

Institutional change and regional transition

Setting up the new planning system in Kosovo - evolution and influences in the development

Illir Gjinolli

*Department of Architecture, Faculty of Civil Engineering and Architecture, University of Prishtina
ilir.gjinolli@uni-pr.edu
Phone: 00 383 49 504025*

Abstract: This paper analyses the evolution of the Kosovo Planning System and the influences in the planning practice and development. It looks back in the period of socialism when planning was established and the overall context after the wars in the Western Balkans by identifying similarities and differences of the planning system in the former Yugoslavia and the shift from a centralized administrative to a democratic system after the war in Kosovo in 1999.

The author investigates the role of the international actors, in particular UN Habitat, in setting up the planning system, institutional development, capacity building as well as exercising planning tasks in the practice from 2000-2013. The paper analyzes also the impacts of the shifts in 2013 influenced by the World Bank towards a more liberal planning system and development.

The paper explores roles of main local actors in planning, including Kosovo government and the municipalities, international as well as local agencies and civil society organizations in promoting the relevance of planned development and necessary changes in the spatial planning policies.

Through the evidence based research the paper intends to measure the outcomes of the plans at central and local planning level throughout the territory of Kosovo.

Keywords: Spatial planning system, Department of Spatial Planning, Institute for Spatial Planning, UN-Habitat, Kosovo Spatial Plan,

Introduction

In this paper, I intend to present the planning system in Kosovo and how it changed after the war in 1999 to date. In order to trace back the emergence of the system, it was considered that it is necessary to mention some of the historical moments that marks the shifts in the development of planning as a profession since 1945 when Kosovo was set up as an autonomous province in the Former Yugoslavia. After the war in 1999, there are two phases that marks the establishment and development of the planning system of the new Kosovo as an independent country. The first period is under UN Administration 1999-2008 when the new planning system established the path to plan future developments. The second is the period from 2008 when Kosovo became independent. Although substantial changes took place in 2013, the planning system, structurally as a government sector, decentralised levels of planning and planning institutions, still remains as it was designed in 2002.

History

The roots of Kosovo planning system date back from 1945, when Kosovo emerged as a province within Republic of Serbia as one of the federal units of Federative Republic of Yugoslavia. According to Rudolf Bicanic¹ in the former Yugoslavia, during the period between 1945 and 1990 there were three models of planning:

- The centralized model of planning - 1947-1951
- The decentralized model - 1952-64

¹ Bicanic R. (1973) Economic Policy in Socialist Yugoslavia, Cambridge University Press, Cambridge, 1973.



- Polycentric model - from 1965

Some economists consider, in theory, the centralized planning model as the most rational planning pattern, although some of its supporters do not agree with its political presuppositions. The decentralized model had a certain level of rationality, although limited. The polycentric method seems to have been less homogenous than the centralised system.

The evolution of the Planning System in Kosovo could be considered a generative one. It emerged in 1974 with the changes in the constitutional Law of the Socialist Federative Republic of Yugoslavia (SFRY) and Republic of Serbia, when Kosovo was granted with the status of Autonomous Province within Socialist Federative Republic of Yugoslavia. The Parliament and the Government of the new Province were established and Constitution was adopted. This constitution delegated the power of spatial planning from the Federal Government and the Government of the Republic of Serbia to Kosovo government, so the first Law on Spatial Planning in Kosovo was drafted in 1975. In 1977 the first Kosovo Spatial Plan was adopted in the Kosovo Assembly.

The planning system in Kosovo before 1990 could be summarized in the table² below:

PERIOD	TYPE OF PLANNING ACTIVITIES	TYPE OF PLANNING DOCUMENT
1947 - 1965	Central command planning (Controlled development, urban growth and city limits/ public interest over the private / focused on technical solutions)	<ul style="list-style-type: none"> • Regulation and detailed plans
1965 - 1987	New system of voluntary planning, "social self-management planning"/ Communication and coordination of different bodies at all levels through agreements and commitments, with no hierarchical approval system	<ul style="list-style-type: none"> • Top down master plans as goal formulations from - (land use) • Regulatory and detailed plans as solution bottom-up driven (5 years plans)
1974 - 1990	Decentralized - Provincial level and local planning Spatial planning at the Provincial government level Municipal and urban planning, Regulatory and detailed urban planning	<ul style="list-style-type: none"> • Spatial Plan of Kosovo • Regional spatial plans • General urban plans • Regulatory Plans • Detailed Urban Plans

Table 1. Planning system in Kosovo from 1945-1990

2. After the War 1999

Although the theory of transition considers that it is a primarily political process, in Kosovo the transition process should be seen in a more complex context including liberation from Serbian apartheid system.

After the end of the war, Kosovo was administered by the UN Mission - UNMIK. It was a complex international organization involving also European Union and OSCE and other international Agencies specialised in particular sectors. The basic duties that UNMIK was responsible include:

- Performing basic civilian administrative functions;
- Promoting the establishment of substantial autonomy and self-government in Kosovo;
- Facilitating a political process to determine Kosovo's future status;
- Coordinating humanitarian and disaster relief of all international agencies;
- Supporting the reconstruction of key infrastructure;
- Maintaining civil law and order;

² Hoxha, E. (2006) PRISHTINA ESCAPE-Challenges for Urban Development-MSc Thesis, Catholic University of Leuven, 2006.

- Promoting human rights; and
- Ensuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

These tasks were implemented through four pillars:

Pillar I: Police and justice (UN-led)

Pillar II: Civil Administration (UN-led)

Pillar III: Democratization and institution building (led by OSCE)

Pillar IV: Reconstruction and economic development (EU-led)

The period of nine years of international rule had a large impact in Kosovo society in terms of law and governance, economy, social development. In the beginning all discriminatory laws approved after 1989 were abrogated and the laws of the former SFRY were considered applicable. In 2000 UNMIK organized first elections for the local governments. In 2001, a Constitutional Framework was approved as a supreme legal act based on which a set of laws were designed and approved in next seven years. This was the base to organize the first election for the first Kosovo government - so called Provisional Institutions of Self Government of Kosovo, composed of three bodies - Kosovo Assembly, Kosovo Government and the President. The administrative system was divided in two levels - central and local government. Most of the competences concerning local development issues were transferred to the municipal assembly, including spatial planning.

2.1 Transition

The process of transition in Kosovo include political, economic, social and transformations of urban morphology of the cities after the war under UNMIK administration and the extensive presence of international organizations that turned the reconstruction process and status negotiations into a global agenda for more than 10 years.

According to Harloe, transition, is not a unilinear process in terms of contents, sequence or timescale. It depends on system of local governance, legal and institutional framework, the way in which privatized public assets are distributed and policy choices³. In the case of Kosovo cities, this was even a more complex process. While before 1999 it was an apartheid-like situation, after the war the international administration changed the situation to democratic governance that gave the shape to future Kosovo development. In terms of time, due to the war it took more than in the other countries of the region, especially compare to countries of former SFRY. Due to the long period of conflicts situation, Serbia and Bosnia suffered from delay in transformation from unitary to democratic state.

In Kosovo, the period of discontinuity lasted 10 years, from 1989 to 1999. After the end of the war, UN took the role to establish the Provisional Institutions of Self Government in Kosovo. Through process of privatization a new liberal economic order was set up, and a new legal and constitutional order created the path to the new statute for Kosovo in 2008. New rules of social integration came to place by establishing the civil society, supported by the international community, which supported the reconstruction and development in the fields where government was not able to act due to limited capacities.

During this transition period, institutional and organizational structures of the cities were under reconstruction led by UNMIK, and other international organizations such as EU, OSCE, and different international development agencies. Decentralization was one of the goals of this transition process. This was reflected also in the planning and construction matters. Although in the former socialist system the power were decentralised, considering that it was a single party rule, the decentralisation was more or less controlled by the communist party committee.

Due to changes in the city institutions and organization of the governance, changes of property rights, urban development was disturbed by the needs for reconstruction of housing and the long period of very limited construction activities. Beside these facts, unmaintained public spaces and buildings suffered damages that were

³ Tsenkova, S, Budovic-Nedic, Z., (2006) The Urban Mosaic of Post-Socialist Europe introduction to 'The Urban Mosaic of Post-Socialist Europe: Space, Institutions and Policy' Edited by Tsenkova, S, Budovic-Nedic, Z., Physica-Verlag, Heidelberg

necessary to improve. But the existing planning instruments were too rigid to provide planned construction. In the other side, UNMIK Administration didn't want to strictly control development due to the needs for housing.

2.2 The Liberal Economy

Dostal (1998) concludes that a successful early post-communist transformation means (1) a quick resumption of macroeconomic balance and economic growth resting on (2) genuine democratization and economic liberalization, and (3) higher level of modernization'⁴

Liberal economy or so-called market economy came as a logical result of transition. After a long economic decline during 1990's, after the war, there was a big amount of donor support in reconstruction process, which generated an economic revival in the first years of 21st century.

UNMIK Administration introduced free market economic development policies. The abandoned industry in the beginning started to operate under international administration, but in 2002, the privatization process started and gradually most of the, industries stopped production due to old technologies. Privatized industries in most cases were transformed in services or changed the production technology or sometimes even demolished to leave the sites for construction such as in the inner part of city of Prishtina.

Flea markets and improvised bazaars were a rapid respond to growing demand for different kind of goods - clothing, everyday articles, and different kind of tools. The abandoned sites were given at a very low rent to allow people set up their businesses. For example a flea market operated in the city centre of Prishtina and was a very vital area until it has been displaced in the industrial area in 2007.

Due to the very high price of the land and big pressure for housing, industry and service economy - retail the municipalities begin to plan for the periphery. Beside planned areas, a lot of illegal construction occurred along the main infrastructure corridors. It was obvious that investors wanted to bypass procedures and decrease the investment due to the taxes. New spaces for private small and medium-sized production were constructed sometime of a very poor quality. But there were also very serious investments that followed the regulations in terms of space standards and construction materials. Privatization provided the opportunity for the investors with clear programme to bypass construction process and they used existing premises very efficiently, sometime even combining the production with renting the unused facilities.

As investment begin to grow, the service sector grew as well. When the Government of Kosovo was established it became also an important employer, although with very modest salaries. Other services such as education, health and culture also provided a considerable number of jobs.

There were also informal economic activities. Amongst them, illegal construction, which will cause big problems in the years to come. About illegal construction there will be some thoughts in the next pages of this research.

But, the investments and new jobs were not sufficient to provide jobs for growing number of unemployed population. Although there were a lot of informal economy, unemployment rate in 2002 was at the rate of 50-55%, down from a high of 74% in the second half of 1999.⁵ According to RIINVEST, an institute for economic development in Prishtina, the unemployment in 2003, was at the rate of 49%.⁶

The table below shows the unemployment rate between 2004 and 2008

⁴ Tsenkova, S, Budovic-Nedic, Z., (2006) The Urban Mosaic of Post-Socialist Europe-Introduction to 'The Urban Mosaic of Post-Socialist Europe: Space, Institutions and Policy' Edited by Tsenkova, S, Budovic-Nedic, Z., Physica-Verlag, Heidelberg

⁵ UNDP, Kosovo, (2002), Human Development Report 2002, Prishtina, Kosovo

⁶ RIINVEST, (2003)- Unemployment in Kosovo, Report, Prishtina, Kosovo

TABLE 2.3		Key labour market indicators, percentages (2004-2008)		
	2004	2006	2008	
Labour force participation rates	46.2	52.3	46.0	
Employment rates	27.9	29.0	24.1	
Unemployment rates	39.7	44.9	47.5	

Source: SOK, Labour Force Surveys (2004- 2008)

Table 2. Key labour market indicators according to Kosovo Statistics Agency in the period 2004 - 2008

2.3 Growing international competition

As from 2000, Kosovo became a region with a high interest for the international investors and suppliers. Since there was very limited production, the supplies came primarily from import - the region and EU countries. Import remains even today very high, because production is still at a very low level. Low production is caused by low investment potential of the local population, limited incentives from the government and growing international competition. As an example, after the highway that links Prishtina and Tirana, the import of agricultural products from Albania had roused. Kosovo has signed CEFTA- a regional free trade agreement, which adds more difficulties in regard to this competition. It will become even more difficult after Kosovo starts the Stabilisation Association Process with EU.

2.4 Privatisation process

Privatization of land and housing is the most radical aspect of the transition from state socialist systems to democratic and market system.⁷ Property rights lie at the heart of that process (Marcuse1996). According to Webster and Lai (2003), "institutions that protect private property are essential for market activity and economic growth"(p3)."

The public housing stock has been privatised during the Serbian regime in 1992. At that time, Serbian government had two goals, to provide social peace within raising economic problems and unemployment. In the other side the acquired fund was used to finance the war in Croatia and Bosnia.

Immediately after the war, the property market boomed. Prices of properties owned by Serbs were sold quickly due to migration from Kosovo to Serbia, while many of these properties were soon transformed or sold out in higher price. During the years to come the property prices has grown tremendously, especially in Prishtina as a capital of Kosovo.

Beside achievements in setting the bases for a new independent state of Kosovo, UNMIK administration in Kosovo faced severe difficulties in terms of sustainable economic development. Privatization of the social owned properties to private ownership had as a goal economic development. But the way in which privatization was conducted, posed a lot of question starting from the source of investments, corruption and the future development of the industrial premises, agriculture land or other privatised assets. The former workers in these socially owned enterprises were supposed to be legal owners. From the total value of sold premises, the workers shared only 20%.

PLANNING FOR THE NEW LIBERAL CITY

The latest planning activities in Kosovo took place during 1980's, when most of the cities drafted city master plans - so called General Urban Plans, comprehensive long-term planning documents for at least 10-15 years. Some planning activities were exercised during 1990's by the Serbian government in Prishtina and Prizren in 1996/97. But they were carried out away from public, and in particular excluding Albanians. As a teacher in a

⁷ Tsenkova, S, Budovic-Nedic, Z., (2006) The Urban Mosaic of Post-Socialist Europe introduction to 'The Urban Mosaic of Post-Socialist Europe: Space, Institutions and Policy' Edited by Tsenkova, S, Budovic-Nedic, Z. Physica-Verlag, Heidelberg

parallel education system, the author of this research has found out about these document only in 2004.

Until 2002, limited planning activities took place in the local level based on the applicable law on spatial planning from 1974. Few plans were drafted but with very limited impact in the ground. For example, the General Urban Plan for Prizren was drafted from 2001-2002. Although it took some 8 years to redraft it according to the law, beside limited impacts in infrastructure, was not implemented according to decisions. The shifts in the planning system are shown in the table below:

PERIOD	TYPE OF PLANNING ACTIVITIES	TYPE OF PLANNING DOCUMENT
1990 -1999	Central imposed planning from above – Serbian government (top-down control) Exclusion of Albanians from planning process (Planning activities oriented towards the goals of sustainability / not linked with the real context - superficial	Land use Scenarios for development Regulative plans
1999-2002	Reconstruction and emergency activities “shelter programs “ Some limited regulatory planning activities	Applicable planning law of Kosovo from 1987
2002-2013	Decentralized- central and local planning Strategic planning at the central level Municipal and urban planning, regulatory planning	Central level: Spatial Plan of Kosovo, Spatial plans for special areas Local level: Municipal Development Plan, Urban Development Plan and Regulatory Plan
2013	Decentralized planning process, centrally approved plans, Strategic planning at the central level Municipal planning, zoning - land use plans, regulatory planning	Central level: Spatial Plan of Kosovo, Kosovo Zoning Map, Spatial plans for special areas Local level: Municipal Development Plan, Zoning Map, and detailed Regulatory Plan

Table 3 - Kosovo Planning System from 1990 - 2013

In 2001, before the first election, UN administration defined the main sectors that new elected government have to manage. Amongst main sectors, such as finance, economy, health, education, welfare, culture and youth, environment and spatial planning were chosen as on of the sector. The Ministry of Environment was established in the beginning of 2002 and immediately, the Minister signed a cooperation agreement with UN Habitat to support the Ministry in developing the planning system, including legal framework and setting up the sector institutions in the central and local level.

The new Law on spatial planning approved in 2003 defined the way the spatial planning will be carried out in Kosovo. The law defined two modes of planning:

- Spatial planning, carried out at the central level with two types of plans: Spatial Plan of Kosovo and Spatial Plans for Special Areas for which central government will be responsible, and Municipal Development Plan

- (MDP) at the local level, for which municipalities will be responsible.
- Urban Planning, carried out at the local level with two types of plans - Urban Development Plan (UDP) and Urban Regulatory Plan (URP).



Figure 1. Planning System in Kosovo according to the Law on Spatial Planning 2003/14⁸

In the Figure 2, a summary of the planning policy instruments graphically illustrates the scale of the plans from central to local, through types of plans related to territory they serve and the character that they have

Policy Institutions

Spatial Planning in Kosovo is implemented at the central level - Ministry of Environment and Spatial Planning. Other ministries such as Ministry of Transport and Telecommunication, Ministry of Agriculture, Forestry and Rural Development, Ministry of Energy and other government bodies, have a role in the process of plan preparation. The relations between the policy institutions and instruments are presented in Table 1 below.

Content of the Plan and Planning Process

The main elements of the spatial plans at the central and local level which are framework or strategic plans contain graphical part (maps) and textual part: Urban Development Profile, Vision and Goals, Spatial Development Framework, Implementation Strategies and Actions, and Implementation Provisions. The differences are mainly at the scale of territorial coverage and at the competences that they have within the level of decision making authorities. They also differ in terms of stakeholder groups and the level of participation accordingly.

From 2003 until 2015, most of the municipalities in Kosovo drafted their MDP and UDP, and covered with urban regulatory plans partly or fully, the whole territory of the town/city, except Prishtina and Prizren, that used already completed the plans and drafted them later- Prizren 2009-2012 and Prishtina 2012-2013.

⁸ Source: Kosovo Institute for Spatial Planning/Ministry of Environment and Spatial Planning

Level	Planning authority	Average number of inhabitants	Types of Plans	Description	Legal effect
Central	Ministry of Environment and Spatial Planning	2,000.000	Kosovo Spatial Plan - Figure 2	Include vision goals and objectives and strategies Maps, implementation provisions and policy guidance	Guiding developments, protection of environment and national resources Binding for the national and local authorities
			Spatial Plans for Special Areas-Figure 3	Include vision goals and objectives and strategies Maps, implementation provisions and policy guidance	Guiding developments, protection of environment and national resources Binding for the national and local authorities
Local	Municipalities (36)	from smallest 20,000-200.000 - Capital Prishtina	Municipal Development Plan-Figure 4	Include vision goals and objectives and strategies for municipality Maps, implementation provisions and policy guidance	Guiding developments, protection of environment and national resources, may include regulatory provisions Binding for the local authorities
			Urban Development Plan-Figure 5	Include vision goals and objectives and strategies for city development Maps, implementation provisions and policy guidance	Guiding developments in the urban areas; protection of environment and national resources; may include regulatory provisions
			Urban Regulatory Plans - Figure 6	Include maps and land use. regulatory framework for buildings and infrastructure development	Binding for the local authorities and landowners

Table 4 - The Kosovo Planning System Framework according to Law on Spatial Planning No.2003/30



Public participation

By the Law, Spatial Planning in Kosovo is all inclusive and respects principles of good governance and public participation. Public participation is regulated by an administrative guidance. The process differs according to the planning level taking into consideration competencies in the decision making process. Spatial plans prepared in accordance with this Law are subject to public review. Further more, it is mandatory to include public consultations during the process of plan preparation. The consultations may be an extensive process, which depend on the level of the plan and needs for involving appropriate stakeholders.

The public review of any plan shall include a report on the review with complains, comments and proposals on the plan and justification of approval or rejection of the proposals.

Figure 3 illustrates stakeholder involvement and participation in the process of drafting of the Spatial Plan of Kosovo which took place between 2003-2006.



Figure 5 - Stakeholders involvement diagram in the process of drafting the Spatial Plan of Kosovo¹⁰

The Contribution of International Organisation

In 2000, UN Habitat established the office for Housing and Property Rights in Kosovo, a project that aimed to establish e property return to the owners, especially property claims linked to the war. In 2001 UN Habitat organised first training in community planning, a very important shift from master planning that used to be practiced in the former Yugoslavia. When the Ministry of Environment and Spatial Planning was established in 2002, UN Habitat became the main partner of the Ministry.

The contribution of UN Habitat was crucial for establishing the planning sector in Kosovo. Beside the direct support to the Ministry, their substantial contribution was in capacity building of planning professionals, mainly trained at the architectural schools.

¹⁰ Source: Kosovo Institute for Spatial Planning, Ministry of Environment and Spatial Planning

The Urban Planning and Management Programme, UPMP (2002-2003) funded by the Government of the Netherlands. It worked closely with the Ministry of Environment and Spatial Planning. It played a key role in development of the new planning law for Kosovo and also supported the first steps of establishing a the Institute for spatial planning. Another significant component of the Programme was its engagement with all 30 municipalities of Kosovo both from the planning perspective, and from the development of tools for gender mainstreaming in Kosovo municipal management. The Programme imparted comprehensive training to urban planners in the application of the strategic planning approach, through the Urban Planning and Management Framework (UPMF).¹¹ Within this programme, the new planning curricula for the Masters in Urban Planning and Management at the Department of Architecture, University of Prishtina was developed, involving Royal Danish School of Architecture and Aalborg University.

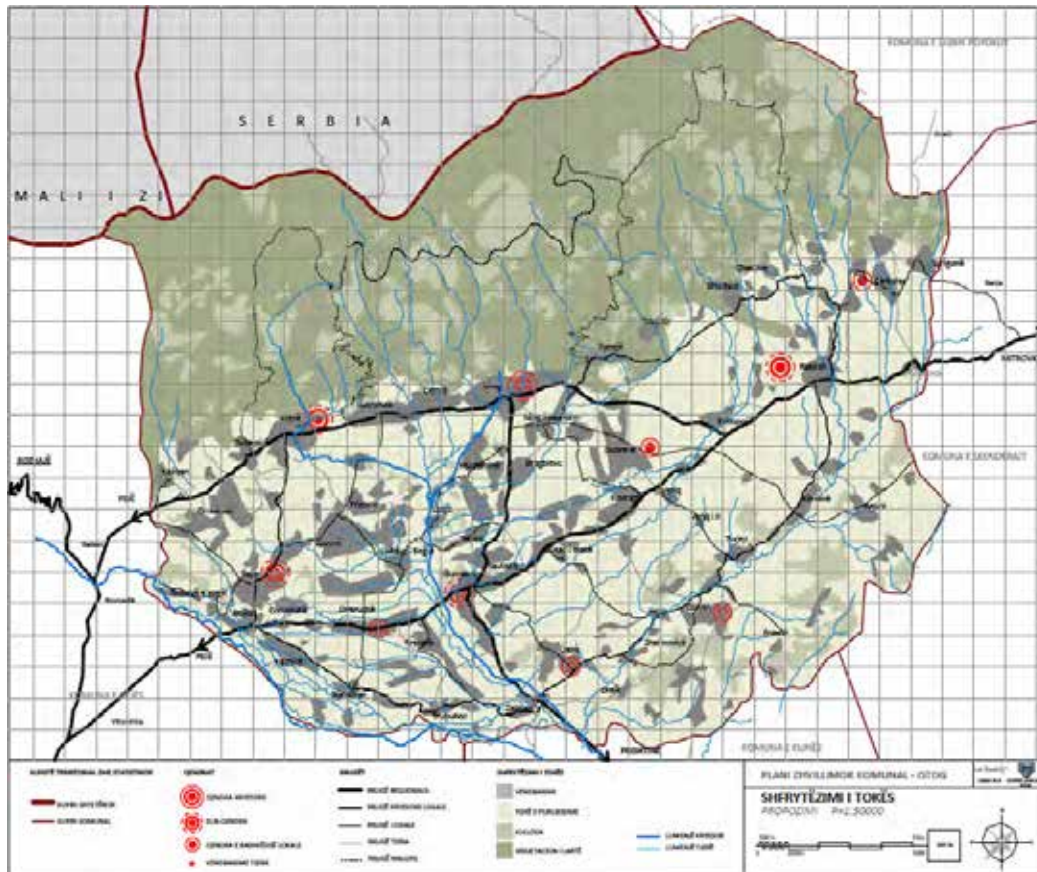


Figure 6 - Municipal Development Plan Istog - Land use plan - (Local Level)¹²

The Governance and Development Planning Programme, GDPP was funded by Dutch Government and started in 2003 and was completed in 2005. Its objectives were focused on continuing the assistance to further strengthen all three levels of spatial planning in Kosovo reflecting the linkages as required by the Law on Spatial Planning. It included more intensive capacity building at municipal and central levels to deal with spatial planning in an inclusive manner. The aim was to consolidate the new planning approaches, policies and legislation by making them more inclusive and compatible with countries in the region and in other parts of Europe.¹³ During this period of support, UN Habitat supported the establishment of the Spatial Planning Institute, responsible for drafting the spatial plans at the central level. The training of the staff of the institute was implemented with the Institute for Housing and Urban Development Studies from Rotterdam (IHS). The on job training continued for three years and was aimed to support the staff in drafting of the Spatial Plan of Kosovo.

¹¹ http://www.unhabitat-kosovo.org/en-us/UPMP_Urban_Planning_and_Management_Programme

¹² Municipality of Istog, Directorate of Planning

¹³ http://www.unhabitat-kosovo.org/en-us/GDPP_The_Governance_and_Development_Planning_Programme

PART II - INDEPENDENT KOSOVO

The Constitutional Law of independent Kosovo 2008

Kosovo declared independence on February 17, 2008. Soon after the independence is declared, in April 2008, a new Constitutional Law¹⁸ was adopted. Although no direct provisions on planning are included in the constitution, some of the basic provision related to planning may be found below:

Constitution defines Kosovo as democratic state of its citizens. Kosovo is a multi-ethnic society based on principal of equality. The Republic of Kosovo ensures the preservation and protection of its cultural and religious heritage. The Republic of Kosovo protects and guarantees human rights and fundamental freedoms. Human rights and fundamental freedoms guaranteed by the international agreements and instruments.

The right to property is guaranteed by the Constitution. No one shall be arbitrarily deprived of property. The Republic of Kosovo or a public authority of the Republic of Kosovo may expropriate property if such expropriation is authorized by law, is necessary or appropriate to the achievement of a public purpose or the promotion of the public interest, and is followed by the provision of immediate and adequate compensation to the person or persons whose property has been expropriated.

New spatial planning context

The context for planning did not change much until 2013. In the new constitution, sectors which are governed by the Government are not mentioned at all. Environment and Spatial Planning neither, so by the constitution, there is no explicit order to establish Spatial Planning as a sector and its institutions.

After the constitutional law was adopted, necessary changes in the Law on Spatial planning in regard to protective areas, defined by the Ahtisari Plan¹⁹ had to be amended. These are cultural heritage areas of particular for the Serbian community.

Article 4 Protective Zones

4.1 A selected number of Serbian Orthodox Church monasteries, churches, other religious sites, as well as historical and cultural sites of special significance for the Kosovo Serb Community, shall be provided special protection through the establishment of Protective Zones. The objectives of the Protective Zones are: to provide for the peaceful existence and functioning of the sites to be protected; preserve their historical, cultural and natural environment, including the monastic way of life of the clergy; and prevent adverse development around them, while ensuring the best possible conditions for harmonious and sustainable development of the communities inhabiting the areas surrounding such sites.

Box 1 - Ahtisari Plan, Article 4

Spatial regulations in terms of buffer zones and restricted uses for these areas were given in the Ahtisari Plan which were also included in the Law on Culture Heritage Protection. These areas than had to be treated accordingly in the Spatial plan of Kosovo and Municipal Development Plans.

The New Law on Spatial Planning 2013²⁰

In 2012, the Ministry of Environment, under the influence of World Bank report on 'Doing Business' decided to start the procedures for drafting a new law because The Law on Spatial Planning 2003/30 was causing problems to development and the procedures for acquiring the planning permit, were 'highly' bureaucratic. This fact was based on a very narrow and limited survey, which World Bank carried out with individuals and businesses in Kosovo. The planning turned from a public sector interest to a planning based on the market economy, leaving public interest in the margins.

What happened for example in terms of institutional organisation is that the Spatial Planning Council at the central level and Committee of Spatial Planning at the local level were abolished. In the meantime, Ministry of

¹⁸ Constitution of the Republic of Kosovo

¹⁹ Comprehensive Proposal for the Kosovo Status Settlement-Ahtisari Plan

²⁰ Law on Spatial Planning - No. 04/L-174

Environment and Spatial Planning integrated Planning, Housing and Construction into a single department covering three sectors. In 2012, the Ministry of Environment, under the influence of World Bank report on ‘Doing Business’ decided to change the law because according to the afore mentioned report, Kosovo the procedures for acquiring the building permit, according to the law, were ‘highly’ bureaucratic. This fact was based on the limited survey, which World Bank carried out with individuals and businesses in Kosovo. What was interesting in the process of drafting the law, Department of Spatial Planning of the Ministry, had limited engagement, while the main actors were professionals involved from USAID, representing a pure American way of planning based on the market economy, living public interest in the margins.

The New Law introduced new spatial planning instruments. Zoning maps, an imported concept from the US, required at both central and local planning. These are regulatory instruments: Zoning Map of Kosovo in the whole territory of Kosovo for all developments which are government responsibilities and Municipal Zoning Map at the municipal territory for all other developments regulated by the municipality. Detailed regulatory plans are regulatory instruments which are not mandatory. They define the conditions for spatial regulation for urban or rural areas as defined in the Municipal Development Plan and Municipal Zoning Map. The relations between the policy institutions and instruments according to the new Law, are presented in Table 2 below.

Policy institutions			Policy instruments		
Level	Planning authority	Average number of inhabitants	Types of Plans	Description	Legal effect
Central	Ministry of Environment and Spatial Planning	2,000.000	Spatial Plan of Kosovo	<p>Include vision goals and objectives and strategies</p> <p>Maps, implementation provisions and policy guidance</p>	<p>Guiding developments, protection of environment and national resources</p> <p>Binding for the national and local authorities</p>
			Kosovo Zoning Map	<p>A multi-sectorial document- defines type of land use and action measures</p> <p>Include maps and land use regulations for developments at the central level</p>	<p>Defines land use and regulates developments at the central level</p> <p>Binding for the national and local authorities</p>

			Spatial Plans for Special Areas	<p>Include vision goals and objectives and strategies</p> <p>Maps, implementation provisions and policy guidance</p>	<p>Guiding developments, protection of environment and national resources</p> <p>Binding for the national and local authorities</p>
Local	Municipalities - (36)	from smallest 20,000-200.000 - Capital Prishtina	Municipal Development Plan	<p>Include vision goals and objectives and strategies for municipality</p> <p>Maps, implementation provisions and policy guidance</p>	<p>Guiding developments, protection of environment and national resources, may include regulatory provisions</p> <p>Binding for the local authorities</p>
			Municipal Zoning Maps	<p>A multi-sectorial document- defines type of land use and action measures for the municipal territory</p> <p>Include maps and land use regulations for developments at the municipal level</p>	<p>Guiding developments in the urban areas; protection of environment and national resources; may include regulatory provisions</p>
			Detailed Urban Regulatory Plans	<p>Include maps and land use regulations, regulatory framework for buildings and infrastructure development</p>	<p>Detailed development plans including site plans</p> <p>Binding for the local authorities and landowners</p>

Table 5 - The Framework of Planning System in Kosovo -No.04//L-174-2013





Figure 8- Planning System in Kosovo according to the Law on Spatial Planning 04//L-174²¹

The new planning instruments are more comprehensive so they take much longer to draft them. For the municipalities the process is longer and harder. A certain degree of centralisation is now on place and does not comply with the European planning practices. The fact is that municipalities are still acting according to planning instruments drafted based on the Law on Spatial Planning 2003/30, due to missing administrative guidance's that supports plan-making.

Protected Areas²²

Protected areas is a new provision of the Law on Spatial Planning. When approved, protected areas define the long-term protection and preservation of a geographical area with special features of natural resources, flora and fauna, cultural heritage and cultural landscapes, with a potential of social and economic development for the country.

Protected area consists of site perimeter designated under protection and the buffer zone of fifty (50) or one hundred (100) meters from the perimeter, or as it is determined by the competent institution. The aim of the protected area is to restrict constructions or other activities that could damage the natural and cultural heritage features. Depending on the features a protected area will be approved by the Government as a Special protected area through the Zoning Map of Kosovo.

AGENCIES AND MECHANISMS FOR DEVELOPMENT AND CONSERVATION

Approach to development

A mixed approach development involving public and private sector is in place in Kosovo. The role of public sector is usually to enable and promotional role as well as resource coordinating role in terms of land acquisition in implementing spatial plans, such as in big infrastructure projects implemented with public private partnerships (recent projects of highways, airport, new power plant, etc).

²¹ Source: Kosovo Institute for Spatial Planning

²² Law on Special Protective Zones No. 03/L-039

There is also strong involvement of private sector with limited development control from the government. Often this is not within a strong plan-led framework and very often plans record actual development, in particular investments in business and production facilities in particular alongside the main infrastructure.

Land policy mechanisms

In Kosovo, the only land mechanism for plan implementation is the Law on expropriation²³ which deals with land acquisition for the public interest. The constitutional law defines that everybody has the right to his/her property. However, the land may be subject of expropriation for the public interest. A process of expropriation and compensation based on the market values is lead by the Ministry of Finance. Acquisition of the land is possible only for the public interest and for non discriminatory purposes. The expropriation authority at the local level, is the Mayor of a city/ town, or a public body authorised by the municipal assembly. Expropriation is carried out for:

- Implementation of urban and spatial plans adopted by the Municipality.
- Construction of new and improvement of existing technical and social infrastructure
- Licences for exploitation of mineral resources that has been granted to the Municipality

At the central level the government is responsible authority for expropriation of the land for the developments with particular importance for the whole country. Expropriation deals exclusively with the properties within the municipal territory for the following purposes:

- Implementation of spatial plans adopted by the Ministry of Environment and Spatial Planning,
- Implementation of government responsible public social and technical infrastructure projects.
- Natural and Cultural heritage sites
- Areas of storing and disposal of dangerous materials and products
- Energy production and mining areas and mineral extraction, dams

DEVELOPMENT

In Kosovo there are many agencies and organizations dealing with development. They are usually linked to government sector authorities or with different international development agencies. International Development Agencies present a very important chain of development actors such as EU Office, UNDP, USAID, GIZ, DFID, SDC, ADA, SIDA World Bank, EBRD etc. Since after the war, these agencies have played a crucial role for Kosovo reconstruction and development. They are still very important partners in implementation of government development policies. Some of the local agencies are listed below:

Association of Regional Development Agencies

The Association of Regional Development Agencies (ARDA) is a network for the implementation of Kosovo and EU policies and is an independent, non-governmental organization established in January 2013 by the five Regional Development Agencies (North, East, West, South and Centre) in Kosovo.

Kosovo Cadastral Agency

Established by UN-Habitat in 2000, Kosovo Cadastral Agency is the central authority for the maintenance of cadastral database, property registers, mapping and GIS. It is also the central authority for geospatial data infrastructure. The rights, responsibilities and overall mandate of the KCA is regulated by the Law on cadastre and other legal acts, all accessible through the Kosovo Geportal, the cadastre information database.

²³ Law on Expropriation of Immovable Property - No. 03/L-139

Kosovo Forestry Agency

The KFA is responsible for issues related to the regulation of forests and forest lands, and management of publicly owned forests and forests in Kosovo national parks in, except those issues that the law specifically assigns to any other government authority.

Kosovo Agency of Statistics

Kosovo Agency of Statistics is a professional institution which deals with collection, processing and publication of official statistical data since 1948.

The Agency provides qualitative statistical data in time and space so that users have reliable base to conduct regular analysis in the interest of planning and project development at the municipal and country level. ASK support government institutions, scientific institutes, research academies, businesses in order to provide proper information for decision-makers and other users in Kosovo.

PROTECTION OF THE ENVIRONMENT

Environmental Protection Agency

Kosovo Agency for Environment Protection (KEPA) is a government institution that engages, through integrated environmental monitoring, efficient system of environmental information and continuous reporting on the environmental situation, to maintain quality of air, water, soil and biodiversity, promote use of renewable energy sources and sustainable use of natural resources in order to ensure a healthy environment for generations present and future in harmony with the progress of economic and social developments.

Institutes, within KEPA are: Kosovo Institute for Nature Protection, Kosovo Hydro-meteorological Institute, and Kosovo Institute for Spatial Planning. Whereas, Directorates within KEPA are: Directorate of Environmental Monitoring, Assessment, and Reporting; and Directorate of National Parks.

The Institute for Cultural Heritage Protection

The Institute for protection of the cultural heritage deals with the issues of protection, reconstruction and revitalization of the cultural heritage sites and monuments mainly concerned with the central level issues in cultural heritage protection. It operates as a central government body linked to the Ministry of Culture, Youth and Sports. At the local level, there are regional centers for culture heritage protection which are subordinated to the institute at the central level.

Archeological Institute,

Archaeological Institute also part of the Ministry of Culture, Youth and Sports, deal with archeological sites - research, archaeological diggings, reconstruction and management.

POLICIES

A system of well developed and integrated policies is very important for a development country such as Kosovo, in particular as a newly established country. From 1999, efforts to develop sector policies have contributed to improve governance system in providing better quality of life, although it is still necessary to align cross sectorial cooperation for necessary synergies to accelerate economic and social development.

Through the 10 years of independence, there was an extraordinary commitment to draft the sectorial policies linked to spatial development. In particular housing, environment, industry, tourism, energy, transport, cultural heritage, agricultural land and mineral resources are well covered with the legal framework and policy strategies. These policies are now guiding planning process at the central and local level.

Most of the policies tend to be aligned with the European policies although a lot has to be done yet, due to very difficult political context in the region and difficulties caused by the unrecognised position of the Republic of Kosovo from five EU countries.



Conclusions

Measuring the outcomes of the period of 18 years would not be an easy task for those who are outsiders. For those who were actors in several tasks such as legal framework, capacity building, planning at the central and local level, the achievements may be seen subjectively, as they put a lot of efforts to bring profession to the state in which we could talk about planning that leads the development and not planning that is serves for recording developments.

At the central level, the Ministry, beside the work on legal framework, the Institute for Spatial Planning is responsible for drafting of the Spatial Plan for Kosovo, already under the review process. and plans for special areas such as two National Parks- Bjeshket e Nemuna (Coursed Mountains) and Sharr Mountains, Mirusha plan which is a Natural Park and coal mining area close to Prishtina capital. Recently the Institute has developed sectorial national policies linked to the spatial planning.

Most of the cities and towns have already drafted plans or are currently reviewing plans according to the requirements of the new Law on Spatial Planning. The plan implementation may vary from city to city and is mostly politics that affects changes that violates the planed development. Within the municipal administration, there are established planning departments, combined with housing and environmental protection, responsible for organising and leading the planning process. Although most of the plans are drafted through the consultancy, there is a significant role of municipal planning officers in the plan preparation and decision making process.

Public participation as a way od democratisation, during the years shifted from information and active listening, the public consultation and direct involvement of the public and civil society has been improved. And there is a growing interest to be involved in planning process from the civil society organisations. A process of capacity building for participatory planning has been developed for more than five years now. People are more aware of planning activities as municipalities publishes all planning documents in the Municipal online platforms. These platforms helps citizens to get information, to make online applications for what ever they might be interested in regard to planning and construction.

From 2002 to date there was a continuing process of capacity building led by UN Habitat programmes, from plan making, public participation, policies and decision making, always trough the on job training of the planning officers. These programmes were tailored for both planning officers at the central and local level, including civil society and university. At the university the planning is taught at the Department of Architecture and is based on the planning system so students are able to understand their role in a planning process. The problem based learning pedagogical model is applied so student can actually experience a real planning context.

Although from an initially decentralised planning system, with the new law, the planning process at the local level is not only monitored by the central level, but it is also controlled in terms of decisions taken. This is a step back if we compare to decentralised planning systems in Europe. The new Law on Spatial Planning has given the right to the Ministry to examine thoroughly all municipal plans before they are approved at the municipal assembly, which is an almost impossible task to preform due to limited number of staff.

In 2006, while participating in World Urban Forum in Vancouver, Forbs Davidson introduced myself and Mr Luan Nushi to some colleagues from RTPI as responsible for establishing the Kosovo planning system in a period of four years. The President of RTPI replied "... In four years?! That's really an achievement!" Of course, setting a planning system is not possible in such a short time, but Mr Davidson wanted to say that the commitment to make things happened were extraordinary.



Acknowledgements

I would like to thank the Presidency of Kosovo for the full financial support of participation in this Congress. Without the Presidents generous support, presentation of this paper would not be possible. .

Reference List

- Bicanic R. (1973) *Economic Policy in Socialist Yugoslavia*, Cambridge University Press, Cambridge, 1973
- Dostal, P. (1998) *Democratization, Economic Liberalization, and Transformational Slump: A Cross-Sectional Analysis of Twenty-One Post-communist Countries*, *Environment and Planning C: Government and Policy*, SAGE Publications Volume 16 (3), 281-306,
- Hoxha, E. (2006) *PRISHTINA ESCAPE-Challenges for Urban Development*-MSc Thesis, Catholic University of Leuven, 2006.
- Tsenkova, S, Budovic-Nedic, Z., (2006) *The Urban Mosaic of Post-Socialist Europe introduction to 'The Urban Mosaic of Post-Socialist Europe: Space, Institutions and Policy'* Edited by Tsenkova, S, Budovic-Nedic, Z., Physica-Verlag, Heidelberg
- UNDP, Kosovo, (2002), *Human Development Report 2002*, Prishtina, Kosovo
- RIINVEST, (2003)- *Unemployment in Kosovo*, Report, Prishtina, Kosovo
- Comprehensive Proposal for the Kosovo Status Settlement-Ahtisari Plan
- Kosovo Parliament: *Constitution of the Republic of Kosovo*
- Kosovo Government, Ministry of Environment and Spatial Planning: *Law on Spatial Planning - No. 04/L-174*
- Kosovo Government, Ministry of Environment and Spatial Planning *Law on Special Protected Zones No. 03/L-039*
- Kosovo Government, Ministry of Finance: *Law on Expropriation of Immovable Property - No. 03/L-139*
- Kosovo Institute for Spatial Planning/Ministry of Environment and Spatial Planning: *Kosovo Spatial Plan*
- http://www.unhabitat-kosovo.org/en-us/UPMP_Urban_Planning_and_Management_Programme
- http://www.unhabitat-kosovo.org/eus/GDPP_The_Governance_and_Development_Planning_Programme
- http://www.unhabitatkosovo.org/enus/MuSPP_Municipal_Spatial_Planning_Support_Programme_phase_1

