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GUIDELINES FOR THE IMPROVEMENT AND LEGALIZATION OF INFORMAL ROMA SETTLEMENTS

Prof dr Vladimir Macura, Intl Assoc AIA

Note: Full English text of „*Guidelines for improvement and legalozation of informal Roma settlements*“ is printed in the book „*Challenges of the Roma Decade – Action plans - Anual Reports*“, Agency for human and minority rights, Roma national strategy secretariat, Blegrade 2007. Full Serbian text of „*Guidelines*“ is printed in „*Izazovi dekade Roma – Akcioni planovi – Godišnji izveštaji*“, Služba za ljudska i manjinska prava, Sekretarijat za sprovođenje nacionalne strategije Roma, Beograd, 2007

2. TERMS

What does the term “Guidelines” mean

- **The term “Guidelines”** represents an official recommendation of the Ministry to the municipalities on how the process of improvement and legalization should be conducted and what kinds of steps and activities a municipality should undertake

3. TERMS

What do other terms from the title mean

- “**Improvement**” means raising the quality of settlement structures and the whole settlement to a higher level, more appropriate for human needs
- „**Legalization**“ represents subsequent legal validation of objects (settlements, buildings, streets, infrastructure...) previously constructed without building permits, with the aim of their integration in the social, economic, and spatial system of town and society
- “**Informal**” settlement is primarily one in which houses and other structures – streets, infrastructure, etc. – had been built without corresponding construction permits
- “**Roma settlement**” is a term that represents a part of town or village inhabited primarily by Roma. When the segregation of a Roma settlement from an urban system is being emphasized, the terms “ghetto” or somewhat more neutral “enclave” are being used. Older texts also mention the term “Cigan-mala”

4. INTRODUCTION

Some data about Roma and their housing in Serbia

- 2002 Census: there is 110,000 Roma in Serbia
- Research from 2002: there was 250,000 Roma living in settlements in Serbia
- An international estimation: there is between **400,000 and 500,000 Roma** in Serbia
- Statements from officials in 2008: there is around **500,000 Roma** in Serbia
- Around **53% of Roma** live in urban areas. The rest inhabit the countryside
- A significant number of Roma live in villages in immediate surrounding of towns
- Overall number of Roma settlements in Serbia is **around 590** (>15 houses or 100 inhabitants)
- **Over 100** of those 590 are in Belgrade
- Approximately one-third of settlements was constructed **according to a plan** (28%), one-third was built **illegally** (35%), and one-third **spontaneously or partly in combination with a plan** (35%)
- Around 44% of settlements is without infrastructure, or have it only partly
- Around 83% of settlements has no more than 500 inhabitants on an area of around 3 ha
- Average size of a Roma family in Serbia is between **4 and 5 members**
- Average modest house has between **40 and 60 m²**, while a “shack” has **20 to 30 m²**
- **Conclusion: situation in Roma housing and settlements is bad – it needs to be improved**

5. INTRODUCTION

Types of informal settlements – quality of fund and land ownership

- **Quality settlement** – good building stock on land owned by inhabitants
- **Conditionally quality (“wild settlement”)** – good building stock constructed on someone else’s land
- **Poor settlement** – low quality building stock constructed on land owned by inhabitants
- **Slum** – low quality building stock constructed on someone else’s land

6. INTRODUCTION

The character of Guidelines for Improvement and Legalization of Informal Roma Settlements

- They refer to **existing settlements** which could be improved and legalized
- They **establish a procedure** through which local authorities should recover the settlement
- They define **8 steps** which should be taken along this journey
- The Guidelines are an **expert guide** for improvement and legalization, and not a legal act
- Each of the 8 steps is based on **existing laws** and official documents

7. INTRODUCTION

The base for the Guidelines

- Law on **Spatial Plan** of Republic of Serbia
- Law on **Protection of Rights and Liberties** of National Minorities

- **Integral Action Plan** for Roma inclusion
- **Poverty Reduction Strategy**

- Declaration of **Decade of Roma Inclusion** 2005-2015

- Conclusions of the conference “Towards a New National **Housing Policy** in Serbia”
- Conclusions of the “**Legalization and Improvement** of Roma Settlements and Housing” meeting

- **Vienna Declaration** on informal settlements
- Action Plan on Improving the Situation of Roma and Sinti Within the **OSCE Area**
- **Recommendation of CoE** for improving the living conditions of Roma, Sinti and Travelers

- Other documents

8. APPROACH

General hypotheses for improvement and legalization

- Housing and settlements are **basic human rights**
- Improving the Roma settlement is a **responsibility of a municipality**
- **Legalization of all the structures** in a settlement is a vital part of improving
- Preventing new informal construction and improvements should be **connected**
- **Improving tolerance** and trust is among the goals of improving
- Roma should be **included in the process** of improving from the beginning

9. APPROACH

Principles of improvement and legalization

- Improvement and legalization are the **cheapest**, socially painless and the most adequate procedure for the inhabitants
- Old Roma settlements inside the urban zones **should be kept** in the process of urban reconstruction, rather than relocated
- Relocation of a Roma settlement should be the **last resort** implemented by the authorities
- Even the worst Roma settlements **should be seen as a resource for development**
- Forced eviction in all its forms is **forbidden**

10. APPROACH

Comprehensiveness as a basic requirement

- Connecting the **four key programs** – education, employment, health and housing – is needed within a project
- Each settlement has specific problems and they should be met with **specific programs** included in the project
- Each program has to be a part of the **corresponding social system**, existing in the municipality, town and/or state
- **Mix of the population** should be secured: ethnic mix (Roma + non-Roma) and social mix (rich + poor)
- Main winners within a project are Roma, but a project should **also bring gain to non-Roma population**

11. APPROACH

Finances and law

- “Light”, “hard” and “soft” sources of finances **should be combined**
- Municipal budget is the **basis for financing** improvements of Roma settlements
- **Transparency** of financing is mandatory
- Existing laws and regulations **have to be obeyed**
- Local regulations with standards of equipping the settlements should be created if they didn't previously exist

12. APPROACH

Urban planning has to be improved

- Plans that **without arguments** lead to relocation of Roma settlements should be canceled
- **New plans** that offer improvement of Roma settlements **should be created**
- Planning large structures that will be constructed in the far future over Roma settlements **should be avoided**
- Upgrade urbanism **practice and knowledge** with topics and solutions that relate to challenges of informal and Roma settlements

13. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

The main steps for improvement according to the Guidelines

- **Previous analysis** of Roma settlements and the criteria for selection of the one that will be improved and legalized
- **Municipal assembly decisions** on improvement and legalization
- **Solving the ownership issues**, rights to use the land and leasing
- Adoption of a **local action plan and an urban plan**
- Division of the land to **public and other land**
- Legalization and construction of **public property** – streets, infrastructure, etc.
- Legalization of **houses and plots of land and public spaces and objects**
- Improving the **settlement as a whole and the community**

14. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Previous analysis of Roma settlements

- Goal: securing a **basis for decision making** on improvement and legalization
- Work: on **available data**, field visits, light interviews...
- Task: **sorting the settlements** into ones that should be improved and those that cannot be improved
- Two main criteria for the assessment: **sustainability and land ownership**
- **Four basic types of settlements**: good, conditional, poor, slums
- **Additional criteria**: age of a settlement, position within a town, proximity of public services...

15. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Decision of the Municipal Assembly on improvement and legalization

- It is adopted **based on previous analysis**
- This decision is a sign of **political will**, it creates a **legal basis** for legalization and improvement and a **managing basis** for implementation of activities
- **It consist of:** name of the settlement, border, arrangement program, construction land lease program, financial plan for improvement and legalization, implementing partners (institutions and working group), deadlines

16. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Solving the issues of ownership, rights for land use and land lease

- Four cases: land is owned by a **municipality, a big system, a private owner, Roma**
- If a **family is owning the land**, one of the key issues for legalization is solved
- If a family is not the owner or regular user of the plot, **the municipality should help**
- A municipality **should mediate in transferring the land** from current owners to the municipality or to families
- When a municipality is the land owner, **it should lease it** to the families for long term usage

17. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Adoption of a local action plan and an urban plan

- Municipal assembly creates **the board and the expert team** (experts and institutions) which will work on creating and adopting an action plan
- The board **decides about the way the task will be fulfilled**, follows the realization, makes corrections
- The Expert team does all of the **professional work**
- Action plan covers **four areas** (situation analysis, problem defining, priorities selection, action planning, financing, responsibilities...)
- **Urban plan** (plan of general arrangement, or plan of detailed regulation, in special cases urban project of rearranging the plots)
- **Municipal assembly** adopts both the action plan and the urban plan

18. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Division of land to public and other (private) land

- Division of land to **public and other land** is done based on an urban plan
- Division in the field should be done by a **working group** consisting of settlement representatives, municipal officials and a surveyor
- The result of the division is **clear definition** of public and other land, which is one of the basic preconditions for a regular future development of the settlement

19. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Legalization and construction of public roads, infrastructure and objects

- Completed division enables **arrangement of streets** and pedestrian paths, construction of infrastructure, arranging green areas and public spaces and construction of new public objects
- **Arrangement of public roads** implies regulation of their profiles and modern cover
- **Construction of infrastructure** should be undertaken within corridors, best in street corridors, and it should consist of all kinds of usual communal installations
- **Letting the corresponding public enterprises manage** legalized and arranged public property

20. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Legalization of individual houses and plots

- Completed division **enables legalization** of individual houses and plots
- It should be strived towards legalizing the **highest possible number** of houses and plots
- **Two conditions** are enough for legalization of individual houses and plots: a) the right to use the land, and b) not jeopardizing public land
- Based on the act on legality, **it is possible to begin** with technical checks of an object, applying for an usage permit and registering property
- **Municipality should provide help to the families** inhabiting houses that do not mean the technical conditions in improving their houses, or building new ones
- **Legalization is impossible** for the objects constructed on land dedicated to public roads, infrastructure, public objects and similar, as well as those erected on unhealthy and hazardous terrain

21. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Actors bearing responsibilities in the process of improvement and legalization

- **Assembly of local self-governance** – municipality or a town
- **Highest officials of the local self-governance** – president, vice-presidents, municipal council
- **Roma**, or their representatives, NGO and local Roma communities
- **Municipal services** including Roma coordinators, public enterprises etc.
- **Municipal housing agency** or another equivalent institution
- **Public opinion** and citizens
- **Media**, mostly local press, TV, radio

22. PROCEDURE OF IMPROVEMENT AND LEGALIZATION

Participation of local Roma community from a settlement

- Scrupulous **response to research** about needs and aspirations of families
- Participation in **focus groups** that establish similarity between positions
- Active participation in **discussion meetings** for creating and grading solutions
- **Mass gatherings** of inhabitants as a way of informing and mobilizing
- **Consent that others should get to know** local way of live and tradition within a settlement
- Participation in estimating the needed aid for most imperiled families

23. WHICH MUNICIPALITIES HAVE ACCEPTED THE GUIDELINES

Why are these Guidelines good?

- Because they were **adopted by the Ministry**, they represent an official state position and show political will
- Because they are **accepted by Roma**: Secretariat, NGO, coordinators, leaders, League for Decade, National Council
- Because they are secured as they are based on **legal system**
- Because their **implementation in the field is simple**
- Because they **do not ask for great financial means** but seek taking a personal active part
- Because they **do not ask for a huge amount of time** for realization of an individual project
- Because they are **based on a decade of work** in Roma settlements

24. WHICH MUNICIPALITIES HAVE ACCEPTED THE GUIDELINES

Municipalities that had started implementing the Guidelines and adopted municipal decisions on improving and legalizing their informal Roma settlements in 2007:

**Apatin,
Bela Palanka,
Beočin,
Bor
Knjaževac,
Kruševac,
Mladenovac,
Negotin,
Opovo,
Prokuplje,
Pirot,
Sokobanja,
Srbobran and
Veliko Gradište**

GUIDELINES

FOR IMPROVEMENT AND LEGALIZATION OF INFORMAL ROMA SETTLEMENTS

THANK YOU FOR YOUR ATTENTION

Vladimir Macura vmacura@sbb.co.yu