Territorial Governance and Spatial Planning in the Western Balkans between Transition, European Integration and Path-Dependency

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Abstract

The article inquiries into the evolution of territorial governance and spatial planning systems of the Western Balkan region, since 1989. More in details, it takes a close look at the cases of Croatia, Albania and Bosnia Herzegovina. The authors shed light on the impact of the transition period and, in particular, on the consequences that the shift from a centralized economic and administrative model to free market rules had over spatial planning legislation and practice. Similarly, they focus their attention on the various modes of Europeanization triggered by the EU pre-accession process and reflect upon the different integration phases that the aforementioned countries are going through. Through these interpretative lenses, the contribution aims at sketching out the specific spatial planning systems' patterns of change that characterize the selected countries.

Keywords: *Spatial planning systems, Comparative planning studies, Western Balkans, transition, EU integration, Path-dependency*

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Introduction

The evolution of spatial planning in the European Union (EU) member states is a widely investigated topic (Reimer et al, 2014). However, the Western Balkan Region[1] has been relegated, until now, at the margins of the academic debate. This clearly constitutes a gap, especially in relation to the process of European integration that is involving the area and it is the main reason behind the undertaking of the present research work. Aiming at providing a meaningful contribution to the debate, the objective of the contribution is to analyze the evolution of the territorial governance and spatial planning systems (Janin Rivolin, 2012; Reimer et al, 2014) of three Western Balkan countries that reached different stages in their process of joining the EU – Croatia, Albania and Bosnia Herzegovina – in order to unravel the complexity of their patterns of change. In this perspective, multiple factors of influence, internal and external, are take into consideration. Indeed, the evolution of spatial planning is affected by exogenous influences (generating from the EU and other international actors) that, in turn, have an impact on the different domestic contexts that depends on various domestic conditions (local planning culture, administrative division, level of socio-economic development, etc.).

The first part of the contribution focuses on the definition of spatial planning systems and proposes a critical review of the methodologies upon which the most known comparative analyses on the matter are based. Then, the authors introduce the main lenses through which the evolution of territorial governance and spatial planning in the Western Balkan Region will be interpreted. They discuss the main features and implications of the transition towards a market economic model and the influence of the main international actors. Similarly, they reflect upon the EU integration process and the mechanisms of Europeanization triggered by the latter. The third and fourth parts of the paper constitute the core of the analysis, and describe the administrative reforms and the evolution of various spatial planning aspects in the countries at stake. A conclusive section rounds off the contribution, summarizing the results of the analysis and paving the way for further research on the matter.

Exploring the Evolution of Spatial Planning Systems

A spatial planning system may be defined as the institutional framework allowing for (and regulating), in a specific country, the multiple and complex processes of vertical (between policy levels) and horizontal (between policy sectors and between public and private subjects) interactions addressing the spatial organization of social life. These 'spatial planning activities and processes' occur within frameworks of legally established objectives, tools, and procedures which, in modern states, are usually derived from fundamental constitutional rights (Janin Rivolin, 2012).

As spatial planning systems are not static objects and may change profoundly through time, various studies have tried to understand and compare their evolution. Comparative spatial planning research was initiated by the work of Davies et al (1989), then used as a background for the definition of Newman & Thornley (1996) "families of law" (Nordic, British, Germanic, Napoleonic, East European), upon which a preliminary comparison of European spatial planning systems is built. During the second half of the 1990s, the EU Compendium of Spatial Planning Systems and Policies (CEC, 1997) proposed a more complex and sophisticated methodology, introducing four so-called 'ideal types' of spatial planning on the basis of a set of variables individuated *ad hoc*.

However, as Getimis (2012) stresses, the comparative methods adopted in many of those studies present several differences ad limitations. As a matter of fact, the increasing diversities between territories, even in the same country, can hardly be interpreted through formal legal and administrative classifications, and similar limitations applies to the static ideal-types formulated in the EU Compendium (Stead & Nadin, 2009). Following this argument Getimis (2012) highlights the need to analyze spatial planning systems 'in motion', in order to fully grasp the flavor and to understand the causes (and the consequences) of the patterns of change that characterize each context.

To add further complexity to the issues at stake, it is worth to mention that the

context under scrutiny in this research presents several peculiar conditions. Indeed, Croatia, Albania and Bosnia Herzegovina belong to the Western Balkan area and, until the edge of the 1990s, were positioned on the Eastern side of the Iron Curtain, hence belonging, to different extents, to the Soviet area of influence. After the collapse of the Soviet bloc, the various satellite states started their transition towards a market oriented economic model almost simultaneously. However, their transformation patterns present relevant distinctions, generating by a multitude of endogenous and exogenous features: the internal socioeconomic and cultural features of each context, the beginning of the Yugoslavian War, the interest of the international institutions (e.g.: the World Bank (WB) and the International Monetary Fund (IMF)), and the pace of the EU integration process. As one could imagine, these peculiar conditions had crucial implications for the evolution of territorial governance and spatial planning in each of these countries. Also due to these reasons, and to the fluidity that characterizes these contexts until the present days, they were not yet object of any comparative analysis or typological classification.

The proposed analysis builds on three intertwined assumptions: (i) the transition process in the Western Balkan area has been affected by various international actors (among which the EU, the IMF, the WB etc.); (ii) the influence of these actors is mediated by endogenous factors and path-dependency logics and (iii) the spatial planning systems' patterns of change are the result of the interaction between domestic conditions and external influence. Building on these assumptions, the following sections explore the territorial governance and spatial planning patterns of change in the three countries at stake since the beginning of the 1990s, i.e. when they started their transition towards western-inspired market economic models and their road toward the EU accession.

Transition, Path-Dependency and the Role of International Actors

In 1989, after the collapse of the communist ideology, the European socialist countries opted for embracing the logics of the free market and democracy. The opportunity to "return into Europe" was considered a unique perspective and, in turn, became the main political priority. To pursue the required transition and transformation process (Tsenkova & Nedovic-Budic, 2006; Adams et al 2011) presented a wide range of challenges, and required the implementation of a number of complex systemic changes. These changes were mainly related with various dimensions: (i) polity dimension, i.e. shift from a single party towards a multiple parties system; (ii) institutional dimension, i.e. decentralization of power; (iii) economic dimension, where economic power is transferred from the old vertical administrative hierarchies toward the private sector and the civil society and; (iv) evolving logics of power between actors, i.e. change of dominant interest groups, entrance in the game of new external actors and local actors (new local elites emerging).

Among the actors that had an influence over the transition process in post-socialist European countries, those exerting the highest influence during the definition of regional and spatial policies may be divided into four categories: global institutions (United Nations, IMF, WB, NATO); supranational institutions (EU), non-governmental organizations (NGOs) and governmental agencies. It has to be pointed out that the role and influence of the international actors has been far from homogeneous (Georgiadis, 2008). For instance, the EU approach towards the Western Balkan Region was highly differential, as it applied very different integration instruments and approaches (e.g.: the so called Regional Approach during the period 1996-98, followed by the Stability Pacts and the Stabilization and Association Processes that eventually became Stabilization and Association Agreements binding for the Enlargement process). In general terms, one could argue that the evolution of the role of the international actors developed as a consequence of the main features of each domestic context. This appears evident when one analyses the role of NGOs in Croatia, that created a system partially overlapping to local institution, in so doing instituting a set of

clientelistic technocratic relations (Tendler, 2000). When it comes to the case of Albania, external actors affected the national context with cooperation initiatives focusing on spatial planning experiences that exerted a strong influence in terms of both economic and political conditionality. In Bosnia and Herzegovina the international actors were directly involved in the definition of the polity structure of the State, with the so-called Dayton agreement[2] that re-established the principles of private property and defined the features of the compensation process and of the liberalization policy, all issues that, in turn, produced spill-over effect over spatial planning.

Among the most notable changes stands the progressive shift from government to governace, reflected in new structures based on interaction among a multitude of local and regional actors, for the first time in 50 years incorporating private sector logics (Tsenkova & Nedovic-Budic, 2006). The new circumstances have promoted not only the development of new institutions but also the consolidation of a 'new notion of planning' that struggled to regain its legitimacy and to adapt to the new economic, social and political mechanisms. This progressive redefinition of the role of spatial planning has occurred not without conflicts and pitfalls. In fact, during state socialism, the action was based on planning, scientific knowledge, and the party's monopoly on power and decision-making. In the new models, instead, the market logics prevail, exercising innovativeness, attention to the social consensus, and economic activities independent from collectively reached decisions (Tsenkova & Nedovic-Budic, 2006). Similarly this process of transformation had favored the introduction, in the long run and often only formally, of so-called "good governance" principles: legitimacy and voice (participation and consensus building); strategic direction and visions; performance (efficiency, effectiveness) accountability and transparency (Graham et al, 2003).

Table 1 – Variables influencing the transition process in the countries under analysis

	Croatia	***Albania***	***Bosnia***
Pre-communist tradition	Industrial societies	Traditional societies	Traditional societies
Type of communist Regime	Cult of personality/ bureaucratic-authoritarian	Cult of personality	Cult of personality/ bureaucratic-authoritarian
Mode to communist collapse	Violent	Peaceful	Violent
Post-communist political system	Semi-democratic system after the collapse of former Yugoslavia	Semi-democratic System	Political Instability after the collapse of former Yugoslavia (Ethnic violence)

Source: Authors' own elaboration

Various studies show how the flavor of the transition period in the countries under analysis is strongly influenced by different variables, as for instance the way that led to communist collapse (Elster et al, 1998), the types of communist regime (Kitschelt et al,1999) and the pre-communist tradition. These elements contribute to put into context and to interpret the various national institution, administrative and market reforms that characterized the post-communist reorganization, as they influenced the institutional choices made by the reforming elites in each country, in turn influencing the evolution of territorial governance and spatial planning (Table 1).

European Integration and Europeanization

In addition to the legacy of the communist period and the impact of the transition, particularly relevant is the process of European integration and the consequent Europeanization. As far as the Western Balkan region is concerned, the European

integration process is already ongoing and its likely to continue until the whole area becomes part of the EU. However, the process is characterized by very different speeds and Croatia is the only country that achieved the Member State until date (Table 2). In this light, it is important to understand the various steps through which the EU enlargement process works, and the way the EU can exert its adjustment pressure through each of them (Figure 1).

Table 2 – EU Integration in the countries under analysis

Step	*Instrument*	*Croatia*	*Albania*	*Bosnia*
Pre-Adhesion Agreement	Stabilization and Association Process	1999	1999	1999
	Potential Candidate	2000	2000	2003
	Stabilization and Association Agreement (SAA)	2001-2005	2006-2009	2007-2015
	Candidate Status	2004	2014	…
	Program Signed PHARE, ISPRA, SAPARD, poi IPA	2005-2007	2007	…
Screening	Started Screening Step	2006	…	…
Negotiation	Chapter Discussed Period	2006-2011	…	…
Adhesion	Treaty adhesion signed	2012	…	…

Source: Authors' own elaboration

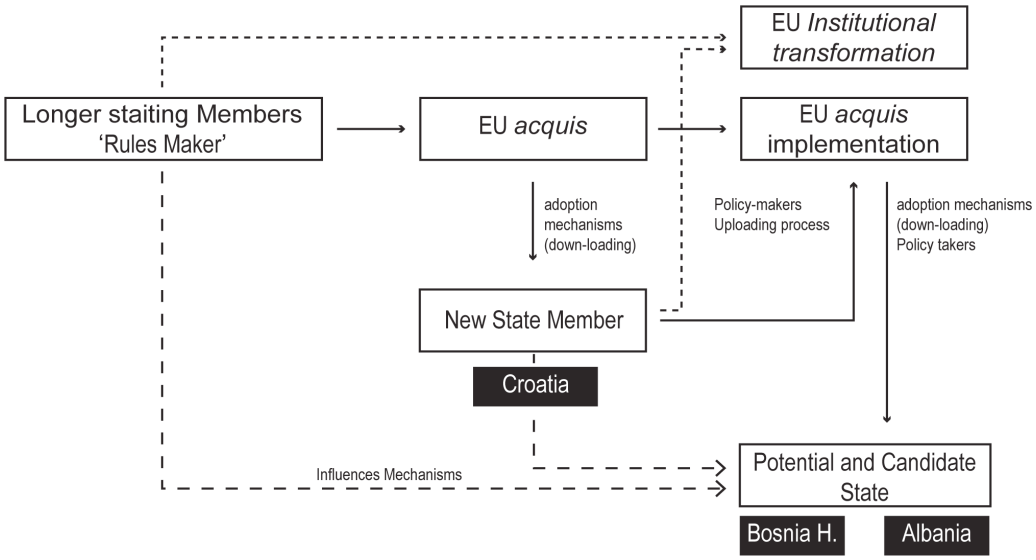

Figure 1 – Adjustment pressure and adaptation process (Source: Authors' own elaboration on the basis of Sedelmeier, 2006).

Whereas the EU signed Stabilization and Association Process Agreements with Croatia, Bosnia and Albania in 1999, the integration process of the latter has been rather slower. There are many reasons behind Albania's slow fulfillment of the EU accession conditions. Firstly, the political instability from 1990 to 2000 that peaked with the civil war in 1997. Secondly, the slow pace and scarce effectiveness of the wider polity, policy, economic and social transformations. Due to this reasons, Albania has granted candidate status only in June 2014, as a recognition of its reform efforts and progress made. However, the country still needs to build on and consolidate the reform momentum and focus its efforts on tackling its EU-integration challenges in a sustainable and inclusive way. When it comes to Bosnia Herzegovina, its relation with the EU is further complicated by various misunderstandings related with the political and economic accession criteria. More in detail, according to Progress Report 2015, Bosnia Herzegovina is required to further improve the cooperation and coordination between the State level, the Entity levels and the Brčko District Parliament (vertical and horizontal integration). In fact, a lack of clarity remains in the distribution of power between State, Entities, Cantons and Municipalities. For these reasons, but not only, Bosnia

Herzegovina is still far from the EU accession notwithstanding the entry into the force of Stabilization and Association Agreement (SAA) in June 2015.

The different pace that characterized the three countries under analysis in their path towards the EU affected, in turn, also the magnitude and quality of their Europeanization. A wide literature has, indeed, been developed in the last 20 years to understand the relation between European Integration and Europeanization, and it may be worth to point out the difference between them. First of all, as argued by Goetz & Hix (2000), the two concepts are part of a single equation in which European Integration act as the independent variable and Europeanization (i.e. the change of domestic contexts due to the impact of the EU) is the dependent variable. However, the relation between these two variables is far from being linear, appearing instead rather obscure (Howell, 2002). Europeanization indicates a continual dialectic interaction between the uniformity of the EU and the diversity of the individual member states (Howell, 2002), and may be seen as the main transmission belt of European integration (Borzel, 2003): on the one hand, the European integration process triggers Europeanization mechanisms that generates domestic changes in countries' governmental, regulatory and discursive structures; on the other hand, Europeanization may be red as the driving force through which the Member states continue to interplay in the European integration process, in so doing influencing the way the EU supranationality evolves.

The Europeanization of Spatial Planning

In the light of the above, it is possible to reflect on the various channels through which the EU influences the Member States, more or less explicitly, in a number of areas of policy fields, including spatial planning. More in detail, a number of studies show that it is possible to witness a substantial transformation of the domestic spatial planning institutions and policies as a consequence of the development and dissemination of concepts, tools and procedures at the EU level (Adams et al, 2011; Stead & Cotella, 2011; Giannakourou 2012; Cotella & Janin Rivolin, 2010, 2015). Interestingly, this occurs in the absence of any reference to

spatial planning in the EU Treaties (Janin Rivolin, 2004; Kranjčević, 2006).

Despite the absence of regulatory restrictions and requirements, the EU has been able to influence the practices of planning in the member states and beyond through the development of concepts and ideas, the institution of an EU cohesion policy and the implementation of various initiatives in the field of urban development and territorial cooperation (Janin Rivolin, 2004; Böhme & Waterhout, 2008). Some authors links this influence to the consolidation of an EU multi-level governance framework (Janin Rivolin & Faludi, 2005); others emphasize the process of institutional transformation (Giannakourou, 2005), or focus the attention on episodes of policy transfer and lesson drawing (Dühr & Nadin, 2007). An additional perspective directs the attention to the discursive integration processes that lead to co-generation and more or less structured exchange of knowledge (Böhme, 2002; Adams et al, 2011; Cotella et al., 2012).

Despite the differences that characterize the various approaches, they all seem to focus around the evolution of one or more dimensions of domestic planning systems: structure, discourse, tools and practices (Cotella & Janin Rivolin 2010, 2015). All these approaches are indeed complementary, and contribute to unfold the multi-dimensional, holographic nature of the processes of Europeanization (Doria et al, 2006; Cotella, 2009; Dühr et al 2010). More in particular, combining these approaches it is possible to identify three channels through which the EU influence over domestic spatial planning systems is delivered - i.e. a *dialogic, institutional and instrumental* – pivoted around as many Europeanization catalysts – i.e. strategic orientations, formal acts, economic incentives (Cotella & Janin Rivolin, 2010, 2015).

The *dialogical influence* operates through the diffusion and dissemination of those concepts and ideas developed within the so-called European spatial planning knowledge arenas (Adams et al., 2011; Cotella et al., 2012) and crystallized in the EU strategic guidelines documents as the European spatial development perspective (ESDP CEC, 1999), the EU Territorial agendas (*DE Presidency, 2007; HU Presidency, 2011*), the Green Paper on territorial cohesion (CEC, 2008) and

various documents focusing on the Urban dimension of community policies (CEC 1990, 1998). The *structural influence* is exercised through formal acts, i.e. binding instruments, such as directives and regulations (Habitat, Environmental Impact Assessment, Strategic Environmental Assessment etc.), through which the EU imposes specific behaviors hierarchically, leading to legal changes that affect the structure for domestic spatial planning. Lastly, the *instrumental influence* is a consequence of the various incentive programmes (e.g.: EU cohesion policy, Community Initiatives as INTERREG, URBAN and LEADER) through which the EU exercises an 'economic conditionality' that alters the possibilities of domestic actors through the redistribution of resources and powers (Knill & Lehmkuhl, 1999).

Territorial Administrative Reform in Croatia, Albania and Bosnia Herzegovina

After the dissolution of the communist regimes of the 1990s, the three countries under scrutiny underwent a shift from highly centralized government and administration systems to more decentralized systems. The implemented administrative reforms have been both fluid and tumultuous, and are in some cases still ongoing. The evolution of the territorial administrative configuration played a pivotal role in influencing, in each State, the contextual evolution of the territorial governance and spatial planning system (Table 3).

Table 3 – Administrative subdivision of the countries under analysis

	Croatia	***Albania***	***Bosnia***		
First Level	Municipalities	Municipalities (Bashkia and Komuna)	Municipalities Conties	Municipalities	Municipalities
Second Level	Counties	Qarku	Entity of FBE	Entity of Srpska	Distrect Brcko

Source: Author's own elaboration

Croatia

With the end of the former Yugoslavia in the early 1990s and the subsequent proclamation of the national independence, Croatia started to go through a period of reforms that aimed at aligning the Croatian administrative system with the new Constitution. In this regard, the 1992 territorial organization act introduces a dual system of local government: a first tier of characterized by self-governed municipalities and city and a second tier of counties hosting both self-government units as well as State representations (Figure 2).

Various authors point out how the process of administrative decentralization has been rather opaque. According to Maleković et al. (2011) the latter was actually accompanied by a process of re-centralization of power implemented through the county level, with State Ministries that put in place a system of central outposts that paralleled the self-government units, continuing to influence the counties' administrative activity. Moreover, whereas the reduced dimension of the counties allows to respond effectively to local needs, it also prevented the consolidation of an articulated system of multilevel governance and, consequently, any attempt to influence the central system bottom-up.

An additional problem consisted in the exponential growth of regional imbalances between north and south regions (Maleković & Puljiz, 2009), that led to particular attention in the institution of an additional territorial subdivision of the country in NUTS-2 regions in 2007, in order to better answer the needs of the EU pre-accession policy (Figure 2). Moreover, between 2005 and 2007 various powers and competences were transferred from the counties to the municipal level – and in particular to Croatian cities – including those concerning spatial planning as institutionalized by the new Law on spatial planning and constructions approved in 2007.

In 2009, the central government also introduced a new framework law for regional development, which provides various indications directly descending from, and related to the EU pre-accession and cohesion policy. The following year a set of bottom-up strategies was drafted in order to achieve higher coordination

between local, sub-national and national actors on the basis of the principle of subsidiarity. In addition to this, the adopted Regional Development Strategy 2011-2013 (RDS) identifies a number of guidelines and principles aiming at a further devolution of competences based on functional and fiscal decentralization and territorial reorganization. Despite the described reforms, however, the Croatian administrative system is still affected by several problems, among which the reduced dimension of the counties, the limited fiscal capacity of local units, the lack of a vertical coordination between the central and the sub-national levels, and the lack of local institutional capacity of sub-national units (Maleković et al. 2011; Maleković and Puljiz, 2009).

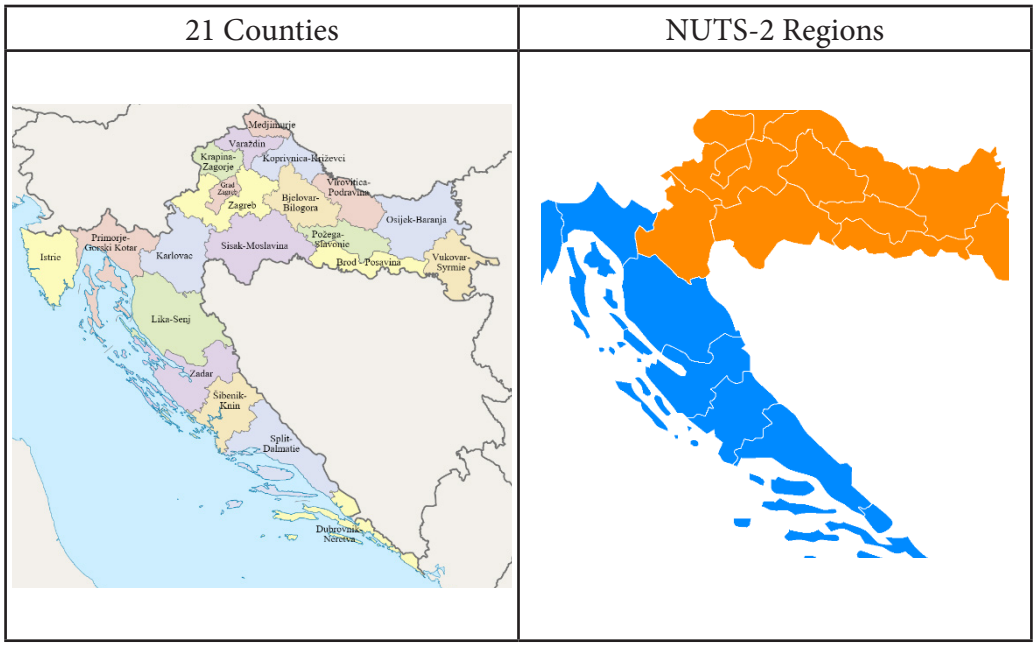

Figure 2 – Territorial subdivision of Croatia in Counties and NUTS-2 regions (Source: https://commons.wikimedia.org/wiki/File:Counties_of_Croatia-fr.svg).

Albania

In Albania, the local government reform is a debated topic since the fall of the communist regime. This generated a process of administrative decentralization characterized by various steps and influenced by various factors - local needs, path-dependency logics and the influence of external actors (Dhimitri et al,

2013). In fact, if among the causes behind the growing will of local administrative autonomy surely lays the end of communist control and the internal process of political and economic reform, the new framework of international relations, and in particular the influence of the EU also played a crucial role.

For these reasons, since 1990 the Albanian context has been characterized by several reforms, aiming at the decentralization of powers and competences (Figure 3). However this occurred in a general atmosphere of confusion, and the administration maintained a surprisingly centralist flavor for at least a decade. The first administrative framework was composed by two level: a first level constituted by 44 *Bashkia* (composed by cities and neighborhoods) and 313 *Komuna* (aggregating rural villages), and a second level including 36 *Rrethe*, in continuity with the administrative division of the previous regime. The *Rrethe* were then incorporated into 12 prefectures introduced in 1993 and that, together with a set of state agencies, acted as an outpost of the various central ministries.

It is easy to imagine how, within a context of uncertain responsibilities' distribution, the decentralization of finances as well as the efficiency of the public administration was compromised too. Due to this reason, after signing the EU integration chapter on local self-governments, the government introduced a new administrative reform "on the organization and functioning of local government", subsequently included in the article 13 of the Constitution of 1999 (Brahimi et al., 2013). The reform provides the country with two levels of local government, 12 regions (the '*Qarku*') and 373 local units of which 65 *Bashkia* and 308 *Komuna*. While the representatives of the lower level, mayors and members of municipal councils, are directly elected, the board of each *Qarku* is composed by representatives of the *Bashkia* and the *Komunes*. Furthermore, the reform keeps, as representatives of the national structure, 12 prefectures and a number of representative bodies linked to different ministries.

Although some problems characterizing the administrative subdivision of the early 1990s were solved, the identification of the role and responsibilities of the regional level in the absence of self-government political legitimacy remained a

problem (Toto 2014, 2012). This, together with the EU pre-accession requirements, favoured a new regionalization reform that reduces the numbers of "Qarku" in favor of NUTS2 regional units with a population of over 800,000 inhabitants. This new reform, that is still under discussion, aims at answering the requirements of the EU integration process, calling for each candidate state to set up an administrative structure capable of efficiently intercepting and managing the pre-accession and the structural funds. Finally, the new configuration is expecting to implement a reorganization of the lower administrative level based on the principle of functional areas. Despite the high expectations linked to this last reform wave, one should notice how the latter is not producing the desired results yet. The last law approved on the matter (Law 115/2014) has indeed reduced the number of first level local units to 61 municipalities, but did not affect the number of Qarku yet.

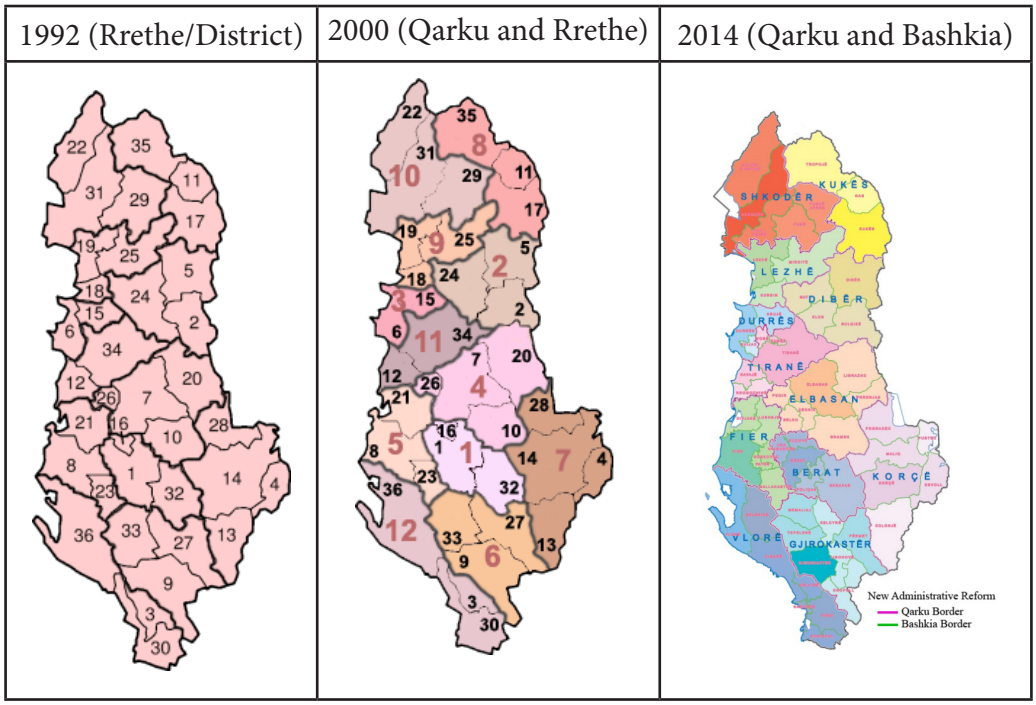

Figure 3 – Territorial subdivision of Albania – 1992, 2000 and 2014 (Source: http://www.kryeministria.al/en/).

Bosnia Herzegovina

After the signature of the Dayton agreement in 1995, the State of Bosnia Herzegovina is subdivided into two entities – the Federation of Bosnia and Herzegovina (FBE, that groups the majority of Bosnian Muslims and Bosnian Croatian) and the Republika of Srpska (RS, that hosts the Serbian majority) – and a special unit – the arbitration territory of Brčko (DB) (Figure 4). This agreement also divides, from an administrative point of view, the FBE in ten cantons which are, in turn, divided into several municipalities. The cantons benefit from a high degree of autonomy and are responsible for land use planning and local economic development. As far as the Republic of Srpska is concerned, on the other hand, no meso-level subdivision was implemented, and the territory is only divided into municipalities (Osmanković, 2004).

Dayton Agreement	10 FBH Cantons, Brčko Distrect and Repiblic of Srpska
	

Figure 4 – Territorial subdivisions of Bosnia after the Dayton Agreement (Source: https://en.wikipedia.org/wiki/Cantons_of_the_Federation_of_Bosnia_and_Herzegovina).

Although the political intention behind this agreement is acceptable, the criteria of this reform is rather questionable as it prioritized ethnical and political

criteria completely ignoring economic, infrastructural and other spatial factors (Osmanković, 2004). In this contest, the apparent multi-level governance hides a very heterogeneous structure with the majority of powers and competences hold by the Republic of Srpska and by the FBE cantons, with the the central level that plays a very marginal role (Fagat, 2012). Osmanković (2004) emphasizes the importance of the role of the actors of the international community in this process, including in the role of the High Representative[3], the EU and several national embassies (see also Bojičić- Dželilović, 2011).

Spatial Planning Reform in Croatia, Albania and Bosnia Herzegovina

While the parallel territorial reform processes were creating a highly heterogeneous set of administrative layers, each country was at the same time reforming its own territorial governance and spatial planning system in order to take into account the new political, socio-economic and territorial conditions. Table 4 summarizes the main legal achievements in the field of spatial planning that characterized the three countries under scrutiny, whose contents will be presented in more detail later in the text.

Table 4– Main spatial planning legislative reforms in the countries under analysis

	Croatia	*Albania*	*Bosnia Herzegovina*
Administrative Reform	Law on Local and Regional Self-Government (1992-OG 30/01, OG 153/09)	Organization and Function of Local Government (N. 7572/1992-8652/2000, 115/2014)	Dayton Agreement (1995)

Spatial Planning Reform	Law on Spatial Planning (OG 30/1994, OG 68/1998, OG 50/99, OG 153/2013)	Law on "Urbanism" 7693/1993, 8405/1998, 10119/2009, 107/2014	Spatial Planning and Land-use **F BE** (N. 52/02, 06/2006) **RS** (N. 84/02,. 40/13) **DB** (N. 9/03, 15/04)
Property Rights	Law on Restitution and Compensation of Private Property 1990/1996	On Rural Land (7501/1991) On Privatization of Public Property (7652/1992)	Property Right Law **RS** (N. 124/08)

Source: Authors' own elaboration

Croatia

Spatial planning in Croatia lays under the competences of the Ministry of Environmental Protection, Planning and Construction, and is framed by two main laws. A first law on spatial planning was approved in 1994 (OG 30/94), focusing on the institutions responsible for spatial planning and regional development and paying particular attention to the protection and management of coastline areas. The law and its further amendments provided for a division of responsibilities between different levels of government. As a consequence, in 1997 the country approved the National strategy of spatial development, which identifies the aims of long-term spatial development. In addition, a National spatial development schedule was approved in 1999, determining measures and activities in order to implement the National strategy.

Moreover, the law entitles the counties and the city of Zagreb for the preparation of Physical plans for the counties and the capital city, in order to define the aims of spatial organization, protection, use and management of the environment. It also establishes for each municipality to develop a more general municipal

Spatial development plan, and the detailed Urban development plans. The Spatial development plan of the municipality defines the goals and conditions for spatial development, distributes the functions on the territory and identifies the areas to be rebuilt, rehabilitated or protected due to peculiar environmental or cultural value. In addition, the plan identifies the areas for which more detailed urban development plans are to be drafted.

After reaching the status of Member State in 2013, Croatia adopted a new legal framework for spatial planning (Spatial Planning Law OG 153/13) that came into force on January the 1st, 2014. Understandably, this law reflects some principles defined and promoted by the EU institutions. First of all, it focusses on an integrate approach to spatial planning (strategies, plans and programs) that aims at the sustainable spatial development of the national territory to be achieved through horizontal and vertical coordination. Interestingly enough, the law also stresses the need for a free access of spatial planning documents in order to guarantee the maximum level of transparency. It also awards significant importance to the monitoring and evaluation of plans and strategies, to be implemented in line with the EU standards. The law identifies the Spatial development strategy of the Republic of Croatia as the key instrument for territorial development, and argues for an integration of natural, economic, social, cultural and environmental conditions into the latter.

Whereas it is still early to see if the new legal framework will ensure spatial planning coherence and prove useful for the domestic environment, it is important to highlight that various EU principles have been shared and incorporated into the national legislation. This aspect is significant because it is a direct result of a process of Europeanization through dialogic influence that allowed for some ideas and concepts defined within the EU discursive sphere to trickle down into the national spatial planning discourse.

Albania

In Albania, spatial planning is under the responsibility of the Ministry of Public Works and Transports, at the central level, while at the subnational level,

the competences for spatial planning are shared by both the *Qarku* and the municipalities.

A first reform attempt was put in place with the promulgation of the Law 8405/1998 on Urbanism that, however, did not produce the awaited results. In particular, the reform did not manage to solve the issues connected with the extensive informal construction processes that interested the country territory and failed on identifying the role that the public sector should have in the definition of private and public property, in so doing avoiding to deal with the most significant challenges of Albanian spatial development.

With the 2000s, the signature of various EU agreements led to a comprehensive legal reform of the Albanian spatial planning system that concretized in the approval of a new Law on spatial planning in 2009. The law bears with it significant innovation, both at an institutional level, with the introduction of national territorial planning, as well as in terms of its underlying narrative, with the inclusion of concepts of clear EU inspiration. The law introduces, at different levels, different policy and planning tools, programs and assessment mechanisms and, for the first time, it requires the use of integrated inter-sectoral plans. Unlike the previous reforms, this approach has developed along the guidelines of the ESDP and the EU territorial agendas. Nevertheless, the law has not been fully put in practice yet by local administrative units. This depends on different reasons, including the lack of institutional capacity to manage the required processes, but also the path-dependent logics of local professional groups aiming at the conservation of the status quo. For these and other reasons, a new law 'for the planning and development of the territory' (Law nr° 107/2014) was recently approved. Whereas it is too early to assess the result of this reform, it is interesting to note how the latter underlines the importance to harmonize the system of national planning with the EU directives and policies, arguing in favor of a further Europeanization of Albanian spatial planning in the close future.

Bosnia Herzegovina

In Bosnia Herzegovina, spatial planning is an exclusive competence of the

entities and of the Brčko District (FBE, RS, DB). In coherence with the attributed responsibilities, the entities legislate for the system of planning improvement and defines the modes and conditions of land transformation and of the attribution of the building permits. Within the FBE, the Ministry of Spatial Planning is responsible for drafting and implementing spatial policies and plans at the federal level, for the examination and the harmonization of the plans produced by each canton and, finally, for the identification of strategic development guidelines and the management of natural resources. Along the lines of the FBE, also the Republic of Srpska has established its Ministry of Spatial Planning, Construction and Ecology, dividing spatial planning responsibilities through different departments: spatial and urban planning, construction and environmental protection.

Conclusive Remarks

The proposed paper reflects upon the evolution of territorial governance and spatial planning in Croatia, Bosnia and Albania since 1989, as a consequence of three main driving forces: (i) transition from a command and control economy to free market economic models, (ii) EU integration and (iii) domestic peculiar conditions.

The transition and integration processes had irremediably affected spatial planning in each of the countries under scrutiny. Indeed, among the most obvious issues there is the change of national institution as a consequence of the international actors' influences. The reasons of this institutional evolution are not obvious. In coherence to Vachudova (2005), this type of influence may be considered as 'passive', because it depends on each nation's predisposition to adapt its institution according to the international requirements and pressures. In this perspective, it is possible to identify some new institutions introduced *ex-novo* in all the three countries:

- Central level offices for EU Integration;
- Ministries of Integration as new key actors that are responsible for the relation between the domestic and the EU level;

- New, democratically elected bodies at the sub-national level, as a consequence of multiple administrative decentralization reforms;

As already argued by several authors (Pallagst, 2006; Schimmelfennig and Sedelmeier, 2006; Giannakourou, 2012), the transition and the EU accession processes, despite presenting several challenges, contribute to open several 'windows of opportunity' that, in turn, domestic actors tried to seize in order to pursue their own agenda. With the support of the three channels of influence introduced in the text above, it is possible to provide some conclusive remarks in relation to the analyzed national contexts.

First of all, the latest reform in the field of administration and spatial planning in Croatia and Albania show the relevant role played by the so-called dialogical influence, affected as they were by a broad set of European concepts and ideas both in terms of spatial objectives and procedures. Among others, particular attention was paid to subsidiarity, integrated planning, vertical and horizontal integration, transparency etc., but also territorial cohesion and sustainable development. These aspects became constitutive elements of the domestic political agendas at the national level, and therefore were able to influence the domestic spatial planning discourse, in some cases trickling down to lower levels. Furthermore, this process contributed to produce more or less evident changes in the domestic planning culture. Similarly, throughout the whole pre-accession process the EU was able to exert a strong legislative conditionality, putting pressure on the three countries to undertake processes of regionalization that, ultimately, led to more or less complex administration reforms. Last but not least, a pivotal role was played by the influence exerted by the international organizations through the set of various monetary incentive systems to back-up the undertaken reform. In this case, as a consequence of economic conditionality mechanisms, domestic actors had to choose specific reforms paths in order to secure the economic benefits coming from outside.

One should also notice the importance of domestic socio-economic structure in affecting the pace of adoption and adaptation, that emerges when observing the

development of the new planning legislation in each country. For instance, during the first transition phase, the Albanian socio economic situation did not allow for a sudden adaptation of previous institutional conditions and, in particular, for the introduction of a spatial planning framework pivoted around private property, market actor and liberalization. However, the socio economic condition quickly changed during the first part of 2000 also as a consequence of the EU influence. Inversely, through two years of intensive reforms (1997-1999), Croatia was able to speed up the adaptation process in terms of spatial planning tools and procedures, with the introduction of the National spatial planning strategy and program. As far as Bosnia is concerned the Dayton Agreement, while aiming at solving various elements of conflict resulting from the concluded war, until now, proved to be a problematic solution for the establishment of a coherent spatial planning framework.

This first attempt to investigate the evolution of spatial planning in the Balkans through a comparative perspective highlight the need for deeper analyses. Whereas the collected evidences are unable to describe in a satisfactory way the present and future of the spatial planning patterns of change in the Western Balkan Region, they at least provide a first glimpse on the evolutionary process of spatial planning in the countries at stake, and identify potential variables that may serve as a basis for further research.

NOTES

[1] For the purpose of this research, the Western Balkan region is considered to be composed by: Albania, Bosnia Herzegovina, Croatia, Serbia, Republic of Montenegro, FYROM (Former Yugoslavian Republic Of Macedonia), Kosovo. Similar geographical definitions were adopted in their studies by the World Bank and the European Commission.

[2] The Dayton Agreement, also referred to as Paris Protocol by the General Framework Agreement for Peace, was stipulate in 1995 in Dayton, Ohio (US). It preserved Bosnia as a single state made up of two entity, the Bosniak-Croat federation (Federation of Bosnia Herzegovina) and the Bosnian Serb Republic (Republic of Srbska).

[3] The Dayton Agreement introduced the figure of the High Representative to (among others): monitor the implementation of the peace settlement, co-ordinate the activities of the civilian organization and agencies, produce periodic progress reports on the Bosnian situation, etc.

References

Adams, N, Cotella, G, & Nunes, R 2011, *Territorial Development, Cohesion and Spatial Planning: knowledge and policy development in an enlarged EU*, Ashgate, Aldershot.

Böhme, K & Waterhout, B 2008, 'The Europeanization of Planning', in Faludi (Ed.) *European Spatial Research and Policy*, Lincoln Institute of Land Policy, Cambridge, pp. 225-248.

Böhme, K, 2002, 'Much ado about evidence: Reflections from Policy Making in the European Union', *Planning Theory & Practice* 3 (1), pp 99-101.

Börzel, T, 2003, 'How the European Union Interacts with its Member States', *Political Science Series* no. 93.

Bojičić-Dželilović, V 2011, 'Decentralization and Regionalization in Bosnia-Herzegovina: Issues and Challenges', *Research on South East Eur*ope, London School of Economics, London.

Commission of the European Communities 1990, *Green Paper on the Urban Environment*, COM (1990) 218 final, Office for Official Publication of the European Communities, Luxembourg.

Commission of the European Communities 1997, *The EU Compendium of Spatial Planning Systems and Policies, Regional Development Studies*, Office for Official Publications of the European Communities, Luxembourg.

Commission of the European Communities 1998, *Report on Community Policies and Spatial Planning: Working Document of the Commission Services*, Office for Official Publications of the European Communities, Brussels.

Commission of the European Communities 1999, *European Spatial Development Perspective, Towards Balanced and Sustainable Development of the Territory of the European,* Office for Official Publications of the European Communities, Luxembourg.

Commission of the European Communities 2008, *Green Paper on Territorial Cohesion. Turning territorial diversity into strength*, Office for Official Publications of the European Communities, Brussels.

Cotella, G 2009, 'Governance territoriale comunitaria e sistemi di pianificazione. Riflessioni sull'allargamento ad Est dell'Unione europea', PhD Thesis, Politecnico di Torino, Italy.

Cotella, G, Adams, N, & Nunes, R 2012, 'Engaging in European spatial planning: a Central and Eastern European perspective on the Territorial Cohesion debate', *European Planning Studies*, pp. 1-24.

Cotella, G & Janin Rivolin, U 2010 'Institutions, discourse and practices: towards a multidimensional understanding of EU territorial governance', Paper presented at the *24th AESOP Annual Conference,* Helsinki, Finland.

Cotella, G & Janin Rivolin, U 2015, 'Europeizzazione del governo del territorio: un modello analitico', In: *Territorio*, vol. 73, pp. 127-134.

Davies, H, Edwards, D, Hooper, A, & Punter, J 1989, 'Comparative study', in Davies (Ed.) *Planning Control in Western Europe*, pp. 409–442, London.

DE Presidency 2007, *Territorial Agenda of The European Union: Towards a More Competitive and Sustainable Europe of Diverse Region*. Informal Ministry Meeting on the Urban Development and Territorial Cohesion, Leipzig, Germany.

Dhimitri, E, Cucllari, F, & Cini, M, 2013, 'Local Government Reform and Regional Development in Albania', *International Journal of Innovations in Business,* 277–292.

Doria, L, Fedeli, V, & Tedesco, C 2006, '*Rethinking European spatial policy as a Hologram. Actions, institutions, discourses*', Ashgate, Aldershot.

Dühr, S & Nadin, V 2007, 'Europeanization through transnational territorial cooperation? The case of INTERREG IIIB North-West Europe', *Planning Practices and Research*, 22(3) pp. 373-394.

Dühr, S, Colomb, C, & Nadin, V 2010, *European Spatial Planning and Territorial Cooperation*, Routledge, London-New York.

Elster, J, Offe, C, & Preuss, K 1998, *Institutional Design in Post-Communist Societies: Rebuilding the Ship at Sea*, Cambridge University Press, Cambridge.

European Commission 2015, *Progress Report of Bosnia Herzegovina, Communication from the Commission to the European Parliament*. SWD (2015), Commission Staff Working Document, Brussels.

Fagat, A 2012, 'Building Environmental Governance in Bosnia-Herzegovina: Europeanization and transnational assistance in the context of limited statehood', *School of Politics and International Relation*', University of London, London.

Georgiadis, G 2008, 'The convergence – divergence debate revisited*:* framing the issues', *Southeast European and Black Sea Studies,* Routledge.

Getimis, P 2012, 'Comparing Spatial Planning Systems and Planning Cultures in Europe. The Need for a Multi-scalar Approach', *Planning Practice and Research*, 27(1), pp. 25–40.

Giannakourou, G 2005, 'Transforming spatial planning policy in Mediterranean countries: Europeanization and domestic change'. *European Planning Studies*, 13(2), pp. 319-331.

Giannakourou, G 2012, 'The Europeanization of National Planning: Explaining the Causes and the Potentials of Change', *Planning Practice and Research*, 27(1), pp. 117–135.

Goetz, K & Hix, S 2000, 'Europeanised Politics? European Integration and National Political Systems', *West European Politics Special Edition Vol 23*, no. 4

Graham, J, Amos, B, &. Plumptre, T 2003, 'Principle for good governance in the 21st Century', *Policy Brief 15*, Intitute on Governance, Ottawa.

Howell, K 2002, 'Developing Conceptualizations of Europeanization and European Integration: Mixing Methodologies', Sheffield.

HU Presidency 2011, T*erritorial Agenda of the European Union 2020 - Toward an Inclusive, Smart and Sustainable Europe of Diverse Region*. Informal Ministry Meeting on the Urban Development and Territorial Cohesion, Gödöllö, Hungary.

Janin Rivolin, U 2004, *European spatial planning*, Franco Angeli, Milano.

Janin Rivolin, U 2012, 'Planning Systems as Istitutional Tecnologies: a Proposed Conceptualization and Implication for Comparison', *Planning Practice and Research*, London.

Janin Rivolin, U & Faludi, A 2005, 'The hidden face of European spatial planning: Innovations in Governance', *European Planning Studies* 13(2) pp. 195-215.

Kitschelt, H, Mansfeldova, Z, Markowski, R, & Toka, G 1999, *Post-Communist Party Systems: Competititon, Representation, and Inter-Party Cooperation*, Cambridge University Press, New York.

Knill, C & Lehmkuhl, D 1999, 'How Europe matters. Different mechanisms of Europeanization', *European Integration online Papers*, Vol. 3, no. 7.

Kranjčević, J 2006, 'Accession to the European Union and physical (spatial) planning in Croatia', in Katerina Ott (Eds) *Croatian accession to the European Union, the challenges of participation*, Institute of Public Finance, Zagreb.

Maleković, S, Puljiz, J, & Bartlett, W 2011, 'Decentralization and Regional Policy in Croatia: The impact of EU Accession and the prospect of territorial reorganization', *Research on South Eastern Europe*, London.

Maleković, S & Puljiz, J 2009, 'Challenges of a New Approach to Development on the Local and Regional Level in Croatia', in *New Croatian Local and Regional Self-Government*, Croatian Academy of Science and Arts, Zagreb.

Nedovic-Budic, Z 2001, 'Adjustment of planning practice to the new Eastern and Central European context', *Journal of the American Planning Association* 67, pp. 38-52.

Newman, P & Thornley, A 1996, *Urban planning in Europe*, Routledge, London.

Osmanković, J 2004, 'Regionalization and Regional Development in Bosnia and Herzegovina in the Post-War Period', *Institute for Economic Research*, Ljubljana.

Pallagst, K 2006, 'European spatial planning reloaded. Considering EU

enlargement in theory and practice', *European Planning Studies* 14(2), pp. 253-272.

Reimer, M, Getimis, P, & Blotevogel, H 2014, *Spatial Planning Systems and Practices in Europe. A Comparative Perspective on Continuity and Change,* Routledge, London.

Schimmelfennig, F & Sedelmeier, U 2005, T*he Europeanization of Central and Eastern Europe*, Cornell University Press, Ithaca, New York.

Sedelmeier, U 2006, 'Europeanisation in new member and candidate states', *Living Reviews in European Governance*, 6(1), pp. 1–52.

Stead, D & Nadin, V 2009, 'Planning cultures between models of society and planning systems', in: J. Knieling & F. Othengrafen (Eds) *Planning Cultures in Europe: Decoding Cultural Phenomena,* Urban and Regional Planning, Ashgate.

Stead, D & Cotella, G 2011, Differential Europe: Domestic actors and their role in shaping spatial planning systems, *disP-The Planning Review*, 47(186), pp. 13-21.

Tendler, J 2000, 'Why are social funds so popular?', in Shahid, Y. et al (Eds.) *Local Dynamics in the Era of Globalization*.: University Press, pp. 114-129, Oxford.

Toto, R 2012, *Rajonalizimi i Shqipërisë në debat - fuqizimi i decentralizimit dhe evoluimi drejt zhvillimit rajonal* 2. Linjat e debatit për zhvillim rajonal apo rajonalizim në Shqipëri, pp. 317–344.

Toto, R 2014, *Shqiperia-Riforma Territoriale Perkundrejet Rajonalizimit, pertej decentralizimit, Ministria e Integrimit Europian, Tirane*.

Tsenkova, S & Nedovic-Budic, Z 2006, *The urban Mosaic of Post-Socialist Europe: Space, Institutions and Policy*, Physica-Verlag, A Springer Company.

Vachudova, A 2005, *Europe Undivided: Democracy, Leverage and Integration After Communism*, OUP Oxford.