks, but continuing to solve them, it is essential to establish some coalition for planning and enhance its legitimacy. So, expert and political forums, but more importantly development of education and training system not only for professionals but also for governmental officials and citizens, will be a step forward in the spatial planning process and learning how to plan and communicate with various stakeholders, understand and articulate their interests to advance the relationship between them. This could give more appropriate meaning and contents to integrative approach, sustainability, subsidiarity, efficiency, co-operation, communication, co-ordination and networks which are currently recognized as empty concepts in our planning. Hopefully, the system will be strong and stable enough not to collapse again in case of another 'earthquake' and able to continue due to inertia with as less casualties as possible.

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