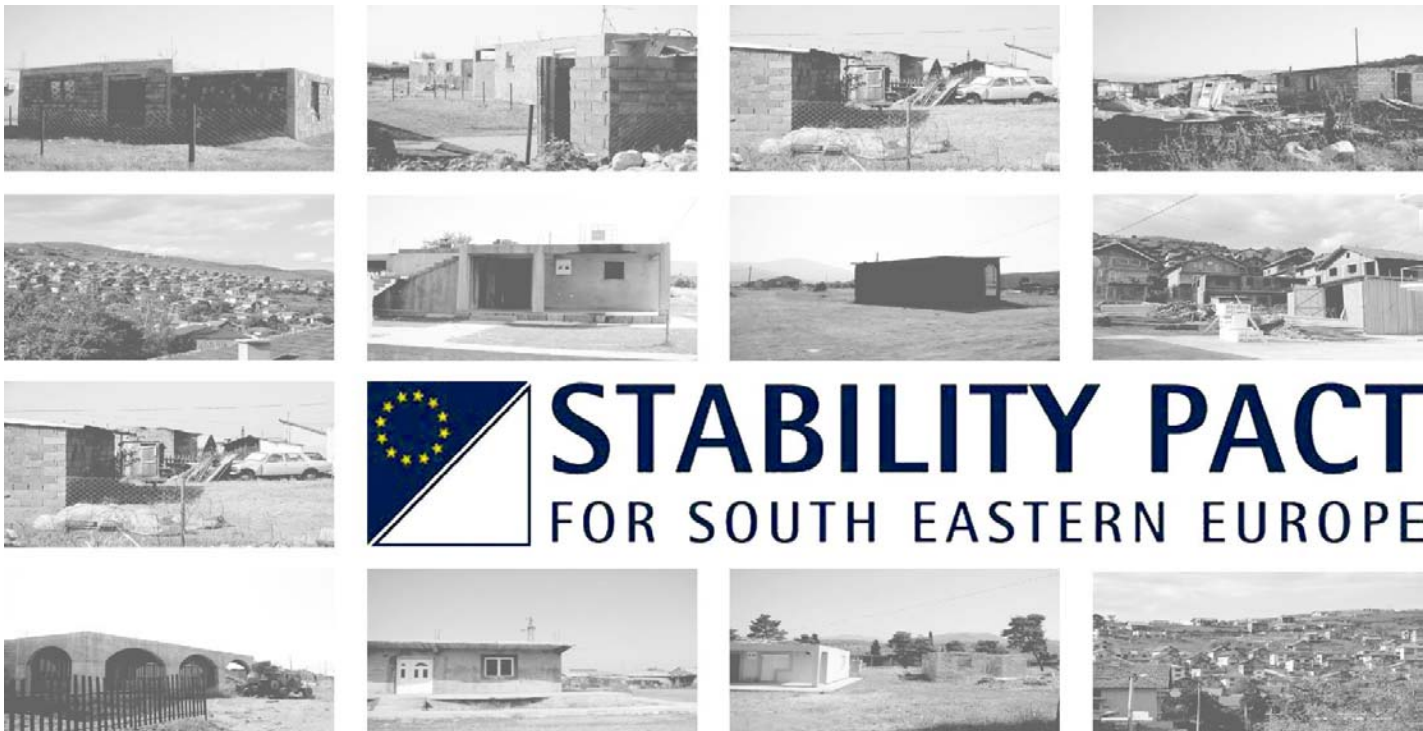




Ministerial conference on informal settlements in South Eastern Europe
Vienna, 28 September - 01 October 2004

Final Report, Recommendations & Summary Conclusions





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Report on the
**Ministerial Conference on Informal Settlements in South Eastern Europe,
OSCE Hofburg in Vienna, 28 Sep - 01 Oct 2004**

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November 2004

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Introduction

In line with its regional approach regarding resolution of informal settlements and improvement of housing and urban management capacity in South Eastern Europe, the Stability Pact for Southern Europe's Housing initiative organised the "Ministerial Conference on Informal Settlements in South Eastern Europe", hosted by the City of Vienna, which was attended by about 80 participants, including representatives from national and local governments, international organisations, practitioners, NGOs and academia (please see **Annex A: list of participants**).

The conference was held at the OSCE Hofburg Conference Centre in Vienna during 28 September -01October 2004, in order to

- (a) confirm political commitment through the signing of the Vienna Declaration on Informal Settlements (**Annex B: Vienna Declaration**),
- (b) take stock of the existing situation in South Eastern Europe,
- (c) to exchange regional as well as international experiences in addressing the issue of informal housing and
- (d) to discuss concepts for a regional capacity building program to strengthen national and municipal policy and program development and primarily municipal project implementation capacity.

Tue, 28 Sep 2004, afternoon

Opening Session & Signing ceremony, 14.00 – 16.00 h

Speakers: Dr. Erhard Busek (Special Co-ordinator of the Stability Pact), Dr. Miomir Mugosa (Mayor of Podgorica), Mr. Lars Reutersward (UN-Habitat, Director of Global Division), H.E. Mr. Demeti (Vice Minister of Territory Regulation and Tourism, Albania), H.E. Mr. Buxhaku (Minister of Transport and Communication, Republic of Macedonia), H.E. Mr. Vucinic (Minister for Urban Planning and Protection of the Environment, Montenegro), H.E. Mr. Ilic (Minister for Capital Investment, Serbia), Mr. Andreas Jasch (PIO, Ministry of Environment and Spatial Planning, UNMIK/Kosovo) and Mr. Ivan Vejsoda (Director of Balkan Trust for Democracy)

The opening session was chaired by the Special Co-ordinator of the Stability Pact, Dr. Erhard Busek, who welcomed all participants of the conference and delivered an opening address, highlighting the role of the Stability Pact for South Eastern Europe with issues of regional dimension and cooperation, emphasising the importance of housing sector policy, property rights and the need for a change of urban planning approaches in order to achieve sustainable development in the region, including regularisation of existing and prevention of new informal settlements.

Following this opening statement, the Mayor of Podgorica, Dr. Miomir Mugosa, addressed the conference and outlined the phenomenon of informal housing as a regional challenge with strong economic, social and environmental implications. After referring to underlying circumstances and efforts in Podgorica, Dr. Mugosa appealed to all participants to foster future co-operation and underlined the need for a regional instrument to improve human capacity, information exchange and project development.

Thereafter, Mr. Lars Reutersward, Director of Global Division, UN-Habitat emphasised that inter-governmental cooperation on urban planning and governance is one of many crucial conditions for stability, peace and economic prosperity. He briefly reflected on the outcome of the World Urban Forum (Barcelona, 13-17 September 2004), outlined the goals of UN-Habitat's

Global Campaign on Urban Governance as well as the Secure Tenure Campaign and explored a variety of urban development challenges, one being the issue of informal settlements. With reference to UN-Habitat's activities in (South Eastern) Europe and the Vienna Declaration, Mr. Reutersward confirmed UN-Habitat's readiness "to take an active role in monitoring of the implementation of the Declaration goals" within the process of monitoring and gradually attaining Millennium Development Target 11 (also known as "Cities Without Slums", which is one of the three targets under Goal 7 of the Millennium Development Goals). Finally, Mr. Reutersward appreciated the Vienna Declaration as "a major step forward towards making cities more inclusive and effective" and marked the Ministerial Conference on Informal Settlements as "an opportunity for central and local authorities to effectively deal with the issues of informal settlements in the light of greater cooperation, peace and stability".

The chairman thanked the above speakers for their opening remarks and invited the heads of the Ministerial delegations to address the conference. All heads of delegations - namely H.E. Mr. Demeti, H.E. Mr. Buxhaku, H.E. Mr. Vucinic, and H.E. Mr. Ilic and Mr. Andreas Jasch - recognised existence and prevalent challenges of informal settlements and strongly confirmed their willingness for regional co-operation. Furthermore, the need for the creation of a network (for training, communication and project support) was highlighted and determination to support future activities was expressed.

At the end of the opening session, Mr. Ivan Vejvoda (Director of Balkan Trust for Democracy) introduced the main aspects of the "Vienna Declaration on Informal Settlements" and singled out its relevance for economic development and social cohesion on the Western Balkans.

After Mr Vejvoda's introduction of the Vienna Declaration, H.E. Mr. Demeti, H.E. Mr. Buxhaku, H.E. Mr. Vucinic, H.E. Mr. Ilic, Mr. Lars Reutersward and Dr. Erhard Busek jointly signed the document.

International & European experiences, 16.00 – 18.00 h

Speakers: Mr. Bernard Snoy (Director of Working Table II, Stability Pact), Ms. Sylta Paysen (Associate Economic Affairs Officer, UNECE), Ms. Michele Meunier (Director of Research and Analysis Department, CEB), Dr. Emiel Wegelin (UrbAct), Dr. Julia Lourenco (Assistant Professor, University of Minho, Portugal) and Dr. Birgul Colakoglu (Yildiz Technical University, Istanbul, Turkey)

The chairperson, Mr. Bernard Snoy, opened the session on International and European experiences in addressing informal housing and gave the floor to Ms. Sylta Paysen, who introduced the current work results of UNECE's Environment and Human Settlements Division. Particular focus was given to UNECE's "Country Profiles on Housing", a study on "Trends and Progress in Housing Reforms in South East Europe", "Guidelines on Social Housing" and the upcoming "Workshop on Social Housing" to be held in Vienna from 28-30 November 2004.

Following this intervention, Ms. Michele Meunier informed the participants of the current activities of the Council of Europe Development Bank (CEB) in housing and referred to the CEB's recent publication "Housing in South Eastern Europe - solving a puzzle of challenges".

Dr. Emiel Wegelin summed up "International experiences in regularisation and upgrading of informal settlements" and stressed their relevance for policies in the SEE region. Moreover, the role of all stakeholders involved (such as National and Local Government, NGOs, CBOs and International Development Agencies) as well as operational considerations for successful regularisation and upgrading programs were explored.

Thereafter, Dr. Julia Lourenco presented the case of Portugal where, especially in Lisbon, informal settlement development commenced in the 1930's and was successfully embarked

through application of a multi-dimensional approach. Inducing aspects, obstacles as well as success factors of policy and programme implementation in Portugal were highlighted.

Another case study was presented by Dr. Birgul Colakoglu, who discussed the phenomenon of "Gecekondu" settlements providing shelter for the urban poor around the periphery of large cities in Turkey. Dr. Colakoglu comprehensively described the transformation of policies (and respective institutional frameworks) towards squatter settlements over time, emphasised prevalent obstacles and provided insight into the case of Sultanbeyli / Istanbul, illustrating the development pattern of informal settlements and their transformation into a satellite town.

The following open discussion focused on possible application of International and European experiences in informal housing and respective practices to the current situation in the Western Balkans. While root causes and physical expression of informal housing development in South Eastern Europe differ from the cases in Portugal and Turkey, there is a considerable inventory of transferable lessons when it comes to applying a multi-sectoral approach towards informal housing (including institutional transformation, refinement and enforcement of legal frameworks, implementation of well-targeted programs and application of inclusive action-oriented planning approaches).

Press conference, Vienna City Hall , 19.30 h

In a press conference Dr. Busek informed about the importance of this regional event and the declaration signed. Lars Reutersward presented the role and view of UNHABITAT and some of its work in the region. Minister Demeti was pleased that this conference was the 1st concrete initiative of the SP, as he thought. Mayor Mugosa offered to follow up with a conference in Podgorica, which the city of Podgorica would co-finance.

Welcome reception, Rathauskeller at Vienna City Hall, 20.00h

The City of Vienna, represented by Dr. Stuerzenbecher, welcomed the participants to Vienna. Thereafter, the first "Erhard Busek Award on Housing Research" was presented. Funded by two Austrian non-profit housing associations, the award promotes housing research in Central and Eastern as well as South Eastern Europe. After Dr. Karlheinz Stadler and Dr. Wolfgang Amann introduced the award to the audience, Mag. Dr. Vera Mayer and Dr. Erhard Busek presented the awards to Ms. Marlena Hapach (1st price), Ms. Andreja Cirman and Mr. Martin Lux (2nd price) and Ms. Monika Wesolowska (honorable mention). Finally, Ms. Marlena Hapach presented her winning project "The urban renewal concept of Warsaw 'Stegny' housing district" before guests of the reception spent a joyful evening.

Wed, 29 Sep 2004

Stock-taking: Presentations of Ministerial Delegations 09.30 - 15.10 h

Speakers: Dr. Emiel Wegelin (Chairperson), Ministerial Delegations from Albania (Ministry of Territory Regulation and Tourism, Municipality of Tirana), Macedonia (Ministry of Transport and Communication, Municipality of Karpos), Montenegro (Ministry for Urban Planning and Protection of the Environment, Municipality of Podgorica, Municipality of Bar), Serbia (Ministry of Capital Investment, Municipality of Belgrade) and UNMIK/Kosovo (Ministry of Environment and Spatial Planning)

After the chairman of this session, Dr. Emiel Wegelin, welcomed all participants, Ministerial Delegations were asked to provide an overview of the existing situation in their respective sphere of responsibility when it comes to addressing the phenomenon of informal housing

development. All delegations referred to the overall situation (perception of informal settlements, statistics), institutional set-up, legal frameworks, central government policies and programs, prevalent obstacles to policy & program formulation and implementation and envisaged action. Furthermore, Delegation members representing Municipalities rendered an image of the current situation in their Municipality and addressed characteristics of informal settlements, consequences of informal housing activities and complexity of inter-related problems in local government's policy and programme implementation.

All presentations were consistently prepared and contained a wealth of information that is crucial to design a regional approach allowing for consideration of country-specific circumstances.

Following presentations from Albania, Macedonia, Montenegro, Serbia and UNMIK/Kosovo, the participants entered a lively and constructive debate on the status of informal settlements in South Eastern Europe and the need for responsive action.

In the discussion that followed, it was emphasised that different types of existing informal settlements in South Eastern Europe do require different approaches. Based on an inventory, the phenomenon of informal settlements needs to be unpacked, typologies (differentiating root causes, physical articulation, and potentials) developed and feasible strategies to address each type of informal development need to be tailored. Once sustainable long-term strategies have been developed (and successfully applied in a pilot project), holistic national policies and programs can be formulated and implemented. All envisaged strategies need to identify entry points to break the circle of informality and should aim at a maximum of transparency and practicability (balance between over-simplifying and over-complicating approaches has to be ensured).

The debate indicated that planning processes need to move away from traditional master-planning towards more inclusive, strategic and action-oriented planning approaches involving the private sector and civil society.

During the discussion it was also emphasized that legal framework and programmes must be commensurate with implementation capacity at both national and municipal level. Regional exchange of information could serve as a supportive and facilitating tool for adapting legal frameworks. However, a wide-spread problem of corruption and inefficiency of enforcement mechanisms needs to be overcome.

With regard to funding of programmes, it was pointed out that the lion's share of programme financing inevitably will have to come from domestic funding sources. Any programme design to address informal settlements needs to take into account the range in informal housing (and business) typologies in order to utilise the asset value of informal settlements best. If programmes are put in a broader social, resource mobilisation and urban policy context, programmes could be self-liquidating.

Given severe capacity constraints, training of central and local government officials, review of university urban planning curricula, as well as more generally strengthening of academic education were considered essential steps to be taken.

The participants recognised that the existence and impact of informal settlements reveals public sector failure in facing respective challenges, and expressed their commitment to get actively involved in follow-up actions.

Capacity building for housing urban and management: Study findings, 15.30 – 17.00 h

Speakers: *Emiel Wegelin (Chairperson), Cor Dijkgraaf (Urban Solutions)*

At the request of the Stability Pact, Mr. Cor Dijkgraaf undertook two missions to Western Balkan countries in 2004 in order to identify existing structures and programs for capacity building in housing and urban management. Meetings were held with representatives of ministries, local authorities, NGO's, universities and training institutes and private sector. Mr. Dijkgraaf presented his study findings and identified the provision of social housing, the maintenance of privatised condominiums and the resolution of informal settlements as main areas for required capacity building activities. It was also recommended that, besides the direct housing oriented training programs for central and local authorities, attention should be given to the education at the university level in the graduate and post graduate level.

Mr. Dijkgraaf presented a possible approach to regional capacity-building to address these issues in a pragmatic way. This was discussed in broad terms, in anticipation of the more detailed discussion in the concerned workshop the following day.

Thu, 30 Sep 2004

Working group sessions – the way ahead: 09.00 – 17.00 h

On Thursday, 30 Sep 2004, five working group sessions were conducted in order to (a) jointly discuss technical key components with regard to informal settlement regularisation and to (b) formulate conclusions and recommendations to the Conference for future action.

The following working group sessions were conducted

- *Working group 1: National statutory frameworks & decentralisation*
- *Working group 2: Municipal infrastructure upgrading & Project feasibility*
- *Working group 3: Land information & registration systems / Incremental tenure security*
- *Working group 4: Multi -stakeholder partnerships & participatory planning*
- *Working group 5: Capacity Building Instrument for SEE*

Each working group was chaired by a moderator and involved introductory expert presentations on the subject prior to workgroup discussions. All participants of the conference were invited to register for one of the working groups relating to their field of experience.

Recommendations prepared by these working groups were presented to all participants of the conference on Fri 01 Oct 2004.

Fri, 01 Oct 2004

Presentation and discussion of working group recommendations, 09.00 – 12.30 h

Speakers: *Dr. Emiel Wegelin (Chairperson), Mr. Gert Ludeking (UN-Habitat, Chairperson Working Group 1), Dr. Siegfried Brenke (GTZ Belgrade, Chairperson Working Group 2), Mr. Jean-Luc Horisberger (GTZ Sarajevo, Chairperson Working Group 3), Mr. Peter Schubeler (WAP, Chairperson Working Group 4) and Mr. Gert Gundersen (UNECE/HUMAN, Chairperson Working Group 5)*

During the morning session on 1st October 2004, the chairpersons of the *working groups* presented their *findings and recommendations* to all participants of the conference. Each working

group presentation was followed by an open debate on respective findings. *All working group recommendations can be found in Annex C of this report.*

Summary Conclusions of conference, 12.30 – 13.00 h

Speakers: Dr. Emiel Wegelin (Chairperson)

Based on the presentations and discussions of the working group results, *summary conclusions of the conference* were drawn up, discussed and agreed as follows:

In the course of the Ministerial Conference on Informal Settlements, it was emphasised that a variety of resolutions responding to different types of informal settlements is needed. Based on an assessment of root causes and characteristics of different typologies, each approach to resolution needs to be part of a comprehensive, long-term housing and urban development agenda which should be driven by all stakeholders in order to ensure its sustainability.

Presentations and discussions during the conference have underlined that the application of planning processes with a strong participatory nature and action orientation is of central importance. Strategic planning, action planning and the inclusion of civil society as well as the private sector need to be emphasized in central government policies and to be adopted by municipalities. It was noted that local authorities need to play a key role in providing adequate shelter options.

In addition, it was emphasized that legalisation of informal settlements provides financing opportunities (through legislation charges, property taxes and user charges) for implementation of infrastructure upgrading. This potential must be captured in respective policies, programmes and projects.

Existing legal frameworks should be utilised as best as possible with simultaneous modification as required, and commensurate with existing implementation capacity. Legal frameworks should be executable and understandable to everybody.

In order to catalyse efforts of central and local government, a major effort must be made in capacity building at these levels. Financial and human resources devoted to such capacity building and development as well as to the implementation of a regional capacity building programme need to be significantly enhanced.

A regional Stability Pact conference on broader municipal management and decentralisation issues has been recommended as follow-up to the Ministerial Conference on Informal Settlements in South Eastern Europe.

Following the discussions of above conclusions, Mr Vladimir Milic (Assistant Minister for Capital Investment, Republic of Serbia) closed the conference by emphasising that a regional long-term support programme for the resolution of informal settlements (as discussed during the conference) will find strong support from the governments in the region and is considered implementable. Mr. Milic also expressed that the event and the discussions provided a fruitful platform for future cooperation with all participating stakeholders in order to systematically redefine central governments role in providing access to housing for all segments of society and to jointly discuss outstanding housing and urban development issues in the future.

Follow-up

The following follow-up actions will be undertaken by the Stability Pact for South Eastern Europe:

- Ensuring the availability of all presentations given during the Ministerial Conference on Informal Settlements in SEE through publication in the Internet (www.stabilitypact.org/humi) by mid-November 2004.
- Analysis and evaluation of the current situation in South Eastern Europe based on the information presented by the participants; preparation and dissemination of a publication by early 2005.
- Support the development of a regional capacity building instrument in cooperation with relevant partners:
 1. Draft of a complete programme proposal based on inputs in the conference to be prepared by end-November 2004.
 2. Establishment of Peer Review Group with representation from the region, as well as from relevant international partners, to evaluate and finalise the Programme Proposal in December 2004.
 3. Timeframe for final Programme Proposal: end of 2004.
 4. Approval of final programme proposal in the countries of the region.
- Proceed with Podgorica/Montenegro on a follow-up meeting in early 2005 (see also Vienna Declaration, Page 2, VIII.)
- Discuss the possibility of a follow-up regional conference on urban management in late 2005 with potential partners, particularly the international development banks with an interest in the subject and in the region.

Participants:

Please see **Annex A: List of Participants**.



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ANNEX A:
List of Participants



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Balkan Trust for Democracy	Executive Director	Ivan Vejvoda	

Ministerial delegations from the Western Balkans

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SDC - Swiss Agency for Development and Cooperation	Deputy Head of Office, SDC Housing Office Belgrade	Branislava Zarkovic	Petra Mrkonjica 11, Belgrade, Serbia and Montenegro; phone +381 11 3692 058, fax +381 11 36 92 059, email bzarkovic@hob.sdc.org.yu
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Stability Pact for South Eastern Europe

Organ/Instit	Position/Job title	Name	Contact
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Stability Pact for South Eastern Europe	Conference assistant	Isabel Garcia Tamara	1 Place du Luxembourg, 1050 Brussels, Belgium



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ANNEX B: **Vienna Declaration**

As signed in Vienna on 28th September 2004 by

*H.E. Mr. Demeti (Vice Minister of Territory Regulation and Tourism, Albania),
H.E. Mr. Buxhaku (Minister of Transport and Communication, Republic of Macedonia),
H.E. Mr. Vucinic (Minister for Urban Planning and Protection of the Environment,
Montenegro) and
H.E. Mr. Ilic (Minister for Capital Investment, Serbia),*

In the presence of

*Dr. Erhard Busek (Special Co-ordinator of the Stability Pact),
Lars Reutersward (UN-Habitat, Director of Global Division),*

Vienna Declaration

on National and Regional Policy and Programmes regarding Informal Settlements in South Eastern Europe

The undersigned National and Regional Representatives from South Eastern Europe recognize that:

- I. The objective of this declaration is to commonly agree on actions that (a) will regularise (legalise) and improve informal settlements in a sustainable way and (b) will prevent future illegal settlements.
- II. *Informal settlements* are human settlements, which for a variety of reasons do not meet requirements for legal recognition (and have been constructed without respecting formal procedures of legal ownership, transfer of ownership, as well as construction and urban planning regulations), exist in their respective countries and hamper economic development. While there is significant regional diversity in terms of their manifestation, these settlements are mainly characterised by informal or insecure land tenure, inadequate access to basic services, both social and physical infrastructure and housing finance.
- III. *Every person in the city or community has the right to be an equal member of the community.* Legalisation/regularisation of informal dwellers will make them individuals with equal rights. As such, inhabitants of the city should enjoy the same opportunities to realise his/her access rights to an adequate standard of living and access to services as everyone else in the city, as well as the same obligations to respect the law and pay taxes and user charges.
- IV. *Sustainable urban management* requires that informal settlements be integrated in the social and economic, spatial/physical and legal framework, particularly at local level. Successful regularisation efforts contribute to long-term economic growth as well as to social equity, cohesion and stability.
- V. *Principles of Good Governance* have to be applied by Central and Local Governments when implementing the commitments made under international agreements and conventions to make maximum efforts, particularly to provide access to adequate shelter and to ensure that the shelter situation of the residents of informal settlements is improved. Respective commitments are contained in the "*Charter of Fundamental Rights of the European Union* (2000/C, 264/01), Articles 17.1 and 34.3", the "*European Social Charter* (Revised, 1996, European Treaty Series No. 163), Articles 30 and 31" and the "*UN Habitat Agenda* (1996), Chapter III, Paragraph 39". Detailed references are stated in Annex A.
- VI. The urban, social and economical integration of informal settlements within the overall city structure will be a key factor in preparing for accession to the EU.

The National and Regional Representatives from South Eastern Europe *have agreed on the following:*

- I. To create an adequate legal and institutional environment allowing for the functioning of housing, real estate and land markets through (a) the formulation and implementation of respective regularisation policies within the context of overall housing policies, (b) the adoption of specific and well-targeted programmes, (c) a clear assignment of responsibilities to national and local authorities in line with the subsidiarity principle (decentralisation) and (d) the promotion of sustainable urban management.
- II. To aim at the complete regional resolution of informal settlements by the year 2015, with national targets to be set by January 2005.
- III. To undertake in-situ regularisation and upgrading to the maximum extent (but only in cases that do not threaten proper urban development, i.e. contravening rights of way, environmental protection, cultural heritage protection).
- IV. To prevent future informal development by:
 - a. Reviewing and modifying, as appropriate, legal and regulatory framework and enforcing it
 - b. Changing planning processes, where appropriate, to provide adequate housing and/or serviced plots for all income groups, allowing wider public participation in the planning process
 - c. Mounting an awareness campaign to build up trust and explain that illegal construction is not only against the law, but will seriously hamper economic development
- V. To follow principles of good governance, such as non-discrimination, equality, transparency and accountability regarding the provision of tenure security, public services and infrastructure.
- VI. To develop effective policies and programmes facilitating sustainable regularisation of informal settlements, in accordance with paragraph III and IV above, along the following principles:
 - a. Creating security of tenure, providing public services and improving urban management
 - b. Decentralising land information, registration and management responsibilities
 - c. Integrating aspects of legal framework, property and urban functionality
- VII. To support capacity building and training activities regarding urban management at national and local level, first and foremost of local governments, which will be at the forefront of urban management.
- VIII. To periodically exchange information on good practice and monitor progress towards the above objectives through (bi-annual) regional review meetings, and regional reports to global habitat meetings such as the World Urban Forum.

Annex A: International Agreements and Conventions

Charter of Fundamental Rights of the European Union (2000/C, 264/01), Chapter II (Freedoms), Article 17.1 and Chapter III (Solidarity), Article 34.3:

- Article 17.1: Right to property
“Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.”
- Article 34.3: Social security and social assistance
“In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.”

European Social Charter (Revised, 1996, European Treaty Series No. 163), Part II, Articles 30 and 31

- Article 30: The right to protection against poverty and social exclusion
“With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:
 - a. To take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
 - b. To review these measures with a view to their adaptation if necessary.”
- Article 30: The right to housing
“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:
 1. To promote access to housing of an adequate standard;
 2. To prevent and reduce homelessness with a view to its gradual elimination;
 3. To make the price of housing accessible to those without adequate resources.

UN Habitat Agenda (1996),

Chapter III - Commitments, A. Adequate Shelter for all, Paragraph 39

- Paragraph 39:
“We reaffirm our commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments. In this context, we recognize an obligation by Governments to enable people to obtain shelter and to protect and improve dwellings and neighbourhoods. We commit ourselves to the goal of improving living and working conditions on an equitable and sustainable basis, so that everyone will have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and will enjoy freedom from discrimination in housing and legal security of tenure. We shall implement and promote this objective in a manner fully consistent with human rights standards.”



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ANNEX C:

Working group descriptions and recommendations

Working group 1:

National statutory frameworks & decentralisation

Working group 2:

Municipal infrastructure upgrading & Project feasibility

Working group 3:

Land information & registration systems / Incremental tenure security

Working group 4:

Multi -stakeholder partnerships & participatory planning

Working group 5:

Capacity Building Instrument for SEE



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Working group 1
National statutory frameworks & decentralisation

Time:	Thursday, 30 September 2004, 09:00-12:30 hrs.
Chaired by:	Gert Ludeking, UN-HABITAT
Introductory presentations by:	Karen Soboleoski, Legal Advisor UN-HABITAT Erik Vermeiren, Municipal Chief Executive, Belgium
Working group members:	Edesio Fernandes, UCL London Geoffrey Payne, Geoffrey Payne and Associates Ksenija Petovar, Faculty of Architecture, University of Belgrade Bjoern Gabriel (Stability Pact) Gita Dave, UN-Habitat

1. Objective of the working group:

To issue recommendations to the Conference on policy and legislative mechanisms needed to manage and regulate the problems with:

- Illegal and irregular constructions in and around the cities in the region.
(How to address existing problems and how to prevent future illegal settlements)
- Informal settlements particularly for low-income groups, vulnerable and ethnic minorities
(Human and civil rights, socio-economic integration, crime prevention, ethnic integration)

2. List of topics:

Scope and nature of informal settlements from a legal perspective

- Typology and characteristics of informal settlements
- Physical, social, economic issues
- Ad-hoc project solutions or mainstreaming the solutions within new housing and planning legislation. Or both?

Regularization and legalization

- Identify obstacles in the current legislation for meeting internationally recognized rights and principles for regularization of informal settlements.
- Criteria for regularization and legislation
- Practical policies and mechanisms for regularization of the informal settlements
- Urban indicators, typology, urban strategies, etc.

Upgrading existing legal framework to meet international principles and standards

- Trends in European planning systems, networks and practices
- Inclusive planning principles and practices



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- Procedures for issuing construction and urban permits (transparency, accountability effectiveness, municipal revenue generation, etc.)
- Preventing new illegal constructions through proactive urban planning and land use

Policies for prevention of new informal settlements and for meeting the demand for construction land

- Inclusive cities with an integrated approach (social, ethnic, crime, economic, exclusion, viz liveable and sustainable cities)
- Affordable housing policies, property restitution, land redistribution, tenure models
- Sustainable cities – horizontal or vertical urban growth

Regional dimension

- Regional coherence and harmonization of planning policies, practices and initiatives
- International Agenda's and conventions (Habitat Agenda, Agenda 21, European Spatial Development Perspective, etc)
- Stability and peace

3. Methodology:

- Short introduction by the chair of the working group
- Introductory presentation on "Illegal Constructions – problems and recommendations"
- Introductory presentation on the "Informal settlements – typology, scope and the way forward"
- Adoption of working framework, methodology and topics to be considered
- Detailed discussion and brain storming
- Preparation and edition of recommendations to the Conference.



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4. Recommendations:

Laws and methodology

- Legal framework to be addressed at national level
 - Spatial Planning
 - Construction Land
 - Construction
 - Expropriation
 - Property
 - Cadastre
 - Housing
 - Local self-government
- Regulatory framework at local level
 - Spatial and urban regulatory plans
 - Construction and urban permits
 - Municipal taxes and retributions
 - Municipal statute
- Methodology
 - Logical Framework Analysis
 - Recommendations on issues to take into account
 - Central level
 - Local level

Lack of adequate construction land

- Availability
 - Effective spatial and urban planning
 - Promote a vibrant and flexible land market
- Affordability
 - Access to serviced land at an affordable cost
 - Housing loans
 - Social housing
- Accessibility
 - Basic infrastructure
 - Basic public services

Lack of sufficient housing units

- Rental housing policies and regulations
- Land pools
- Establishing Trust Fund for urbanization and housing
- Development Gain:
 - Share benefit with the broader public
 - No pressure on municipal budget



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Conventional planning methods not enough to solve problems

- Formal political recognition of the existing problems: *government have to take the lead*
- Recognition that construction is related to
 - Social
 - Economical
 - Spatial issues
- Planning should be
 - Inclusive
 - Strategic
 - Action oriented
- Introduce indicators, monitor and evaluate
- Planning adopting to European standards and international principles
 - Transparency
 - Accountability
 - Multi-stakeholder participation
- Updating existing capacity
 - Central and local levels
 - Political support & technical planning issues
 - On legislation and procedures
 - By setting up an adequate municipal structure
 - Thorough orientation workshops and training
 - Information campaigns

Legal framework not sufficient to address current problems

- Effective planning system
 - Changes in substantive and procedural law
 - Understandable: simple regulations
 - Executable: how to deliver
 - Capacity building to draft, understand and implement new laws
- Adjust content to current European trends in planning
 - Inclusive, strategic and action oriented planning system
 - Land use plans and fast procedures
 - Local action project definition and execution
- Instruments
 - Public - private partnerships
 - Multi stakeholder partnerships
 - Build constituency to support changes



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Insufficient administrative capacity

- Clear division of responsibilities between ministries
- Clear division of responsibilities between local government directorates
- Multi level coordination mechanisms
- Facilitate good practices (e.g. urban resource center)
- Share experiences and lessons learned
- Front office in municipality
 - Easy access and procedures for building permits
 - Transparent
 - Accountable

Permits not issued timely or too expensive

- Procedures
 - Easy to understand
 - Simplified procedures
 - Costs related to
 - National average salary
 - Costs for public services
- Strict timelines
 - For citizens to apply for legalisation
 - For local government to process applications
 - Administrative silence
- Introduce indicators, monitor and evaluate
- Fines

Illegal occupation of land

- Security of tenure
 - Title deeds
 - Individual
 - Collective
 - Leaseholds
 - Cooperative ownership
 - (Collective) rights of use
- Regularization - relocation - demolition
- Capitalize on the infrastructure investments
- Property regularisation or compensation
- Do not 'institutionalise' regularisation processes



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Illegal and irregular construction

- Irregular:
 - Fullfil all requirements, no permit
 - Regulated easily
- No ad hoc policies
- Dealing with the backlog:
 - Exactly know why illegal constructions appeared
 - Clear definition of construction and illegal construction
 - Responsibilities are allocated
 - Give everybody an address
 - Strict timeline to report illegal construction
 - Categorise illegal constructions into
 - Unconditionally admissible
 - Conditionally admissible
 - Inadmissible
- Introduce:
 - Legalisation and regularisation conditions
 - Fines, penalties and administrative measures
- For the future:
 - Cities' growth is controlled and controllable
 - Forward looking strategic, inclusive and action oriented planning process
 - Harmonise urban planning and procedural and substantive laws with construction and legalisation permits
 - Investments in rural areas are to be made
 - Foresee same public services in rural and urban zones

Construction in hazardous locations

- Relocation as the alternative
- At an accessible cost for the poor and vulnerable groups
- Involve the resources obtained from regularization of illegal constructions through a *Trust Fund*



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Economic and social exclusion/ Limited access to health and education

- Regularisation as part of broader social policy
- Access to credit facilities
- Participatory planning processes as the tool to overcome exclusion
- Inclusion of inhabitants in public works projects
- Land redistribution programmes
- Upgrading programmes
- Introduce indicators, monitor and evaluate

Not formally integrated in the infrastructure networks

- For dealing with the backlog:
 - Integration
 - Extra costs payed by illegal constructor
- For the future:
 - Planning in a new strategic, inclusive, action orientated manner
 - Action projects related to public spaces, roads, etc
 - Create sense of ownership of the process, and the decisions

Pressure on public infrastructure

- Adequate and qualitative infrastructure for all
- Earmarked development gains for the infrastructure
- Other citizens should not contribute financially for *extra* costs
- Only foresee what citizens cannot do themselves
- Introduce indicators, monitor and evaluate

Pressure on public services

- Easy and equal access to public services
 - Technical
 - Administrative
- Everybody must be given an address
- Fees should be appropriate
 - Fees for construction permit
 - Fees for provision of public services
 - Both related to the national average income situation
- Pay a fine for extra (administrative) work
- Introduce indicators, monitor and evaluate



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Non permanent building materials and techniques

- Set environmental, safety and technical standards
- Action projects integrated in the general and detailed urban plans
- For dealing with the backlog:
 - Self construction programs
 - Involve inhabitants in decision making and public works
- For the future:
 - Access to credit (once security of tenure is achieved)

Not integrated to the formal taxation system

- Collective rights versus individual rights
 - Earmarked fines for extra costs of infrastructure derived from illegal constructions
 - Normal costs: everybody
- Give everybody an address
 - Collect fees regardless of legal situation
 - Promote inclusion
- Increase local government capacity to increase taxes

Lack of financial resources

- Central and municipal budget: transfer of responsibilities accompanied by transfer of resources
- Donor money
- Development gains
- Earmarked fines
- Introduce indicators, monitor and evaluate

Concluding remarks

- Many issues and many dimensions
- Comprehensive policy and regulatory framework for sustainability
- Legal framework in compliance with European standards and international principles
- Regional coherence
- Capacity building consistent with the legal framework



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**Working group 2
Municipal infrastructure upgrading & project feasibility**

Time: Thu 30 September 2004 , 9.00 - 12.30 h

Chaired by: Dr. Siegfried Brenke (GTZ)

Introductory statements by:

Vera Mihaljevic (Town Planning Institute, Belgrade) 10 Min.

The case of SABAC: How can unauthorized construction be kept under control and housing of migrants and refugees be facilitated by local government?

Brian Field, EIB - Urban Specialist 10 Min.

How can the EIB support Municipalities in infrastructure development and in solving associated problems?

Additional discussion statements by:

Dejan Davidovic, Legal Advisor 5 Min.

How can comprehensible, applicable and enforceable legislation help in developing a sustainable system of infrastructure finance and infrastructure upgrading in informal settlements?

Ivan Andjelkovic, Director , Office of Water Management, Belgrade 5 Min.

The case of water provision and waste water management: What can municipal enterprises contribute in regularizing and preventing unauthorized connections to the water network?

Miodrag Glusevic, Standing Conference for Towns and Municipalities 5 Min.

The role of municipal associations and NALAS. How can forces be joint in addressing the common challenge of informal settlements?

Working group members:

Emiel Wegelin (Urb Act)

Radmila Pekovic (SDC Housing Office, Montenegro)

Dara Katz (OSCE Mission, Kosovo)

Nina Svanda (University of Technology, Vienna)

Natasa Mijovic (Municipality of Bar)

Thomas Baeuerle (GTZ)

Joerg Weike (GTZ)

Miodrag Ferencak (Town Planning Institute,
Belgrade)

Peter Schubeler (WAP, Zurich)

Klaus Mock (Help e.V., Podgorica)

1. Objective of the working group:

To issue recommendations to the Conference for the prevention of illegal connections to infrastructure networks, for the regularization of existing unauthorized connections and for the upgrading of municipal infrastructure in informal settlements.



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2. List of topics:

Prevention of unauthorized connections to municipal infrastructure

- Improving on site monitoring by more efficient inspection services (multi-level controlling network, not exposing individual employees to take unilateral decisions)
- Improving remote control of water and electricity consumption (multi-level controlling network, not exposing individual employees to take unilateral decisions)
- Establishing systems of “shared information”, providing a maximum of process-transparency
- Adjusting the legal framework for a fast-track urban planning and authorization mechanisms responding to needs (question of “land-ownership” to be separated from granting of construction permit?)
- Collecting systematically connection fees for all existing illegal connections
- Collecting systematically additional fines for illegal connections
- Organizing awareness campaigns about cost coverage for unauthorized connections (public opinion must support the process)

Regularization of unauthorized connections to municipal infrastructure

- Setting up the “Urban inventory on access to basic infrastructure” - in quantitative and qualitative terms
- Establishing a complete inquiry on existing connections: Comparison of technical data with billing records
- Adjusting the legal framework for regularization of illegal connections (question of “land-ownership” to be separated from regularization procedure?)
- Offering reduced fines for voluntary “self-announced” regularization needs
- Organizing awareness campaigns about use of collected fees and fines for upgrading of municipal infrastructure

Upgrading of municipal infrastructure in informal settlements

- Include local initiatives and self-help-supported schemes in urban development concepts for “basic settlements”.
- Provide training options for officials in local government
- Provide tools through Advisory Centers of Municipal Associations
- Provide training options for self-help-groups and NGOs.

3. Methodology:

- Introduction by the chair of the working group
- Short statements by different stakeholders (proposal of recommendations for concrete follow-up action)
- Detailed discussion and brain storming
- Edition of recommendations to the Conference.



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4. Recommendations:

I Legal issues

1. Implement the legal framework wherever possible, even when parts of it need improvement.
2. Adjust the legal framework for regularization of illegal connections where necessary taking into account future European standards.
3. Adjust the legal framework for a fast-track urban planning and authorization mechanisms responding to needs.
4. Establish increasingly contractual relationships between infrastructure service provider and client in order to achieve full cost coverage and improved cost-transparency

II Technical/Organizational/Planning/Participation - issues

Specific issues for informal settlements:

1. Establish the urban infrastructure inventory in a “stock–taking” exercise facilitating the integration of infrastructure in informal settlements and supporting the development of an efficient infrastructure network.
2. Improve on-site monitoring by more efficient inspection services (multi-level controlling network, not exposing individual employees to take unilateral decisions).
3. Establish systems of “shared information”, providing a maximum of process-transparency.
4. Organize awareness campaigns about cost coverage for unauthorized connections to infrastructure services, and explain the structure of fees and fines (public opinion must support the process).
5. “Decentralization is key” - also for infrastructure provision, upgrading and financing.
6. Provide tools for infrastructure upgrading and development through Advisory Centers of Municipal Associations.
7. Develop and exchange experiences of good local practices on regularization and upgrading of informal settlements and well functioning municipal ordinances and establish mechanisms for facilitating their dissemination.
8. Provide technical acceptance standards in the regularization process to safeguard efficiency and sustainability of the infrastructure network



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General urban management recommendations:

1. Safeguard the culture of organized sustainable development by establishing a continued planning mechanism.
2. Focus specifically on building more responsive and more communicative municipal administrations making procedures transparent and more easily accessible ("one stop shop") and make sure that outreach to special population groups takes place ("inclusive municipality").
3. Make special efforts to include newly elected political officials in the learning and experience sharing cycles.
4. Don't forget small municipalities and facilitate their infrastructure development through inter-municipal cooperation.
5. Establish functioning cooperation between Central and Local Government Institutions in developing the legal and procedural framework.
6. Establish Central Government support for public planning institutions.
7. Encourage stakeholder participation and include local initiatives and self-help-supported schemes in urban development concepts for "basic settlements" (Participation is essential.
8. Provide training options for all stakeholders as needed (capacity building is key!)

III *Economic/Financial issues*

Specific for informal settlements:

1. Under all circumstances take hold of the financial resources locked in informal infrastructure facilities already in place: "No rebates" for informal settlements and illegal infrastructure connections
2. Collect systematically connection fees and legalization fees to be used for additional infrastructure upgrading ("No free lunch!")
3. Collect systematically additional fines for regularizing illegal connections. ("It must pay to act legally!")
4. Support low income households by general support-schemes enabling them to be part of the general fees' structure.



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General urban management recommendations:

1. Investigate systematically new opportunities for infrastructure finance provided by the International Financing Institutions.
2. Enable national partners (such as Ministries or Municipal Infrastructure Agencies) to serve as intermediates for the placement of large scale municipal infrastructure development loans provided by International Finance Institutions (IFIs).
3. "Strategy comes before Loans" - also in upgrading and developing municipal infrastructure (see chapter II), which again stresses the need for capacity building initiatives.
4. Improve Central Government funding for land development as complementary source of financing.

➤ **CONCRETE REGIONAL ACTIONS TO BE TAKEN:**

1. NALAS Workshop

"Developing, testing and implementing municipal management tools supporting the financing of municipal infrastructure."

2. Conference within the Stability Pact framework

The Working Group proposes that under the auspices of the Stability Pact and supported by the European Commission (SAP) a "Joint Stakeholder-Initiative" is organized with focus on "Strategy development and investment improving municipal infrastructures and fostering economic development"

Working Title: *"New Perspectives for Urban and Rural Regeneration in South Eastern Europe:*

▪ *Participating Key-Stakeholders:*

- NALAS (Network of Associations of Local Authorities in SEE)
- Central Governments (Key Ministries)
- Multilateral European Banks (EIB, EBRD, CEB, World Bank)
- European Agencies for Reconstruction (EAR)



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Working group 3 -
Land Information and Registration Systems (LIRS) and Incremental Tenure Security

Time:	Thu 30 September 2004, 13.30–17.00 h
Chaired by:	Mr. Jean-Luc Horisberger (GTZ)
Introductory presentation by:	Mr. Geoffrey Payne
Working group members:	Miodrag Ferencak (Town Planning Institute, Belgrade) Emiel Wegelin (UrbAct) Dara Katz (OSCE)

1. Objective of the working group:

To issue recommendations to the Conference for adopting a resolution to the regional governments (a) to establish reliable and efficient land information as well as registration systems in promoting European standards and (b) to ensure provision of adequate tenure options with regard to legalisation and prevention of informal housing development.

2. List of topics:

Legal framework

- Laws on property (types of property rights and other real rights, purchase or loss of property, mortgages, condominium), laws on privatization of public owned property, and law on restitution to former owners before nationalization
- Law on land registration (form and effect of the registration, organization of the land registration, procedures)
- Law on cadastre (in particular the cadastre of immovable property)
- Laws on land use planning, agriculture, forestry, natural environment, water resources management, archeological and historical monuments, ... (in particular the restrictions to land use)

Technical framework

- Data capture, processing and validation procedures for:
 - Geodetic and large-scale topographic information
 - Land property description, ownership rights (individual ownership, co-ownership or condominium) and other real rights
 - Land-use information
- Databases management (standards, central/decentralized databases, ...)
- Data dissemination procedures (access permissions, validity, fees, availability on Internet, Web portal, ...)

Institutional framework

- Role and competence of the Cadastre Authority
- Role and competence of the Justice
- Role and competence of other Administrations



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- Inter-departmental transversal coordination (Land Information System)
- Involvement of the private sector: notaries, licensed surveyors, commercial companies

3. Agenda:

- Short introduction by the working group leader
- Presentation on the topic “incremental approach to land tenure and property rights”, by Geoffrey Payne
- Adoption of working framework and topics to be considered
- Detailed discussion and brain storming
- Working out of recommendations to the Conference.

4. Recommendations:

Land registration system

The land registration is fulfilling a fundamental role in establishing property rights and other real rights. This is a decisive service in market economy system for right security, social peace and economic development.

Efficient land registration requires:

- The systematic cadastre survey, consisting of geodetic reference, administrative and political boundaries, land parcels, topography and restrictions from public law
- The land registry as reliable and unquestionable register of property rights and other real rights.

The land registration should be a political priority in the Balkan, in particular as part of the privatization process in urban areas. It represents a fundamental contribution to transition to market economy and to European integration

Land information system

The data collected for land registration must be stored in a transparent system accessible by every potential user. Cadastre and land registry together form the basic information system, which can be extended by other databases like for instance urban planning, transport infrastructure, natural resources, etc.

The land information system is a basic tool for land administration and planning purposes.

Informal Settlements

The cases where informal settlements are related to poverty are relatively limited. They must be considered as social housing with a corresponding status.

Generally, the quality of construction is high or at least sufficient to find a solution for maintaining them, legalizing the situation from the urbanistic point of view and registering the property. The registration of property in urban areas shall only be performed with the agreement of the Authority in urban planning.



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Incremental tenure security

Incremental improvements in tenure status represented a practical way of introducing or extending formal land tenure systems and increasing the efficiency and transparency of land markets, particularly in urban areas. It also recognizes that the administrative capacity to resolve conflicting land claims, protect tenants, survey plots, allocate titles and create/maintain land registers, is invariably extremely modest compared to the demands involved. Secondly, they enable a large section of all informal settlements to benefit as opposed to a small and highly selective group at any given time. Thirdly, and perhaps most importantly, they reduce the economic disparity in land values between formal and informal settlements gradually, giving residents and the authorities time to adjust and avoiding the windfall profits which tempt some households to sell and maybe invade other lands in the hope of repeating the process.

Condominium

Most of the apartments have been “sold” to their occupants after the collapse of the socialist system. This was giving the guarantee of permanent right of use. Shall this right of use be transformed in property right?

If yes, the procedure is to define a land parcel containing the building with the agreement of the Authority in urban planning and to register every apartment as a part of the property. The consequence for the apartment owner is that he must proportionally contribute to the maintenance costs of the whole property.



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Working group 4
Multi-stakeholder partnerships & participation

Time:	Thu 30 September 2004, 13.30–17.00 h
Chaired by:	Peter Schubeler
Introductory presentation by:	Besnik Aliaj (Co-Plan) Natasa Pelja (Institute for Canton Planning, Sarajevo) Representatives of the MSP, Serbia
Working group members:	Ratka Colic (Ministry for Capital Investment, Serbia) Vladimir A. Milic (Ministry for Capital Investment, Serbia) Marguerite Misteli (SDC, RTL/MSP) Julia Lourenco (University of Minho, Portugal) Bjoern Gabriel (Stability Pact) Branislava Zarkovic (SDC Housing Office, Belgrade) Floreta Pirushi (Co-Plan, Tirana) Kosta Mathey (University of Technology, Darmstadt) Predrag Dakovic (UNDP, Montenegro) Zinaida Hrustic (Institute for Canton Planning, Sarajevo) Birgul Colakoglu (Yildiz Technical University) Radmila Pekovic (SDC, Montenegro) Vera Mihaljevic (Town Planning Institute, Belgrade) Nina Svanda (University of Technology, Vienna)

1. Objective of the working group:

To issue recommendations to the Conference and all stakeholders involved in informal settlements in SEE to: (a) actively promote multi-stakeholder partnerships and participation of relevant stakeholders and (b) adopt regularisation policies, organisational approaches, planning methods, and infrastructure and service development strategies which enable multi-stakeholder partnership and promote effective participation.

2. List of topics:

A. Stakeholder analysis:

- Who are the stakeholders?
- What are the interests, problems and weaknesses of each?
- What are the strengths and potentials contributions of each?

B. Approaches to partnership and participation:

- What are principles and objectives of a partnership approach?
- What strategic options are available?



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- Which options are best suited to which circumstances?

C. Organisation and support requirements:

- What are the organisational requirements for partnership and participation?
- What technical assistance and capacity-building inputs are required?
- Which planning methods promote participatory approaches?
- How can required resources and funding be mobilized?

D. Legal and institutional framework:

- What legal and regulatory policies enable participation?
- What institutional forms and delineation of functions facilitate participation?
- What technical solutions for infrastructure and services are appropriate to participatory solutions?

3. Agenda:

- Short introduction by the chair of the working group
- Clarification of discussion framework working procedures
- Three expert presentations:
 - Mr. Besnik Aliaj: "A path to citizens' participation", lessons of an Albanian NGO
 - Ms. Natasa Pelja: history, problems and approaches to informal settlements in Sarajevo
 - Different approaches to regularization of informal settlements in central Serbia; MSP case study.
- Discussion and visualization of contributions regarding the four main topics following each contribution
- Assessment and synthesis of the outcome
- Formulation of main recommendations to the Conference.



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4. Recommendations

In their efforts to address the problems of informal settlements, authorities at central and local government levels should adopt a differentiated approach which recognizes that:

- ▶ whilst certain buildings, which are constructed for profit motives in variance with existing planning and construction laws and regulations, must be considered illegal and dealt with as such,
- ▶ the great majority of informal housing settlements are the consequences of need, and an expression of peoples' right to housing which the formal economic, legal and planning systems have been unable to satisfy.

In this case, informal housing possesses social legitimacy, in spite of its formal illegality, and may be more accurately termed "extra-legal".

It is in the urgent interest of government and the inhabitants of informal settlements themselves to bridge the gap between extra legal and legal housing sector in order to:

- ▶ Bring the considerable investment volume and economic potential of informal development into more socially productive channels within the formal economy.
- ▶ Create a secure basis for improving the wellbeing and livelihood of the residents of informal settlements.
- ▶ Prevent the continued presence of informal development from further undermining the legitimacy of the formal legal and institutional system.

Bridging the gap between extra-legal and legal housing requires authentic partnership between all stakeholders, including individual inhabitants of informal settlements, community-based organizations, local governments, municipal infrastructure agencies, central government, land owners, private sector, NGO and others.

Furthermore, it should be recognised that the "legalisation" and regularisation of informal settlements is not only a question of a changing legal status and physical improvement. It involves – and may comprise concrete contributions towards – a broad process of social integration and improved local governance.

In order to build multi-stakeholder partnerships and promote effective participation, local government, central government and other stakeholders should take concrete steps to:

- Generate awareness – through public information campaigns, media, etc. – of:
 - The positive contribution of the inhabitants of informal settlements to the local economy
 - The potential benefits of legalisation for all stakeholders
 - The detrimental effects and costs of informality.
- Build of trust between the stakeholders by:
 - Transparency of information regarding objectives, plans and costs



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- Simplifying administrative procedures
- Moving rapidly towards concrete improvements
- Establish practical mechanisms for cooperation between stakeholders by:
 - Supporting the formation of community-based organisations as partners of local government
 - Employing citizens forums
 - Instigating government - investor forums, etc.
- Employ appropriate, flexible planning methods, including:
 - Community-based action planning
 - Integration of community-based plans into strategic urban planning.
- Facilitate resource mobilisation for improving informal settlements by:
 - Creation of incentives for legalisation
 - Employment of feasible models of cost sharing
 - Application of compensation mechanisms that ensure equity in the sharing of costs and in the distribution of benefits and value generated by informal settlements.
- Building capacities for effective multi-stakeholder partnership by:
 - Investing in the human resources and know-how required to implement participatory planning and development approaches
 - Promoting institutional reforms required to effectively address the regularisation and integration of informal settlements in a participatory manner.



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Working Group 5 -
**Housing and Urban Planning/Management Capacity Building in SEE:
Concepts and 1st steps towards project development**

Time:	Thu 30 September 2004, 9.00–17.00 h
Chaired by:	Mr. Gert Gundersen (UNECE/HUMAN)
Introductory presentation by:	Mr. Cor Dijkgraaf (Urban Solutions)
Working group members:	Rina Ivancevic (Ministry of Environmental Protection and Spatial Planning, Montenegro) Julia Lourenco (University of Minho, Portugal) Elisabeth Belpaire (UN-Habitat) Gita Dave (UN-Habitat) Doris Andoni (Ministry of Territory Regulation and Tourism, Albania) Michelle Meunier (CEB) Tomas Venckevicius (Council of Europe) Natasa Pelja (Canton Planning Institute, Sarajevo) Birgul Colakoglu (Yildiz Technical University) Natasa Mijovic (Municipality of Bar) Ratka Colic (Ministry for Capital Investment, Serbia) Vladimir A. Milic (Ministry for Capital Investment, Serbia) Zorica Colovic-Subotic (MSP, Serbia) Kosta Mathey (University of Technology, Darmstadt) Marin Kresic (MSP, Serbia) Alex Talmon-l' Armee (Stability Pact) Marguerite Misteli Schmid (SDC, RTL/MSP, Serbia) Branislava Zarkovic (SDC Housing Office, Belgrade)

1. Objective of the working group:

To explore options for creating of a regional Capacity Building Programme for Housing and Urban Management (based on a commissioned capacity assessment and a concept paper of the Stability Pact) and to agree on respective project development.

2. Main findings of "landscaping study":

All countries of the Western Balkans face serious difficulties with the housing management and delivery systems and three main areas for required capacity building have been identified:

1. Management of illegal housing (what to do with the existing huge illegal settlements and how to prevent the mushrooming of new illegal construction?).
2. Maintenance of privatised housing condominiums



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3. The provision of Social Housing

These three main areas of concern are the result of a lack of policy framework, outdated regulatory framework, a poorly developed land and housing registration and inadequate financing for infrastructure and housing. It is therefore recommended that, apart from the direct housing oriented training programs, attention needs to be given to the education at the university level in the graduate and post graduate level.

3. Expected outputs:

- Presentation of assessment report and respective recommendations (Mr. Cor Dijkgraaf)
- Agreement on Project Development:

Regional Capacity Building Program for Housing and Urban Management:

1. Definition of Target Group
2. Goals of the Project
3. Framework and Structure of Capacity Building Program
4. Steering and Monitoring Mechanism:
 - a. Stakeholders
 - b. Timeline
 - c. Benchmarks
5. Partners for Implementation
 - a. National Support
 - b. International Support
6. Resource Mobilisation and Financing
7. Set-up of Steering Group and delegation of tasks

4. Recommendations:

A Regional Program for Capacity Building in Housing and Urban Management for the countries in South Eastern Europe - **Program outline:**

1. Statement of need:

There is strong regional agreement on an urgent need for capacity building in the fields of housing & urban management in order to achieve stated national objectives within these sectors.

2. Programme purpose:

To assist the countries of the region in the development and/or effective implementation of national housing policies.

3. Overall objective:

Support the Regeneration & Development of a Sustainable and Socially Responsible Housing Sector within the countries of the region.

4. Instruments:

The programme uses *three main instruments:*



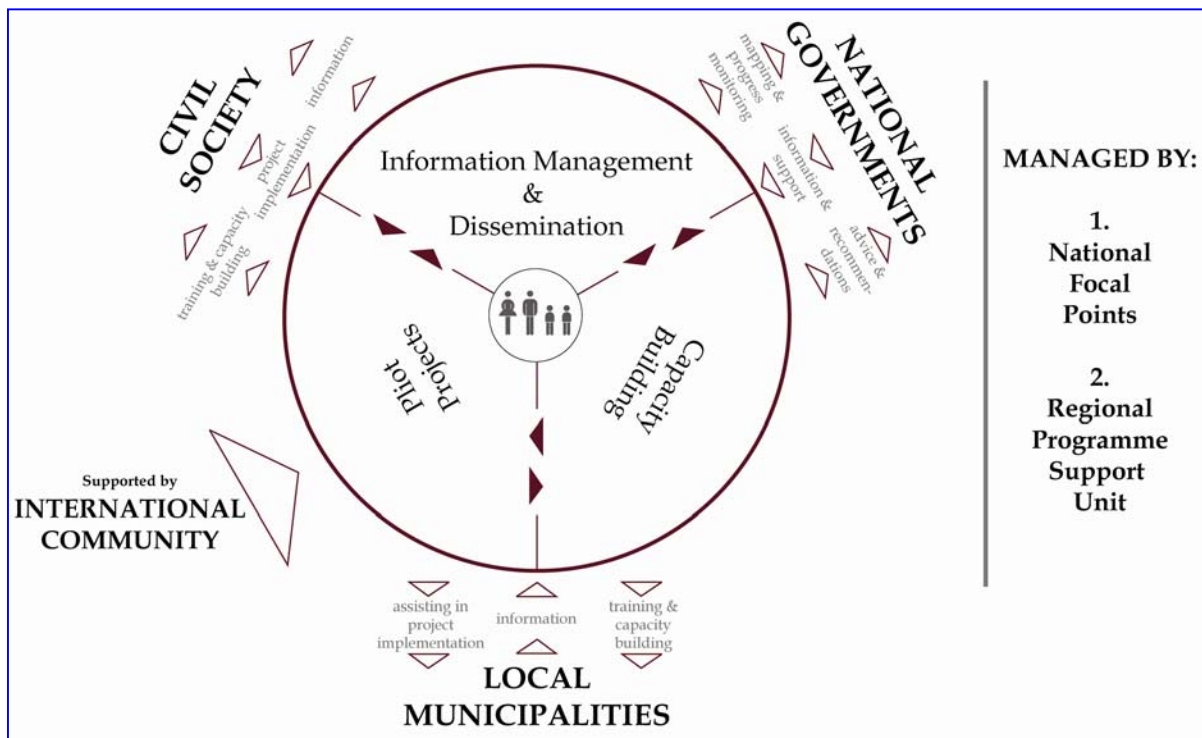
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1. Capacity building;
2. Information management & dissemination;
3. Pilot projects

5. Management:

The programme is managed by a structure of:

- National Focal Points
- A Regional Programme Support Unit



6. Expected Results:

1. Prevent further development of *informal/illegal settlements* and reduce/remove existing such settlements.
2. Establish effective systems for *ownership, management and maintenance of existing multi-storey housing stock*.
3. Secure satisfactory provision of *social housing*.

7. Activities:

In order to achieve the expected results, the programme structures activities within three timeframes: *Short term (0-1 year), Medium term (2-5 years) and Long term (within 2015, Vienna Declaration)*

➤ **Short term (0-1 year)**

1. Identify priority issues & capacity gaps within each country
2. Set up National Focal Points
3. Establish a Regional Programme Support Unit
4. Establish and run "Training of Trainers" programme



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5. Develop and run training programmes on local level (municipal & civil society)
6. Establish awareness of housing priorities at national level

➤ **Medium term (2-5 years)**

7. Prepare action plans addressing identified priority issues & capacity gaps
8. Develop and run pilot projects based on action plans within the three Priority areas
9. Monitoring & evaluation of pilot projects
10. Prepare and implement programmes and processes for information management & dissemination between stake holders and countries
11. Establish common awareness of housing issues and priorities amongst all stakeholders in each country
12. Establish new relevant academic capacity in the fields of Housing Delivery and Urban Management
13. Start long-term academic education & training programs

➤ **Long term (within 2015, Vienna Declaration)**

14. Evaluation of Results and Sustainability of the Program
15. Reformulation of Programme objective and content

8. Further programme development

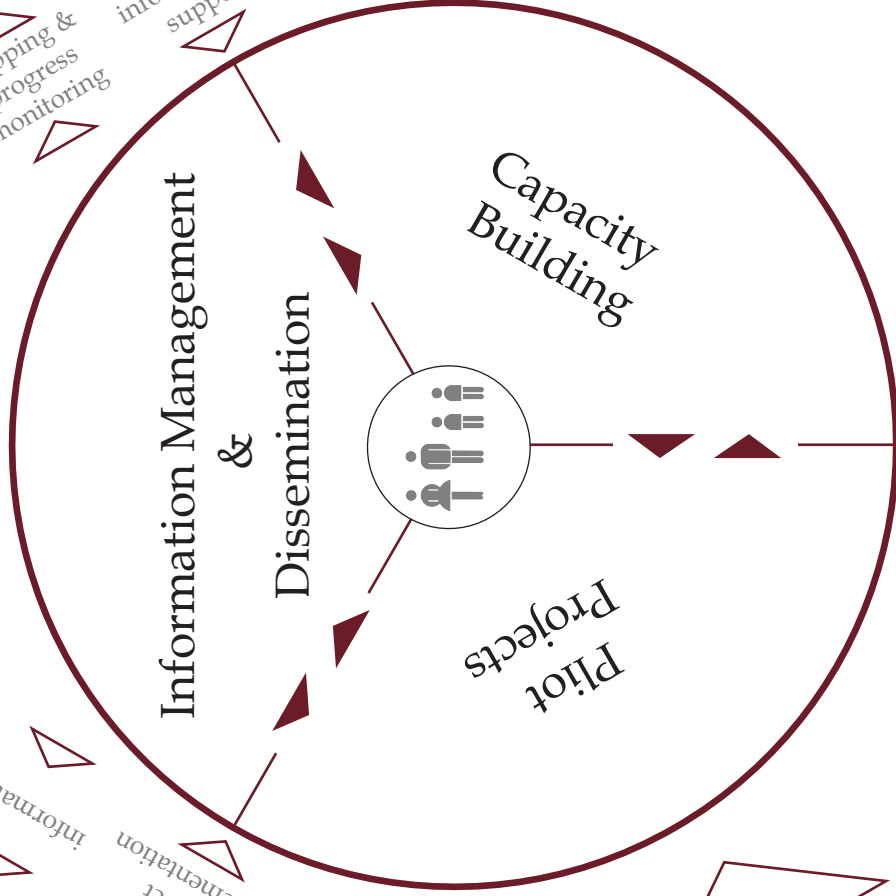
It is recommended that following this conference a Programme Proposal should be further developed as follows:

1. Draft of complete programme proposal based on Input to and from the conference.
2. Establish Peer Review Group with representation from the region, as well as from relevant international partners, to evaluate and finalise the Programme Proposal.
3. Timeframe for final Programme Proposal: end of 2004.
4. Approval of final programme proposal in the countries of the region.
5. Securing international donor support for Programme and Programme start middle 2005.
6. Responsibility for 1-5 above: the Stability Pact in cooperation with the countries in the region

NATIONAL GOVERNMENTS

mapping & progress monitoring
information & support
advice & recommendations

training & capacity building
project implementation
information



MANAGED BY:

1. National Focal Points
2. Regional Programme Support Unit

Supported by
INTERNATIONAL COMMUNITY

assisting in project implementation
information
training & capacity building

LOCAL MUNICIPALITIES



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ANNEX D:
Summary Conclusions



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Summary Conclusions

of the Ministerial Conference on Informal Settlements in South Eastern Europe, OSCE Hofburg in Vienna, 28 Sep - 01 Oct 2004

Based on the presentations and discussions of the working group results, summary conclusions of the conference were drawn up, discussed and agreed as follows:

- 1) In the course of the Ministerial Conference on Informal Settlements, it was emphasised that a variety of resolutions responding to different types of informal settlements is needed. Based on an assessment of root causes and characteristics of different typologies, each approach to resolution needs to be part of a comprehensive, long-term housing and urban development agenda which should be driven by all stakeholders in order to ensure its sustainability.
- 2) Presentations and discussions during the conference have underlined that the application of planning processes with a strong participatory nature and action orientation is of central importance. Strategic planning, action planning and the inclusion of civil society as well as the private sector need to be emphasized in central government policies and to be adopted by municipalities. It was noted that local authorities need to play a key role in providing adequate shelter options.
- 3) In addition, it was emphasized that legalisation of informal settlements provides financing opportunities (through legislation charges, property taxes and user charges) for implementation of infrastructure upgrading. This potential must be captured in respective policies, programmes and projects.
- 4) Existing legal frameworks should be utilised as best as possible with simultaneous modification as required, and commensurate with existing implementation capacity. Legal frameworks should be executable and understandable to everybody.
- 5) In order to catalyse efforts of central and local government, a major effort must be made in capacity building at these levels. Financial and human resources devoted to such capacity building and development as well as to the implementation of a regional capacity building programme need to be significantly enhanced.
- 6) A regional Stability Pact conference on broader municipal management and decentralisation issues has been recommended as follow-up to the Ministerial Conference on Informal Settlements in South Eastern Europe.

For further information, please contact:
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