

# EUROPEAN EXPERIENCES AS GUIDELINES FOR PUBLIC, PRIVATE AND CIVIL SECTOR ROLE REDEFINITION IN SPATIAL POLICY FORMULATION PROCESS IN SERBIA

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*The period of post-socialist transition in Serbia brings more complex actors environment compared to socialistic period, while institutional arrangements are not enough developed to actively involve different groups of actors in spatial policy formulation process. In order to gather certain knowledge as guidelines for redefining institutional practices in Serbia, institutional framework of Serbia was compared in this paper with institutional framework of three developed European countries, especially in relation to the roles of public, private and civil sector in spatial policy formulation process. The European countries selected for the analysis are United Kingdom, Netherlands and Germany because of diverse national administrative traditions, so different institutional arrangements could be researched. By comparing institutional framework in Serbia with the ones in developed European countries following questions are researched: which actors are missing in Serbia, what are the ways institutional arrangements for different groups inclusion into spatial policy formulation process are formed, what are the differences between the roles of certain groups of actors in decision-making process. Current roles of actors in spatial policy formulation process in Serbia are reviewed and possible directions for public, private and civil sector role redefinition in Serbia are discussed in accordance with experiences of developed European countries.*

**Key words:** public, private and civil sector, spatial policy, developed European countries, Serbia.

## INTRODUCTION

Roles and relations between public, private and civil sector are very important in spatial policy formulation process. Distinct difference in this aspect can be made between the developed European countries and post-socialist states. Various institutional arrangements are formed in developed European countries and, sometimes formally, and sometimes informally representatives of all three sectors are actively involved in spatial policy formulation process.

Taşan-Kok (2006) claims that the number of organizations and their tendency towards networking is growing in post-socialist cities. Investors are the most active ones. The number of non-governmental organizations and social movements is also growing, but with limited role in decision-making on urban policy matter, planning, development and management.

In the period of post-socialist transition in Serbia, with the change of political and socio-economic conditions, the process of institutional reorganization happens. This paper discusses the current roles of public, private and civil sector in spatial policy formulation process in Serbia, as well as differences in relation to their role in the developed European countries. It discusses the possible directions for the roles of all three sectors in accordance with the experiences of developed European countries.

## COMPARISON OF INSTITUTIONAL FRAMEWORK IN SERBIA WITH EXPERIENCES OF DEVELOPED EUROPEAN COUNTRIES

In this section the institutional framework of spatial policy formulation process in Serbia was compared with the experiences of three developed European countries: United Kingdom, Netherlands and Germany. These countries are selected for analysis because of diverse national administrative traditions: UK

(market-oriented culture), Netherlands (culture of consensus) and Germany (the culture of hierarchy) according to Meuleman (Meuleman, 2008). Countries with different national administrative traditions are selected in order to explore different institutional arrangements. These states are compared with Serbia based on the roles of public, private and civil sector in spatial policy formulation process.

### The role of public sector

Key public actor at the national level in the field of spatial and urban planning in Serbia is the Ministry of Environment, Mining and Spatial Planning (*Ministarstvo životne sredine, rudarstva i prostornog planiranja*). The Ministry is responsible for state administration tasks related to spatial and urban planning; it determines the conditions for construction; governs housing and housing related business; construction; building land, municipal infrastructure and communal utilities; engineering surveying jobs; inspection and supervision in the field of urban planning,

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construction and infrastructure utility and other duties specified by law (Law on Ministries, article 20).

As in Serbia, the key actors at the national level in the Netherlands and Germany are the ministries responsible for spatial planning. Ministries linked different areas in different countries.

Unlike Serbia, where fields of spatial planning, mining and environment are connected, in the Netherlands the fields of housing, spatial planning and environment are connected through the Ministry of Housing, Spatial Planning and Environment (*Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer (VROM)*) (ESPON, 2007), while in Germany the fields of transport, building and urban development are connected through the Federal Ministry of Transport, Building and Urban Development (*Bundesminister für Verkehr, Bau und Stadtentwicklung*) (European Commission, 1999).

There is no one central government agency responsible for spatial planning in the UK, due to transfer of powers to agencies in Scotland, Wales and Northern Ireland. In England this is in the authority of the *Office of the Deputy Prime Minister* (ESPON, 2007).

Besides the ministries, there are different institutions at the national level that consider spatial planning policy in the European countries. Institutional practices are different in three analyzed countries.

In the Netherlands, the National Spatial Planning Agency (*Directoraat-Generaal Ruimte*) is part of the Ministry of Housing, Spatial Planning and Environment (*Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer (VROM)*) (ESPON, 2007). There are informal negotiations between the National Spatial Planning Agency and the sector services (Hajer and Zonneveld, 2000).

In addition to the National Spatial Planning Agency, which is at the top of the hierarchy of planning agencies, there is a complicated structure of the planning agencies in Netherlands at all levels of government. This network of agencies is simultaneously followed by several dozen consulting firms, which depend on contracts with the government agencies (Hajer and Zonneveld, 2000).

In the Netherlands there is also the National Planning Commission (*Rijksplanologische Commissie (RPC)*), with tasks to develop a common framework of spatial planning policy, which includes all departments that impact on spatial development (Hajer and Zonneveld,

2000). There is Council for Planning and Environment (*Raad voor de Ruimtelijke Ordening en Milieuhygiëne (RROMA)*), established to coordinate and encourage consultation between government and society on issues of spatial planning and whose meetings are normally open to the public. Members of the Council are representatives of a wide range of organizations (employers, employees, society and nature preservation, boards, experts) (CEMAT, 2005). There is also Netherlands Institute for Spatial Research (*Ruimtelijk Planbureau (RPB)*) (ESPON, 2007).

In Germany, in addition to the federal ministry, there are a number of research and service agencies that prepare sector and cross-sector expertise (ESPON, 2007). Government's largest institute in the field of spatial planning – Federal Office for Building and Regional Planning (*Bundesamt für Bauwesen und Raumordnung (BBR)*) is a federal agency under the portfolio of the Federal Ministry for Transport, Building and Urban Development which provides the federal government and other bodies of advice and assistance in the field of spatial and urban planning, housing and construction (Ache et al., 2006).

In Germany there is a Conference of Ministers of Spatial Planning (*Ministerkonferenz für Raumordnung*), which includes all state ministers responsible for spatial planning and which reviews any state spatial planning policy to be published (European Commission, 1999). There is also an Spatial Planning Advisory Council (*Beirat für Raumordnung*), composed of representatives and experts in the field of supra-local spatial planning, urban development, economic development and other areas, employers and employers' organizations and local government agencies with an advisory role in spatial planning (European Commission, 1999).

Serbia, as well as the Netherlands, has a national agency responsible for spatial planning. Republic Agency for Spatial Planning (*Republička agencija za prostorno planiranje*) is established by the Law on Planning and Construction, from the year 2003, in order to ensure the effective implementation and promotion of planning policy and spatial development of the Republic of Serbia. With Law on Planning and Construction, from the year 2009, the existence of the Agency is continued (Republic Agency for Spatial Planning, 2011).

Head Office of the Agency is in Belgrade. The Agency has an organizational unit in Novi Sad, as well as two regional offices in Niš and Kragujevac (Republic Agency for Spatial Planning, 2011).

Republic Agency for Spatial Planning is authorized to prepare, coordinate and monitor the formulation of the Spatial Plan of the Republic of Serbia, the regional spatial plan and its implementation program and the spatial plan for special purposes; to prepare decisions on development planning documents proposed by the relevant ministry; to provide technical assistance in the process of preparation of plans; to maintain a register of spatial plans for the territory of the Republic of Serbia, prepare and implement training programs for the preparation of spatial planning documents (Law on Planning and Construction, article 75). Besides Republic Agency for Spatial Planning in Serbia, there are commissions for expert control of plans at the national level as well.

In addition to actors at the national level, the process of formulation of spatial policies in European countries includes actors on intermediate level of spatial organization, who make decisions on issues, plans and policies of regional significance. Regional institutional organization differs in three analyzed countries.

In Germany there are state-level ministries responsible for state spatial planning. Due to regional planning organizations, the states are divided into planning regions. In each of these, regional planning associations (*Regionaler Planungsverband or Regionalverband*) bring together representatives of local governments and serve as a forum for coordination and cooperation between different departments. Associations are responsible for regional plans preparation (European Commission, 1999).

In the UK, at the regional level there are regional agencies under the control of central government and non-elected regional assemblies. Regional assemblies prepare regional planning guidelines (ESPON, 2007).

In the Netherlands, below the national level, that of the provinces, administration is entrusted to the elected Provincial Councils and the Provincial Executives, headed by a commissioner appointed by the central government. The provincial organization resembles that of the central government (ESPON, 2007).

Compared to European countries, Serbia lacks government/planning institutions at the regional level. Unlike European countries, the regional level of government in Serbia has not been established (except some competences of the AP Vojvodina).

On the regional level of planning in Serbia, regional spatial plans are made for larger spatial units of the administrative, functional, geographical or statistical nature (Law on Planning

and Construction, article 17). There are no bodies at the regional level (councils, assemblies, agencies) like in European countries, responsible for regional plans preparation. So the holder of regional plans preparation in Serbia is the actor at the national level - Republic Agency for Spatial Planning (respectively Provincial Secretariat for Urban Planning, Construction and Environmental Protection for Regional Spatial Plan of AP Vojvodina).

European experiences show diverse institutional practices at the local level as well. In the Netherlands, there are elected councils and executives at the municipal level, with an appointed mayor. Local planning authorities in UK are the main agency for the operation of spatial planning on the ground, but the power of adoption of a local plan can be divided between two tiers of local government depending on the type of local authority (ESPON, 2007).

In Germany at local government level there are councils, which are responsible for local plans adopting. Also, municipal planning associations can be organized, for the area of many municipalities (European Commission, 1999).

On local level in Serbia, municipal/city assemblies are responsible for local plans adopting. Besides that, each municipality has a government/service responsible for spatial and urban planning. There are number of institutions, public companies, directorates, dealing with spatial and urban plans formulation.

### The role of private sector

In the spatial policy formulation process, involvement of the private sector in developed European countries and Serbia differs. In European countries, private sector involves through conferences and forums which gather different interest groups in order to overcome differences between the actors.

For example, in Germany, the differences between ideas of urban planners and investors are to be overcome through joint conferences involving different interest groups, and business representatives, such as the Chamber of Industry and Commerce (*Industrie-und Handelskammer*). In most German cities there is cooperation, using a variety of voluntary or binding models on the inter-municipal level in order to coordinate development (RENET, 2007).

Unlike Serbia, there is a mechanism in the UK that allows investors to organize a consultation process and work with the community in terms of individual proposals for construction, before applying for a planning permission. Statements

of Community Involvement, which are formulated in UK as an integral part of local development frameworks, should set out authority's policy for community consultation on planning applications. For example, the Statement of Community Involvement might set out the groups that local authorities should consult about the planning application and the ways this would take place. Statement of Community Involvement may encourage investors to take pre-application discussion process and early process of community consultation on significant applications, but does not oblige investors to do this (Office of the Deputy Prime Minister, 2004a, 3: Community Involvement in Planning: How it Happens 3.18).

In Serbia, the private sector involves mainly individually, when it comes to construction projects. Spatial Plan of the Republic of Serbia states that the phenomenon of "investors urban planning" appeared, where building codes and regulation of urban space are defined above all by the interests of investors, and then the interests of citizens and public interest (Law on the Spatial Plan of the Republic of Serbia 2010-2020). Vujošević (2004) marks the planning that supports and enables the wild privatization and marketization of public goods as one of planning modalities that occurred in Serbia in the transition period.

The study "Strengthening local government in Serbia - Phase 2", which is a joint initiative of the European Commission and the Council of Europe, conducted from 29 January to 07 February 2011. on a sample of 75 entrepreneurs living in 15 different municipalities/cities, showed a weak private sector participation in local policy formulation process in Serbia. Nearly one-third of businesses representatives (31%) is not at all interested in taking part in any form of the local policies creation, another third (33%) is prepared for it in a small rate, while 27% are willing to actively participate in the creation of local policies (CESID, 2011).

Half of the examinees among the business community is not at all satisfied with the transparency of the procedure for adopting laws under the jurisdiction of local governments (50%), 37% do not know anything about local legislation formulation, and only 13% are satisfied with the way local government is open to its citizens (CESID, 2011).

In the same survey, 51% of examinees believe that local laws and local policies affect the poor development of private entrepreneurship, and this is one of the reasons why the economy deteriorates. At best, it is considered

that the policy is indifferent to private sector development and not doing anything, what 28% of examinees claimed. Only 7% of examinees believe that local authorities encourage private entrepreneurship development (CESID, 2011).

53% of examinees believe that local authorities make decisions in consultations with businessmen close to them, 54% believe that local authorities do not consult with the general public and all interested parties when making laws (CESID, 2011).

### The role of civil sector

Citizen participation in the planning process happens in Serbia at the end of the plan formulation process in stage of public review, and its nature is formal. Planning system does not allow citizens to follow the whole procedure of plan preparation and to participate in the planning policy formulation from the very beginning of the plan preparation. Institute of public inspection was introduced in the year of 2003, and continued in the Law on Planning and Construction in the year of 2009. It is defined by Section 50 of the Law on Planning and Construction. Here is stated that the presentation of the planning document for public insight is made after the expert control (Law on Planning and Construction, article 50).

After public inspection on the completed plan document, the competent authority or the Planning Commission prepares a report containing information on completed public release with all the comments and decisions for each objection. The report is delivered to the holder of the planning document, which is to comply with the decisions within 30 days of the report receipt (Law on Planning and Construction, article 50).

Planning practice in Serbia points to examples of wider public involvement in plan formulation process, in relation to the legally defined process. In the processes of regional spatial plans formulation in Serbia, number of presentations were organized in order to include public in this process, although there was formal obligation to organize just one presentation during the public review.

Different forms of participation and some experience are gained through the process of formulation of a large number of strategic documents, which were made in Serbia at the national and local levels from 2003. regardless of not being part of the formal planning system (Lazarevic Bajec, 2009).

In spatial policy formulation process in Serbia,

the role of civil society is very weak. This is supported by results of research conducted by the Civic Initiatives with the support of the Serbian government office for civil society cooperation, and enabled by United States Agency for International Development (USAID) through the "Advocacy Initiative of Civil Society". The survey was conducted on a sample of 1625 civil society organizations, within 24th July to 30th September of the year 2011. For classification of CSOs (civil society organizations) the international classification of nonprofit organizations (ICNP) was used (Civic Initiatives, 2011).

From this research, the results related to the development, housing and the environment are considered. The results showed the following. Environment is a primary area of activity for 16% of organizations, and housing and development for 3% of civil society organizations. The most common activities undertaken in these areas are community actions (57% of all activities in the environmental area, and 52% in the development and housing) (ibid., 2011).

Most civil society organizations estimate the impact of this sector in creating public policy as insignificant (in the area of environment this is considered by 62% of organizations and in the area of housing and development 67%). State attitude toward the CSO sector is most often judged as disinterest (in the environmental area 39%, and in the area of housing development and 38%) (ibid., 2011).

Most CSOs worked with the business sector (in the area of environment 59%, and in the area of housing and development 67%). Typically, the business sector had the role of donors (in the area of environment 80%, and in the area of housing and development 63%) (ibid., 2011).

As the priority issues for their own organization, the CSO reported a lack of state support (in the area of environment 22%, and in the area of housing and development 20%). Then follows insufficient cooperation with local authorities (19%) in the area of environment, and underdevelopment of the business sector donations (16%) in the area of housing and development (ibid., 2011).

Different studies have confirmed the weak role of civil society in decision-making process in Serbia. In the absence of data specifically related to making decisions on construction, data related to the activities of citizens in decision-making process in Serbia are used.

The study "Perceptions and attitudes of the public about the NGO sector in Serbia in 2009." showed very weak citizens activity in decision-making process in Serbia. This

research was conducted by the Institute for Sustainable Communities (ISC) in May 2009, and financially supported by USAID. The research was conducted on a representative sample of 1044 citizens of Serbia, over the 18 years of age (Civic Initiatives, 2009).

The vast majority of citizens believe that they can not influence the decision-making in their community (84%) and that they can not affect law changes in their community (75%). 89% of citizens has not taken any action initiated to resolve a particular problem in their community in the year of 2009. The most common reason is that citizens do not believe that it would change anything (29%). Second is lack of free time (20%), while 19% stated that they did not know how and 19% were indifferent (ibid., 2009).

A survey on the subject of local laws knowledge in 15 municipalities in Serbia under the program "Strengthening Local Self-Government in Serbia-Phase 2", which was a joint initiative of European Commission and the Council of Europe, showed similar results. Public opinion research was conducted from 29th January to 7th February in the year of 2011. on a sample of 758 citizens and 75 businessmen residing in 15 different municipalities/cities (CESID, 2011).

Over 80% of examinees did not have any initiative directed toward local government, 15% of examinees had an initiative that ended infamously, while only 5% of initiatives directed towards the local government institutions were adopted (ibid., 2011).

By analyzing the practice of European states, a variety of institutional arrangements formed in spatial policy formulation processes are found. These actors are sometimes formally, sometimes informally involved in spatial policy formulation processes and decision-making on the construction. Their mutual relations will be considered here by the analysis of examples and experiences of individual European states.

Unlike Serbia, where the citizens are included in the planning process at the local level during the public inspection, in analyzed European countries citizens can influence the planning process at different levels. In Netherlands, this is available at the national level, by the existence of a large number of advisory agencies and agencies for discussion, councils such as the Council of State, Socio-Economic Council and others involved in securing consensus and representation of different interests (ESPON, 2007).

Very important institutional practice in the Netherlands are national "spatial planning key

decisions" (*PKB: planologische kernbeslissing*). This procedure has created opportunities to increase public participation and allow active participation in parliament in spatial policy formulation (Hajer and Zonneveld, 2000).

An important institutional practice in the Netherlands is a declaration of citizens in a referendum on the construction. Nijeboer states that 15 referendums were held in the Netherlands at the local level in terms of plans for construction (Nijeboer, 2004).

Since the Law on Local Self-Government in Serbia, stipulates that a municipality may call a referendum on matters within the scope of its jurisdiction (Law on Local Self-Government, article 70), there is the possibility for applying this practice, but this is not the case in Serbia.

Unlike Serbia, which legislature has not defined the way public will be involved in the planning process, in the UK this is defined in detail. "Planning Act" from the year 2008 and "Planning Policy Statement 12: Local Spatial Planning", prescribe developing the "Statement of Community Involvement" (*SCI*) as an integral part of local development framework. Statement of Community Involvement should explain the process and methods of community involvement for different types of local planning documents and for different stages of the plan preparation (Office of the Deputy Prime Minister, 2004c, 4 The Core Strategy, 4.26).

In UK citizens can participate in the regional planning policy formulation. Regional planning bodies have a statutory duty to prepare and publish a Statement of Public Participation in consultation with the government and with reference to other bodies with recent experience of major exercises in community involvement. Statement of Public Participation should explain how and when the regional planning bodies intend to involve the public and who will participate in this process (Office of the Deputy Prime Minister, 2004b, Annex D, 16-17).

Regional planning bodies should consider the best way to involve a broad cross-section of the community. This could take a form of a single one-day public conference or a series of public events at the level below the regional (Office of the Deputy Prime Minister, 2004b, Annex D, 19).

## **DIRECTIONS FOR PUBLIC, PRIVATE AND CIVIL SECTOR ROLE REDEFINITION IN SERBIA**

Comparing the roles and relationships between public, private and civil sector in spatial policy

formulation process in Serbia and developed European countries (UK, Netherlands and Germany), following conclusions are reached. In developed European countries, in the institutional multi-actor environment, the role of public sector remains very important. It is reflected in direction of spatial policy formulation process and in coordination of all actors in processes of cooperation.

In European countries, the regional planning level is especially important. Maksin-Mičić *et al.* claim that it plays a decisive role for horizontal (between local communities and sectors) and vertical (between planning levels) coordination (Maksin-Mičić *et al.*, 2009). The actors from regional level in European countries are involved in the process of formulation and adoption of regional spatial policies and intervene to the local level if the effects of the planned construction cross border municipalities.

In terms of public sector participation, in Serbia, compared to analyzed European countries, there is a lack of public sector engagement at the regional government/planning level (regional authorities, regional planning agencies). Regional level of government in Serbia has not been established (with the exception of certain competencies of the Autonomous Province of Vojvodina).

The private sector is gaining importance in Serbia, but its role in spatial policy formulation process differs from the role of analyzed developed European countries. While in European countries, the private sector is actively involved in spatial policy formulation process, through conferences, forums and workshops, in Serbia, investors are engaged individually in the building process, trying to actualize their building rights and using a legal vacuum in the process of institutional reorganization.

In particular, the role of civil society in Serbia is weak. While in European countries, civil sector participates in the planning process at different planning levels, in Serbia civil sector is included in spatial policy formulation at the local level, during the period of public insight. Planning practice in Serbia shows that there is no active participation in planning process.

Citizens do not involve in decision-making process in Serbia because they think that their participation would not be able to influence decision-making process. Also, civil society organizations in the area of development and housing and environment find that their influence on the creation of national policy is too ineffective.

Relationships between actors in the European countries, compared to Serbia, are of more

complex nature. In European countries there are different bodies, advisory agencies, agencies for discussions, which deal with consensus security and representation of different interests. Forums and joint conferences are organized to involve different interest groups (associations, investors, experts), in order to discuss problems of building and to overcome differences between the actors. These forums and conferences are organized between the various municipalities as well.

In order to adequately respond to spatial problems in the environment with increasing number of actors, the actual roles of public, private and civil sector in Serbia have to be reviewed. Developed European countries have shown different relationships of these three sectors, the strong role of a civil society, various institutional arrangements that bring together representatives of different interest groups which could serve as examples for the development of similar practices in Serbia.

Involvement of public stakeholders of the regional level in Serbia could be possible after establishment of some model of regional decentralization. This is a very complex issue, not only within the scope of planning, but also in the field of governmental and administrative reform in Serbia.

In spatial policy formulation in Serbia, the role of civil society needs to be strengthened. It is particularly important to enable and motivate the civil sector participation in the decision making process through various institutional arrangements and show that its participation has impact on this process. Different European experiences can be tested in Serbia. It could be attempted with civil sector inclusion within the existing institutional arrangements, and also with new institutional arrangements.

Existing institutional arrangement that can be applied in Serbia is, for example, referendum organization, especially for construction with impact on the overall city, neighboring towns or neighboring municipalities. There is also possibility for new arrangements establishment based on, either formal or informal, European experiences, but their introduction has to be carefully examined for institutional environment in Serbia.

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