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Positioning Western Balkan Spatial Governance and Planning in the European Framework

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Summary

For various reasons, Western Balkan countries have been excluded from comparative analyses in the field of spatial governance and planning. The most recent comparative study, developed by the Italian team that participated in the ESPON COMPASS research project, has finally been able to consider these countries as well. The resulting typology of European spatial governance and planning systems makes it possible to compare the systems in place in the Western Balkan region with the rest of the European systems for the first time.

Keywords: spatial planning, Western Balkans, ESPON COMPASS, territorial governance

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Introduction

Thanks to the Western Balkans Network on Territorial Governance and its valuable *Annual Review*, the knowledge gap on spatial governance and planning in the Western Balkan region has begun to shrink in recent years (Berisha et al., 2018). Consequently, the last comparative study on spatial governance and planning - a typically European research practice (Nadin and Stead 2008, 2013) - also considered the Western Balkans countries within the range of states analysed. This study was a follow-up of the ESPON COMPASS (Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe) research project, conducted by some of its participants. This project gave rise to various analyses regarding, on the one hand, the state of spatial governance and planning systems in no less than 39 European countries and, on the other, the EU policies that contributed to changing some of these systems, with particular attention to the last two decades (ESPON, 2018).

Therefore, this short contribution takes its cue only indirectly from the results of the aforementioned research project, based rather on the typology of European systems of spatial governance and planning that some authors (including the writer) have subsequently derived from the working materials of the same study (Berisha et al., 2021). The aim is to position the spatial governance and planning systems of the Western Balkans within the overall European framework in order to open up some points of reflection. The next section briefly frames the context of comparative research in the field of spatial governance and planning and the rationale followed to reach the aforementioned typology. The following section illustrates the main characteristics of the five types of systems that emerged from the study, one of which, as we shall see, specifically concerns the Western Balkan region. The last section discusses the most salient aspects that emerge from the comparison.

Research Context and Rationale

Spatial governance and planning became a specific subject of comparative analysis in Europe just over 30 years ago, when the start of the process of community integration pushed for mutual knowledge about existing systems, cultures, and practices. The first known comparative study in this field was commissioned by the British government in order to understand the effectiveness of public control over spatial development in a few major countries of Western Europe (Davies et al., 1989). The comparative approach adopted, based solely on the legal structure of the systems and subsequently extended to a wider range of countries across Europe (e.g., Newman and Thornley, 1996), was soon superseded by the more complex methodology used in the 'EU Compendium', the first comparative study of its kind officially commissioned by the EU institutions (CEC, 1997). In the latter study, the systems of the then 15 EU member states were carefully compared according to various interrelated factors, such as the scope of the system, the extent and type of planning at national and regional levels, the locus of power, the relative roles of public and private sectors, the maturity and completeness of the system, and the distance between expressed objectives and achieved outcomes. Subsequent studies have emphasized the role of planning cultures – the beliefs, discourses, and behaviours of practitioners and depositories of technical knowledge – in shaping the concrete practices through which systems make their purposes operational (Knieling and Othengrafen, 2009; Sanyal, 2005; Reimer, Getimis, and Blotevogel, 2014).

Ultimately, comparative research has progressively led to an understanding of the nature of spatial governance and planning systems as social constructs, aimed at legitimising the ordering of space as a political and technical practice within a given institutional context. The idea that these systems are institutional technologies that, by social convention and according to different evolving social models, allow the public authority to guide and control the transformation of physical space through the allocation of land use and spatial development rights (Janin Rivolin, 2012) formed the foundation of the most recent comparison. The research materials collected within the ESPON COMPASS project (especially the detailed questionnaires completed by the various national experts) were used to understand and compare the extent to which the public authority decides or pursues the transformation of physical space in compliance with property rights in 39 European countries (of which only 27 are current EU member states). The detailed methodology can be found in the original study (Berisha et al., 2021, pp. 184-188) but in brief, the final typology of European systems in relation to their capacity for public control over spatial development was obtained thus:

a) Each system was positioned on a Cartesian diagram in relation to the spatial governance and planning model (x-axis) and to the spatial development model (y-axis);

b) Subsequently, the systems mapped near each other on the diagram were grouped in clusters (therefore with characteristics that are not necessarily identical regarding the x- and/or y-axis).

As for the x-axis, four possible cases between the so-called 'conformative' and 'performative' models were detected (Janin Rivolin, 2008, 2017). They are:

1) The public authority tends to allocate land use and development rights through general binding plans, that is to say prescriptive by force of law for the entire planned administrative area (proto-conformative systems);

2) The public authority allocates land use and development rights through binding general plans, but devices that allow for their modification are recurring (conformative systems);

3) The public authority allocates land use rights through general plans and spatial development rights on a case-by-case basis through detailed binding plans (neo-performative systems);

4) The public authority tends to allocate land use and development rights on a case-by-case basis (performative systems).

As for the y-axis, four possible cases between the ideals of a 'state-led' or 'market-led' model and of the perfect balance between the two were considered. They are:

1) Spatial development is mainly driven by the state;

2) Spatial development is driven by the state and the market, with a prevalence of the former;

3) Spatial development is driven by the state and the market, with a prevalence of the latter;

4) Spatial development is mainly driven by the market.

In this regard, it should be noted that the relationships between the spatial governance and planning model (x variable) and the spatial development model (y variable) are not axiomatic and may depend on many factors. For instance, it is clear that one advantage of the proto-conformative and conformative models is to ensure some degree of certainty, not only for public authorities, but also for owners and developers regarding their investments. On the other hand, these models induce serious rigidities both in public policies and in market dynamics. Conversely, the performative and neo-performative models can ensure more flexibility in public and private decisions, but are often considered sources of uncertainty, too discretionary for market investments and more expensive for the public sector (e.g. Faludi 1987; Tewdwr-Jones 1999). Furthermore, even recognizing this mix of pros and cons, opinions differ when it comes to defining which model ends up favouring the state or the market in leading spatial development. In other words, while considering that spatial development is in general driven by market dynamics, the controversial question is which model allows public authorities to decide the location, size, mix, content, design, shape of spatial developments and, perhaps most importantly, to extract planning gain for social infrastructure (Muñoz Gielen and Tasan-Kok, 2010). Admittedly, one challenge of answering this question is the complexity of the power relations between the state and market, against the backdrop of the deformable notion of public interest (among others: Forester, 1988; Friedmann, 1987) and of the growing evidence that, in many countries, governments have at times openly declared that they are in favour of certain private interests.

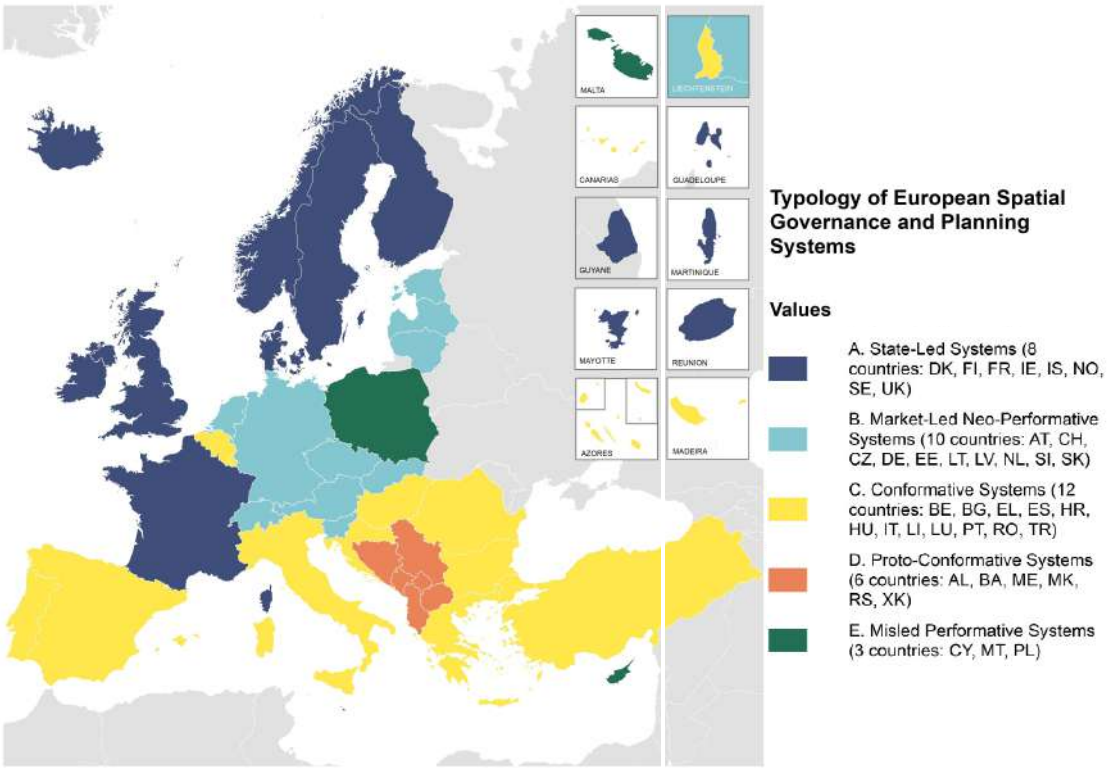
Be that as it may, the clusters identified by grouping the European systems in the diagram end up including various possible relations between the models of spatial governance and planning (x-variable) and the models of spatial development (y-variable). For the same reason, specific categorizations – such as 'conformative', 'performative', 'state-led' or 'market-led' – are used in the definitions of the various types (or clusters) only in case they mark one of their universal characteristics (i.e. the definition is valid for all systems included).

The Western Balkans within the current European typology of Spatial Governance and Planning Systems

The typology of European spatial governance and planning systems with respect to the capacity for public control of spatial development is mapped in figure 1. The distinction of the Western Balkan region (or most of it) as aligning to one of the five types (or clusters), more precisely 'type D', found by the mentioned study catches the eye.

Albania (AL), Bosnia and Herzegovina (BA),

Figure 1. European Spatial Governance and Planning systems with respect to the Capacity for Public Control of Spatial Development



Source: Adapted from Berisha et al. (2021)

Montenegro (ME), the North Macedonia (MK), Serbia (RS) and Kosovo (XK) are the six countries that constitute the cluster of *proto-conformative systems* (type D) of spatial governance and planning. In general, according to this kind of system, land use and development rights are assigned through binding general plans, based on the original and most authentic ideals of hierarchy (top-down relations between the levels of planning) and of dirigisme (state-led implementation of the plans). Here, the allocation of spatial development rights is commonly issued by the approval of binding plans covering entire administrative jurisdictions, which have very detailed analyses and rigid specifications for all sectors relevant to the respective territory for the period of their validity. In some cases (e.g., Albania, Kosovo) the national authorities can directly provide building permissions through plans of national importance (Berisha et al., 2018).

The adoption of this model of development rights allocation is an almost natural legacy of the Soviet regime – an example of a system that survived its fall. However, the fact that these plans are also comprehensive and cross-sectoral (in substance) and cover the entire local administrative territories instead of urban areas only, may come from the influence of donor programmes (mainly USAID and World Bank) trying to reform the style of spatial planning in the region. Nonetheless, spatial development turns out to be strongly led by the interests of the market in all of these countries. According to the experts that completed the questionnaires, a high level of corruption, the limited capacity of the public authority to withstand the pressures and logic of the market, and a low level of administrative, scientific and applied know-how in spatial planning led to privileging private over public interests (despite what the law establishes). Therefore, on the one hand, spatial planning is often poorly tolerated as a bureaucratic device that aims to limit the free initiative of private individuals. On the other hand, corruption, informality, illegal development, and poor public control over spatial development are widespread in a social context characterized by a high level of fragmentation based on ethnic, political, and economic tensions (Boussauw, 2012; Djurasovic, 2016; Stefanovska and Kozelje, 2012).

In a hypothetical ranking of the public control capacity of spatial development, the spatial governance and planning systems of the Western Balkans are preceded by *conformative systems* (type C), which have similar but relatively attenuated characteristics. These mainly concern

the countries of Southern and Eastern Europe, but with a few exceptions also in Western Europe, where the public authority assigns the rights to use and develop land through the same traditional method of binding general plans, though with the recurrent use of variants and other expedients that can modify them. With this model, spatial development is generally driven by the market, although with varying degrees of control by the state. The general trend in this regard is that the capacity for public control is relatively less weak in the countries of Southern and Western Europe, where the systems have had a certain evolution over time. Public control is more difficult in the Eastern countries which, even after the fall of the Soviet regime, have kept this model of spatial governance and planning without substantial transformations.

A further improvement in the capacity of public control over spatial development is achieved in the so-called *market-led neo-performative systems* (type B), which spread across Baltic, Central-Eastern, and Western Europe. This model for assigning spatial development rights is substantially different, since these systems generally avoid a "blind" pre-allocation through the use of general plans, preferring to first negotiate with landowners and developers through detailed plans (Janin Rivolin, 2017, pp. 1004-1006). Here the prevalence of market interests in driving spatial development is still present but, perhaps counterintuitively, the state proves to be better able to mitigate them. Market interests are less prevalent in Austria, Germany, the Netherlands, and Switzerland due to the more or less recent neo-liberal tendencies in the orientation of governments. In the Baltic Republics and in the concerned countries of Central and Eastern Europe it is more visible, probably due to the difficult application of this model in the face of socio-economic and political changes that have occurred since the fall of the Soviet bloc (Cotella, 2007).

The top-ranked *state-led systems* (type A) are mainly found in Northern and Western Europe and are those in which spatial development is mainly driven by the state, even with various degrees of market influence. However, it should be noted that most of these spatial governance and planning systems (five out of eight and all in Nordic countries) are neo-performative in terms of allocating spatial development rights (i.e. rights are assigned through detailed plans previously negotiated with private actors). The weaker capacity of the two 'performative' systems of UK and Ireland to guarantee public interest seems to be due to the explicit political orientation of the respective governments, rather than the institutional technology adopted. On the other hand, France is an exception as it is characterized by a conformative system which, in this one case, can better guarantee the interest of the state in spatial development given its traditionally strong and valuable administrative tradition (CEC, 2000).

However, the *proto-conformative systems* of the Western Balkans are not the only ones showing major difficulties in guaranteeing public control over spatial development. In so-called *misled performative systems* (type E) in Cyprus, Malta, and Poland, the public authority tends to assign land use and development rights on a case-by-case basis or using detailed negotiated plans. Unlike type A or B systems however, spatial development ends up being strongly driven by market interests, similar to Western Balkan systems. As former British colonies, Cyprus and Malta have adopted a spatial governance and planning model that echoes the United Kingdom's system. For its part, Poland embraced a development-led model after the fall of the Soviet regime as an opportunity to re-launch its national economy through more flexible spatial governance (Cotella, 2007). In all these countries, however, market forces prove to have enough power to direct public decisions towards their own interests.

Conclusions

Spatial governance and planning systems are institutional technologies by which public authorities guide and control spatial development with respect to established property rights (Janin Rivolin, 2012). These systems are a social product of history and, although strongly conditioned by path-dependency, can change over time.

As we have seen in the previous sections, the most recent comparative study on European spatial governance and planning systems was the first to extend its analysis to the countries of the Western Balkans. In the emerging typology, this region's systems have been labelled as proto-conformative since they reproduce the original principles of hierarchy and dirigisme. The analysis also showed that, despite expectations, this type of institutional technology generally tends to weaken the capacity of the state to control market interests in spatial development.

Even outside the Soviet regime, in fact, the affirmation of the welfare state has led to the conviction that the state, as the keeper of collective interest, is responsible for conforming

spatial development initiatives to its own strategy. However, various changes that have occurred over time such as the Fordism crisis, globalization and consequent processes of spatial reorganization, and increasing challenges to decision-making amidst growing societal complexity, have led governments to experiment with different models of spatial governance and planning aimed at ensuring that individual development initiatives express or 'perform' a collective strategy, especially in the institutional contexts of North-Western Europe (Janin Rivolin, 2008, 2017). Performative systems tend to show a better capacity for public control than conformative systems owing to the fact that, especially in current times, when public authorities "fix development possibilities early in the development process, this might stimulate land price increases and might also lead to the loss of a valuable negotiation tool" (Muñoz Gielen and Tasan-Kok, 2010, p. 1126). In other words, they "might be giving away their 'treasure': that of being the only institution entitled to decide, with certain discretionary powers, if, when and what is allowed to be built" (Ibid.).

However, the comparative analysis also illustrated that the capacity for public control of spatial development is highly differentiated in Europe because of multiple factors ranging from the political orientation of governments to the power relations between the state and the market that affect each institutional context. Ultimately, the different ways in which systems allocate land use and spatial development rights may explain to a certain extent the capacity for public control. Notwithstanding, each domestic system must be carefully understood in relation to its own political and socio-economic context.

In this light, to believe that a spatial governance and planning system – an institutional technology – can be changed through 'engineering' would be a mistake. It would equally be naïve to trust that a forthcoming entry into the EU of the Western Balkans countries could axiomatically improve the public control capacity of their systems. As known, Albania, Montenegro, the Republic of North Macedonia and Serbia are indeed official candidates, while Bosnia and Herzegovina and Kosovo are potential candidate countries. It is true that *proto-conformative systems* (like those in the Western Balkans) are not currently present within the EU. But we have also seen that the post-Soviet states of Eastern Europe that have joined the EU exhibit quite different situations regarding their current systems of spatial governance and planning. Those closest to the Western Balkan region, such as Croatia, Bulgaria, Hungary, and Romania, are now characterized as conformative systems, showing very little improvements in terms of public control capacity. The Baltic Republics, as well as Slovenia, Slovakia, and the Czech Republic, have adopted an alternative model of spatial governance and planning and are now classified under type B of *market-led neo-performative systems*. On the contrary, Poland now finds itself among the few countries that represent the *misled performative systems*, among the worst in terms of public control capacity of spatial development.

In conclusion, as the most recent comparative study among European states seems to confirm, those systems that avoid a blind pre-allocation of rights by general plans, and assign them through previously negotiated detailed plans, generally perform better in terms of public control capacity. However, in the absence of sufficient institutional guarantees, highly unbalanced state-market power relations can end up undermining the very nature of spatial governance. Regarding the potential for change, spatial governance and planning systems are disposed, like any other institutional technology, to renovate their capacities although "in practice the process to adopt changes is rather slow and restrained by high transactions costs" (Fürst, 2009, p. 31). System change remains challenged by the complexity of institutional processes and the conditions imposed by political conflict and economic dynamics, against the background of innate social struggle for land use control (Plotkin, 1987).

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