



Illegality
Legalization
and Other Manoeuvres

ETH Studio Basel

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BELGRADE LOGIC

During the last 50 years about 200 000 wild or illegal buildings were built in Belgrade, an equivalent to one third of the present total housing stock.

This research defines a new meaning of the term “illegal”, in a city, where such construction is not only a synonym for buildings in slums, unhygienic settlements and areas lacking zoning regulation. Wild buildings are easily found in all areas of Belgrade. A building can even be partly illegal, for example illegal with only two of its six stories or simply become illegal after a period of time and the change of government. Building illegally often means to build without a building permit on land that was not designated as building land, legally transferred or is simply owned by someone else. It was estimated that during the nineties half of the population was involved into wild building either by letting, renting or constructing themselves.

Wild buildings are ranging from kiosks to bombastic villas and are owned by the poor and the wealthy, by illiterate and academics and by refugees or war-criminals.

Looking at the interactions of wild builders and Institutions in the specific environment of Serbia and Belgrade as an experiment, reveals Darwinian power structures: Nowadays the will to build in coalition with money is obviously the strongest gravity point. Warmly welcomed it is transforming established city elements and planning tools. In the shadow of these bigger forces private interests bend legalization laws to stop illegal construction into well known illegal practice, building up their own gaps through the jungle of a multiple-layered bureaucracy.

Legality is expensive, extensive, only partly possible or even impossible at all. Established and ordered illegality is the practice based and backed by constant investments in networks more stable than the ever changing governments.

Legality stays as a value that does mainly count in the wider sense of a recently opened global economy. This international context might encourage a shift of balance, meanings and practice again.

Belgrade Logic

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CONDITIONS

Timeline: Changing Context of Yugoslavia

CONFLICTS

SPATIAL

ECONOMIC

PLANNED ECONOMY

SOCIAL

INDUSTRIAL SOCIETY

POLITICAL

TOTALITARIAN REGIME

PLANNING

NO LAND REGISTRATION

SOCIALIST PLANNING AND HOUSING POLICY

TEM

NO PRI

1980



TITO
†1980

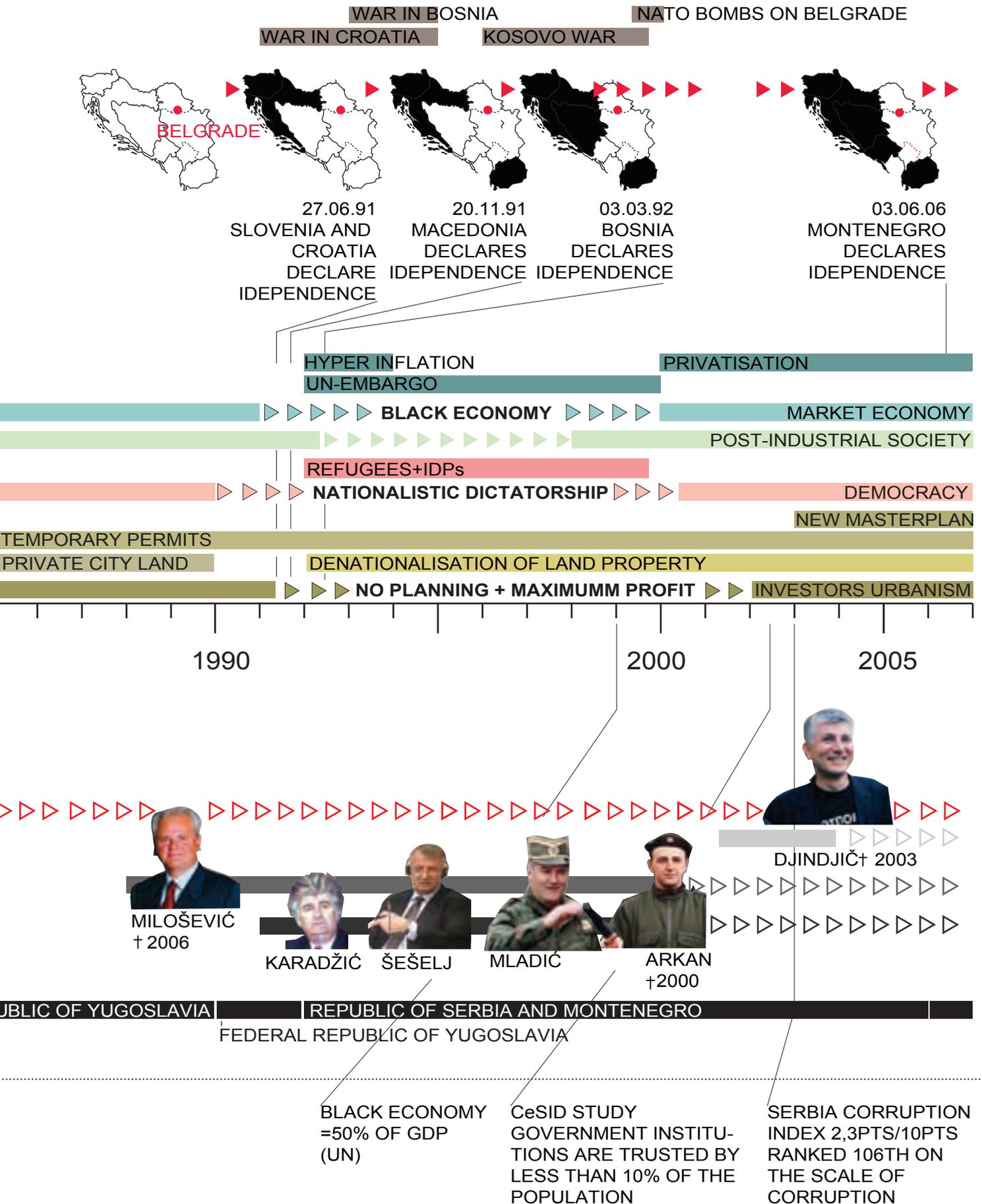
PERSONS



▷▷▷▷▷ = INFLUENCE
▶▶▶▶▶ = TRANSITION

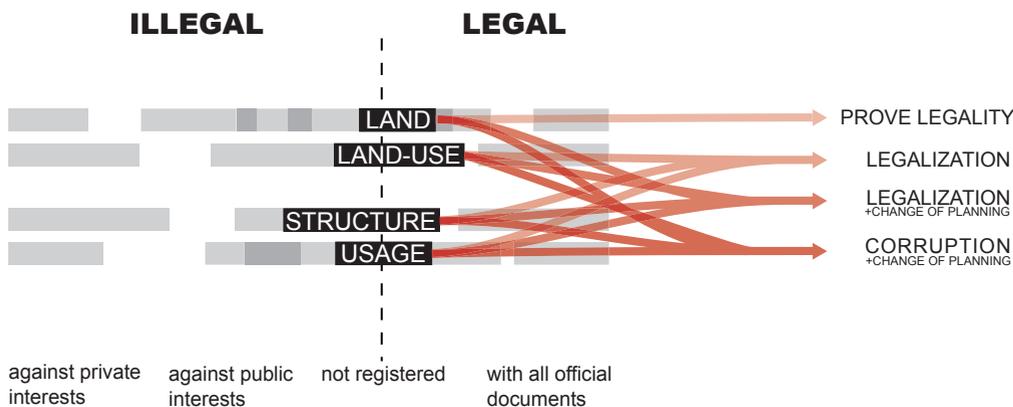
STATE

SOCIALIST FEDERAL REPUBLIC



WILD BUILDINGS

For many years government did not designate new building land for individual construction. Moreover, in large areas construction was impossible because lodges application corresponding to state-projects lacking enough money to be realized were effectively blocking the issuance of any building permit. Therefore, wild builders avoid the time consuming, uncertain and complex official application process, which can still take up to two years and was often longer in at the time of war and chaos.

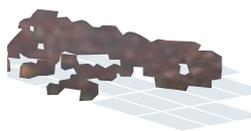


This diagram shows different terms that might be the reasons for illegality and the process that are able to shift them towards legality.

Nine basic types of wild buildings have been identified and are presented in a typology with their specific stories, actors, the impacts to their environments, localization and strategies.

The timeline of illegal expansions shows that variation of these types evolved along with the speed of changes in their environment. It reaches its peak in the nineties where everything was “upside down”, wild became the order and illegal building was often the only way to build.

TYOLOGY



1. VILLAGE TRANSFER

2. PATCH WORK HOUSES



3. SMALL PARADISES

4. SECOND LEVEL ESTATES



5. CITY DWELLING HEAPS

6. SUPER STAND CLUSTERS



7. VOID SHOPS



8. PERMANENT TEMPORALITY



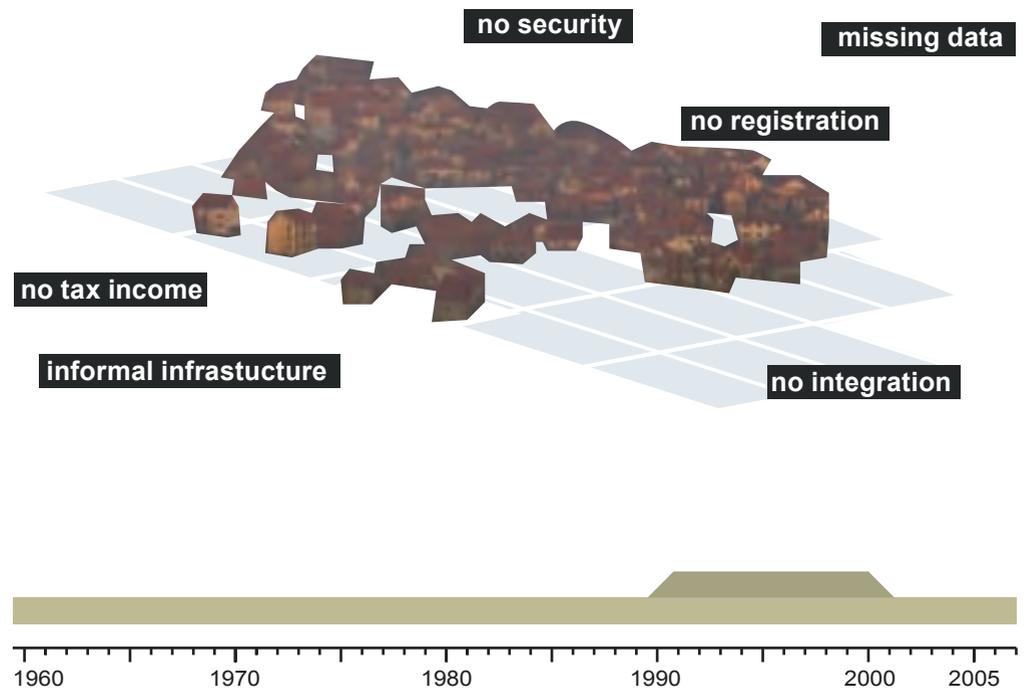
9. BLOWN UP REGULATIONS



1 VILLAGE TRANSFER

In times of socialism people coming to the city without an employment had no access to the officially provided flats. They settled illegally close to the city borders. During the break up of Yugoslavia and the dispersion of Serbs, Croats and Muslims, the population of entire villages in East Croatia migrated to Serbian urban areas following the migrants of earlier times.

In these years houses grew like “mushrooms” on the agricultural land around Belgrade, all looking alike.

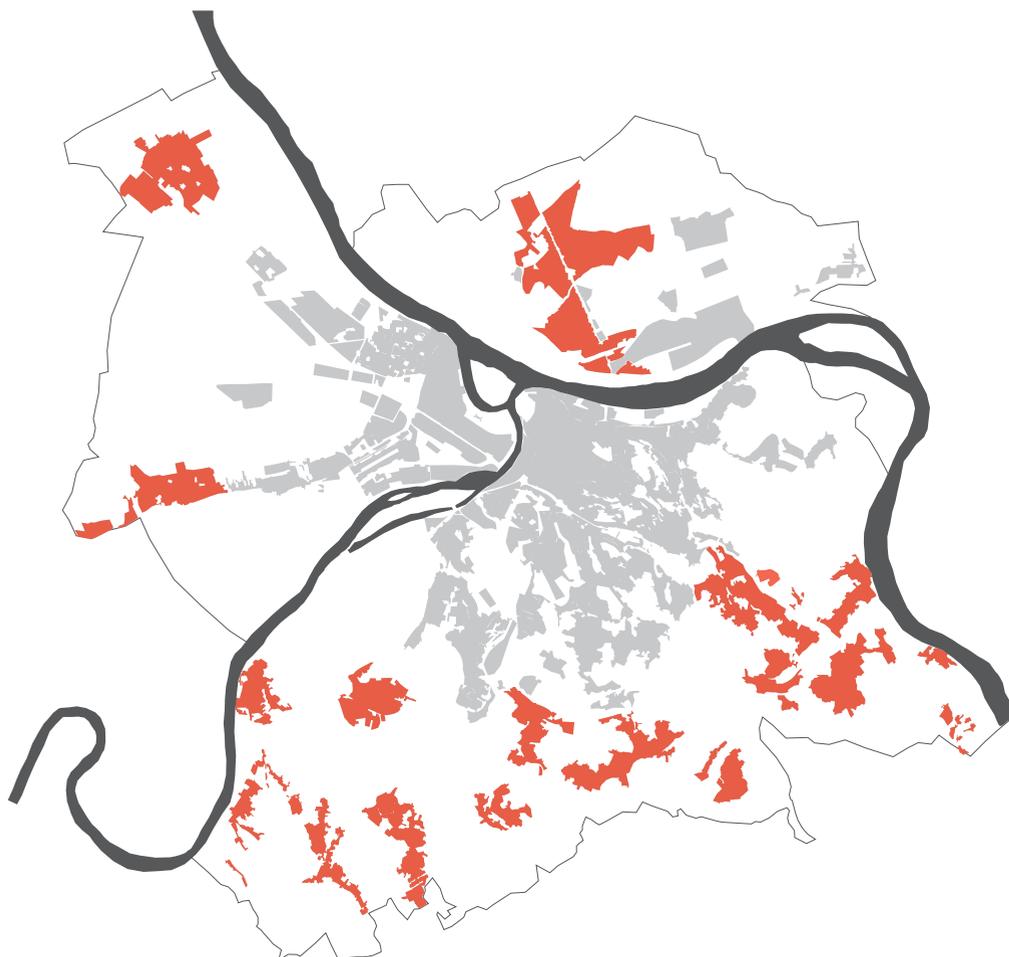


Actors : Migrants from the countryside, refugees

Usage : Housing

Fuel : Refugees, bureaucracy, socialist housing policy

Strategies: Number, necessity,



10 km

Localization : Village Transfer



In Kaludjerica the streets are build by the inhabitants. They form assemblies and collect money. A proper surface for this street was with 100€ per house too expensive. It was decided to re-use asphalt from a Belgrade construction site.



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Typology



Kalujerica is the biggest informal settlement in Europe. It has approximately 70 000 Houses. Over the years it got city infrastructure, a school and a kind of highstreet with shops and a super market.

Belgrades experience the hybrid of a village and a suburb usually only from a distance as a flood of houses lying stranded on the hills in east of belgrade just outside the city borders.



The people in Kaluderica are re-using names as well. Each street in the centre finds its rural counterpart. The Name sign on the settlements entry was once replaced by the name of a croatian city where the latest group of refugees was coming from.





The city was building a school in Kaluderica. Because of too many pupils it is the only one in Serbia with three shifts of classes each day.

A second school is planned but one of the land-owners did not sell yet. The process is postponed. People in Kaluderica are used to wait improvisations.



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Typology

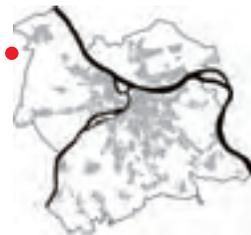


Busije was built in the late 90's. it has about 1000 brick-houses without plaster and not a single tree.

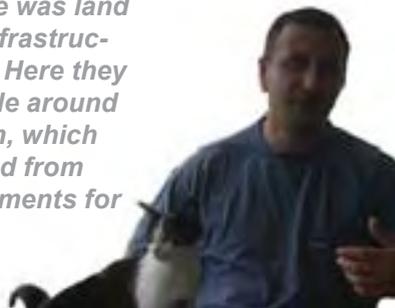
The radical party SPO ruling Zemun in these times had subdivided and sold the land some kilometres outside of Belgrade which was originally dedicated to become a rubbish dump. The Zemun-government under Seselj was notorious for making profit out of their position, they made plans without planners and decisions without asking the public.

Now the city is left with the task to provide infrastructure on no-mans-land where the water-level is very high and there is no sewage-network around.

Busije is not the only case like that, and recently it finally got electricity.



Refugees were building wherever there was land and already infrastructure provided. Here they started to settle around an animal farm, which stood detached from city and settlements for 30 years.



“Together with my father, I brought electricity to this place. I don't mind these people coming here and using it. They had to go somewhere; there is nothing illegal about that” Alexandrej, trainer of the “Black cat white cat” cats.



Zemun's government sold plots to refugees in a distance up to 50 m next to every road. Now these roads leading away from Belgrade eastwards are lined with houses and building centres.

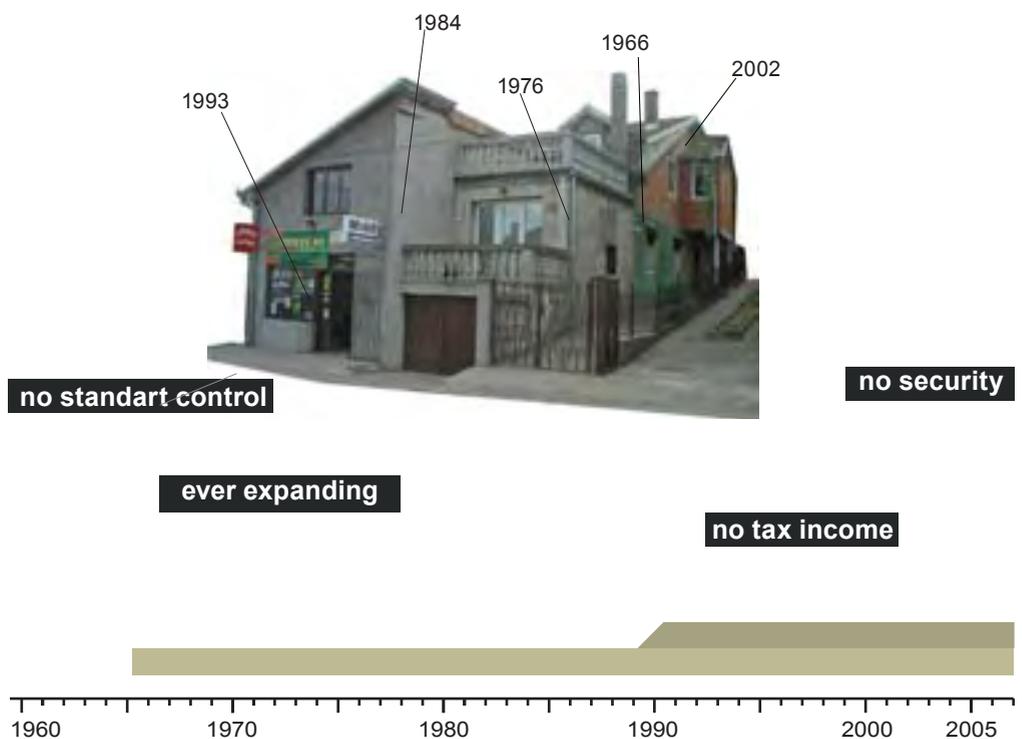


2 PATCHWORK HOUSES

Patchwork houses are build in several steps.

Functioning as accounts some of them are improvend whenever there is money to do so or another family member moving in. Kiosks in the Basement can be the starting point and bring additional money during the process.

The structures are addtions to existing buildings, replacing them or emerging on empty lots all over the city. Build by the owners, friends or black-labourers they are growing on weekends and during the night.



Actors : Various people

Fuel : Burocracy, refugees,
cheap building tactic

Usage : Housing, small commercial

Strategies: Number, necessity



10 km
Localization : Patch Work Houses



“We have a permit for the oldest part of our house, it was build in the 60`s. For the others we are still waiting for permits, they cost a lot.”

...”the shop was built in 1993 it is let to changing tenants. The newest part on the second level is waiting for my son to move in” Owner of the patch-work house



Typology



The price for electricity in Serbia was traditionally subsidized. Since 2002 it is left to supply and demand. For some houses the electricity bill is now higher than the rent. Suddenly isolation starts to be an important element in the patch-work building process.





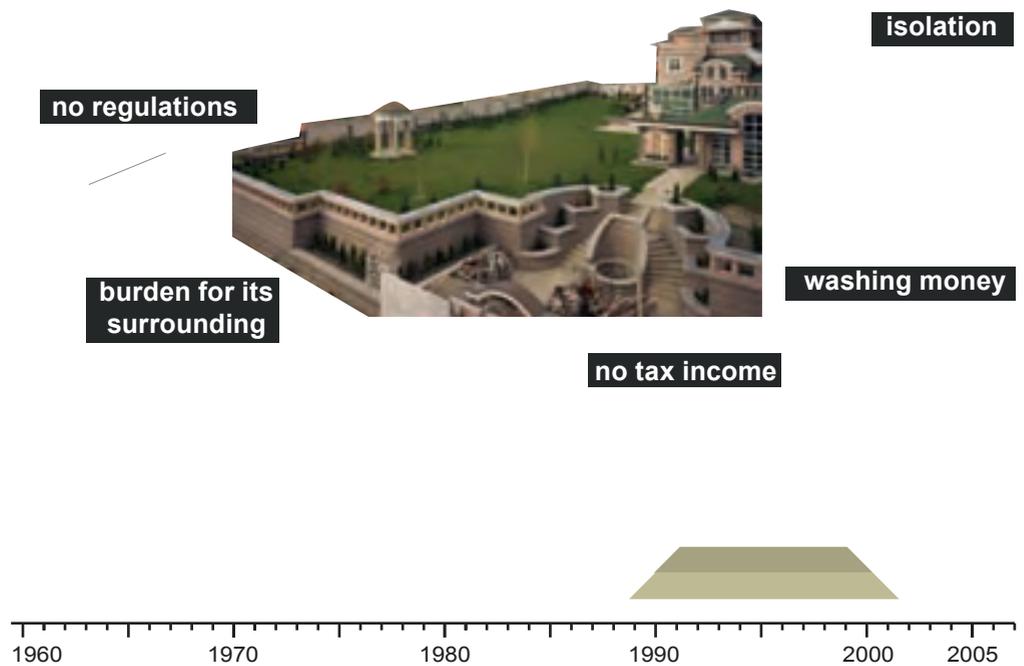
This house was built and all openings walled up after construction, now like many other houses or single stories it stays closed, waiting until it will be needed.



3 SMALL PARADISES

In the nineties in times of war and booming black-economy well off house builders wanted to fulfill their dreams and entered in competition for the most expensive villas, the highest towers and the biggest balconies. They chose sites with good infrastructure like Padina, former military land or agricultural fields originally meant to be developed as typical social housing blocks.

The villas standing in an environment without streets or sidewalks mostly belonged to the influentials of those times, who were able to guarantee immunity against official plans and regulations.



Actors : Rich and Influential
 peo,war-profiteurs
Usage : housing, representation

Fuel : War economy, turbo-
 culture, transition
Strategies: Power, Stability



10 km

Localization : Small Paradises



The builder of this villa was the owner of one of the bus-companies that were operating parallel to public buses in the 90's. For a time the site even served as bus-depot. Today no traces remind of this, the villa is shining and only the neighbours remember the noises of the buses driving throught the informaly bild streets in the morning.



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Typology





The owner of this estate came to the urban planning institute asking them to join his cadastral plots. When he saw that a street was planned next to his estate he left snubbed. Only three days later he had a permit from another institution to close that street building his car park on the public land. Up to now in the official plans is a street contrasting with garage and gates on the actual site.

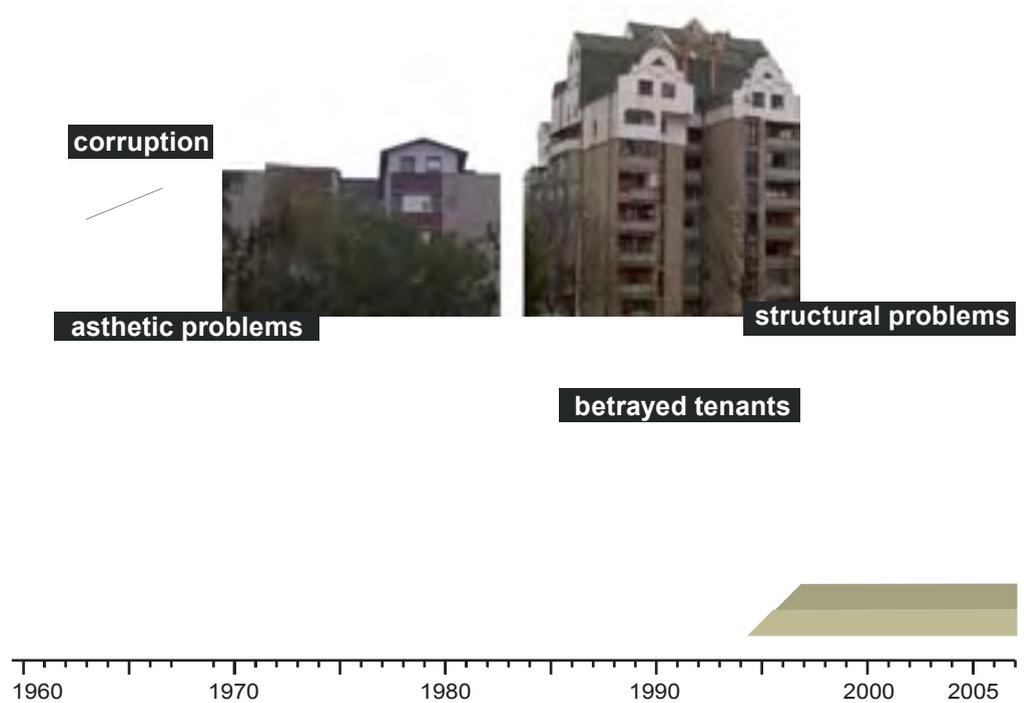


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4 SECOND LEVEL ESTATES

Concerned with the bad state of the privatized houses in 1995 the city of Belgrade enacted the law of maintenance of dwellings. Among other provisions this law enabled the Tenant's Associations of a building to authorize developers to make use of the top of their buildings in exchange for rehabilitating facades, installing elevators or improving the infrastructure.

In most cases the developer built more and improved less.



Actors : belgrade, investors, refugees
Usage : Housing, advertisement

Fuel : Denationalisation, migration
Strategies: Necessity, number



10 km

Localization : Second Level Estates

Typology

This three storey expansion next to the Republic Square is the main problem concerning illegal constructions of the municipality of Old Belgrade.

After change of government in 2000 the municipality was fighting with its developer in court.

The talkative woman claims that everything is all right with her building. She does not understand why she should deconstruct the six flats which she has already sold just because the government was changing.

Like this object she developed three more roof-estates. "The tenants of the buildings do not care at all..."

The head of this example's buildings tenant assembly got a flat in the new construction.



The image of these houses of two brothers building on a roof next to a main road was widely published in Serbia. It caused a big discourse about the wild dwellings growing in and "on" the city, infiltrating it with their rural- style.

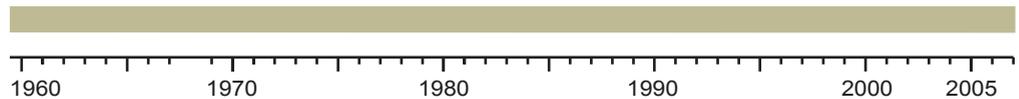




5 CITY DWELLING HEAPS

Within the inner city fabric there are many sites with several small scaled dwellings and additions around one common yard, sharing water connections, sometimes toilet and one cadastral plot. These structures called “partaja” originated before WWII, build to occupy tenants. The long shape of the plots reflects their agricultural roots.

With the years the dwellings were enlarged by illegal additions and modifications. After socialism the pressure for developing these sites is rising along with the value of their land, hampered by ownership and land-right problems.



Actors : Belgrades

Fuel : Socialists housing and planning policy

Usage : Housing

Strategies: Necessity



10 km

Localization : City Dwelling Heaps

Typology

“Partajas” like this are very introverted. There are only side-walls facing the street and a gate between them.

The courtyards and their village-atmosphere are contrasting sharply with their urban surrounding.



“I added the front part of my house here by myself. There is also a kitchen and a bathroom in it. There is nothing illegal about that everything is alright here. Do you want to know something else?”

Owner of one of the dwellings

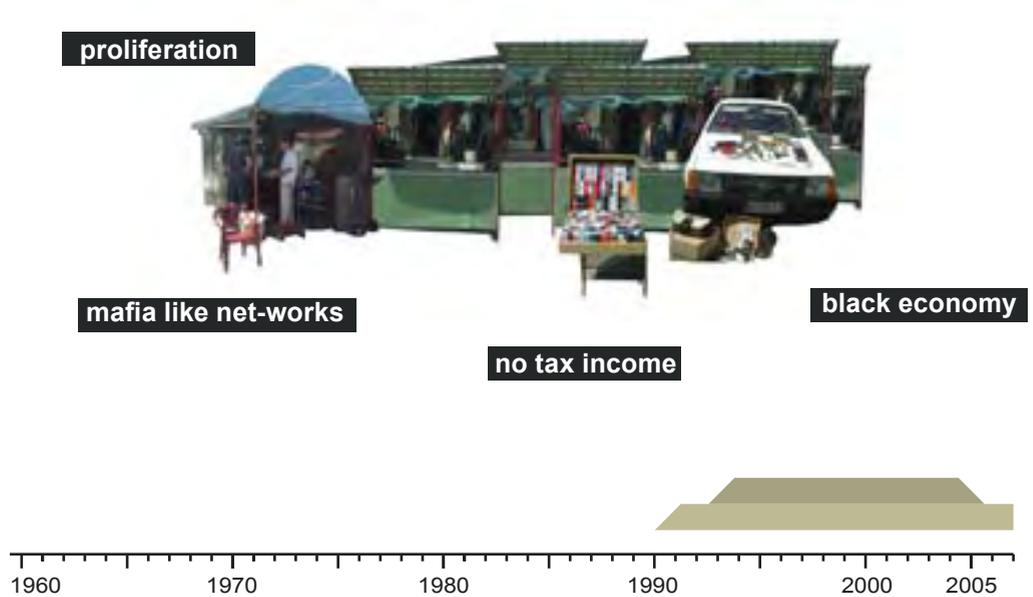




“We try to legalize as many as possible of these structures. Investors will come and pay the owners off. Their lands-centrality is the only thing of value they have”...“These old structures could survive because of socialism where land had no value connected to location. Nobody is really interested in protecting them today... Their owners do not want them to be protected.” Zorica R. City-Planner

6 SUPER STAND CLUSTERS

Kiosk-accumulations manifest themselves in the city to various kinds of shopping complexes, restaurants and service areas. The flea market is the most famous example. It emerged in the 90's next to the railway station where the trains and with them the badly needed goods from Rumania arrived. In these times of economical isolation there was nothing to buy in the shops. Since then the Super Flea Market changed its size and morphology from selling on car hoods to an agglomeration of all kinds of solid buildings. It has adapted to changing regulations and governments.



Actors : Belgrades, people from the suburbs, migrants

Usage : All kinds of commercial use

Fuel : UN-Embargo, black money

Strategies: Felxibility, neccesity, number



10 km

Localization : some Super Stand Clusters

Typology





Mahit is a shoe seller at the flea market. He sells the shoes, which his family produces in Novi Pazar (300 km from Belgrade). He lives in Novi Banoviza (25 km from Belgrade) coming every day with the bus to Belgrade, this trip takes 20-25 min. He rents his place at the market from the city, as it is in the back-part of the market it is cheap. He pays about 41€ per month.



Typology



At the beginning of the 90's on a free corner on Blok1 in New Belgrade small shops began to accumulate. Soon the owners started to expand their territories. The biggest part of the cluster belongs to a firm called Perper owning a huge restaurant host in joined constructions, a kiosk, a supermarket and a cafe.



The owner of this photo-shop bought his shop at a real estate agency advertizing in a newspaper in 1995. Later when everybody started to expand his structure he built as well, expanding the 22 m² to 122m² including a cellar and a second floor. Today he does not dare to do further investment. Though he applied for legalization he got no responses and fears losing his shop.





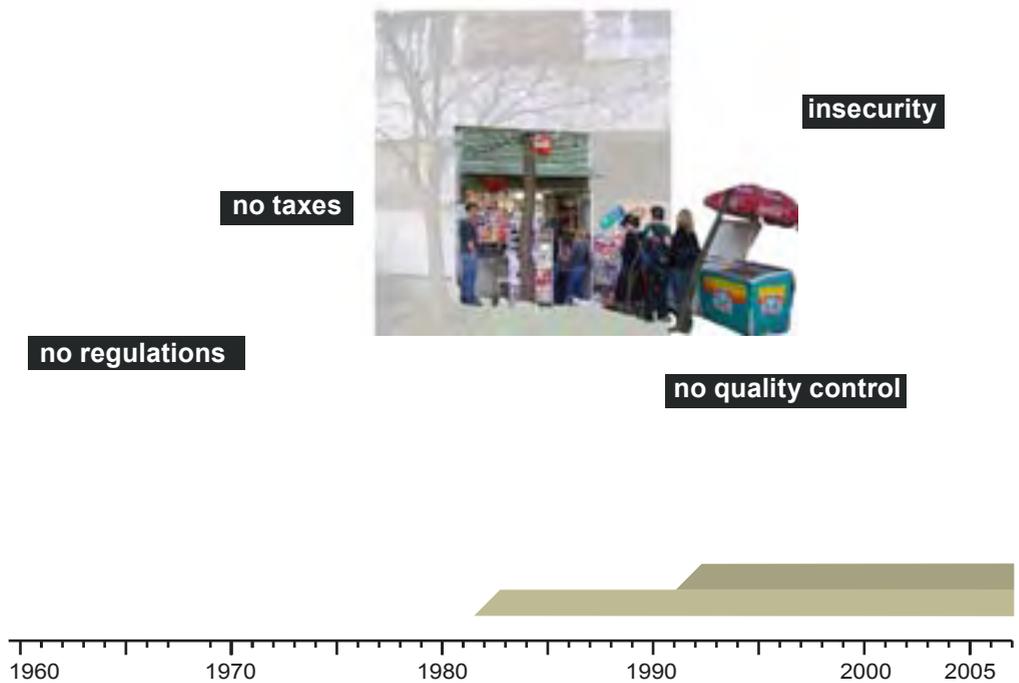
The Restaurant Cluster in New Belgrade started to expand on the pavement as well. Wooden Benches and gates in a country-style build contrast to the surrounding blocks.



7 VOID SHOPS

Small shop units are emerging everywhere in the city. People are transforming various kinds of spaces into commercial use. Driven by ideas and the search of profit they test the voids by opening small kiosks, specialist shops, garages and service units.

Usually they do not have any permit to modify the use of the taken space, sometimes not even a permit for being there.



Actors : Belgrade

Usage : Small commercial

Fuel : UN-Embargo

Strategies: Necessity, flexibility, number



10 km

Localization : Void Shop's



"I transformed my car-park in a garage and became a freelancer some years ago. I tried to report this change of use several times. Here in Karaburma the authorities are overloaded. Because of some huge illegal buildings I can not get a registration for my enterprise."



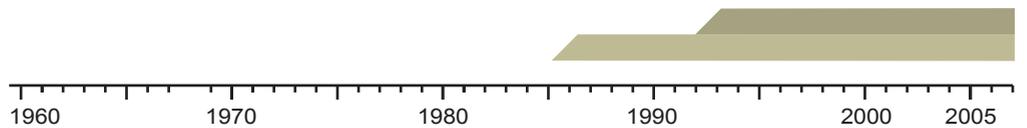
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8 PERMANENT TEMPORALITY

Temporary building permits were issued since mid 80's for constructing new buildings or extending or rehabilitating existing ones. Nobody expected these various structures, houses, malls and kiosks, ever to be torn down. In the mid 90's temporary zoning and building permits proliferated. Everybody wanted his share. Officials sold permits for state owned land, companies land and even people's property. Most of the buildings constructed exceeded all authorized parameters, compensating the permit's temporality with construction's permanence.



Actors : Belgrades, investors
Institutions
Usage : Commercial, housing

Fuel : UN-Embargo, corruption
time of transition
Strategies: Power, stability



10 km

Localization : Permanent Temporality



*"I do not think that the Glass house will be demolished soon. The city did not say anything about that yet. And if they demolish it I m sure that my boss will get another place."
Shop assistant in a photo-shop in the glass-house, built with a permit for 10 years in 1990.*



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Typology



The „Glass House“ is a shabby shopping mall on the Square of the Republic in the City Centre. It got a temporary building permit in the early 90's, but was constructed very solid.

in the centre of public discourse again, holding the place for a art-gallery, an opera or a city-gallery (connected with the assassinated prime-minister Zoran Djindjic).

Starting as an upper-class location, today it hosts a collection of fast food chains specialist dealers, abandoned lots, internet cafes and billiard places. Three of the shops including the art gallery Remont are due to strange circumstances, nobody remembers anymore, even belonging to the ministry of foreign affairs, Once there was a critical press agency and a media library as well. Now the Glass House is





Darka Radosavljevic is the executive manager of the remont gallery in the glass house. Her Gallery has been renting the space since 2000. After 2004 for two years their space's ownership was unclear as a former public organization disappeared. The gallery stayed and just got a new contract, only lasting one month. If the building will be removed her gallery was promised to get a new space in the new construction.

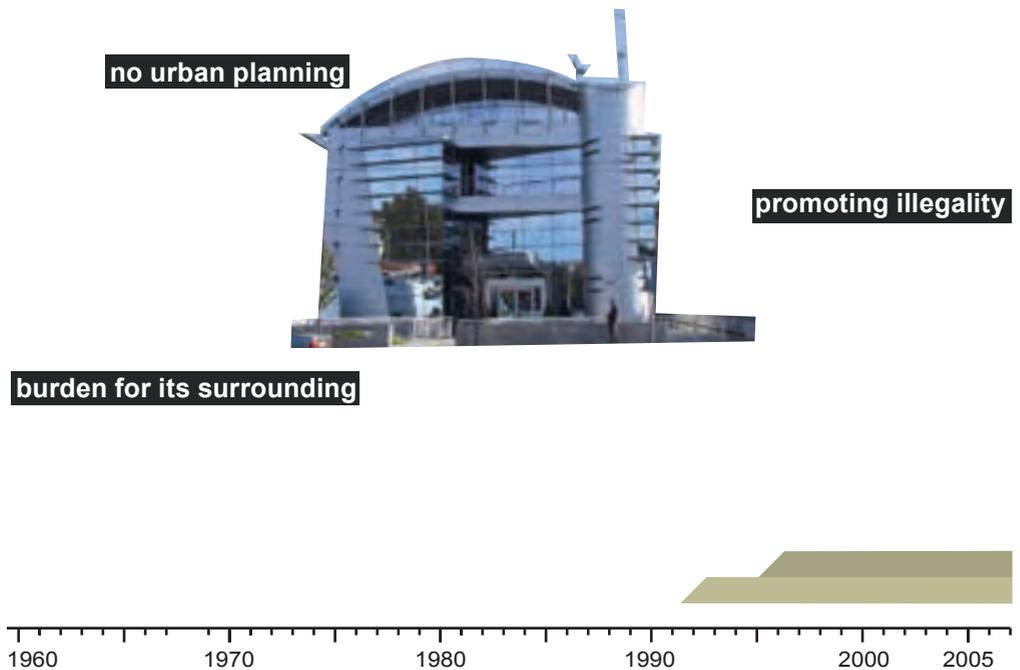


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9 BLOWN UP REGULATIONS

The TV PINK was carried out on a permit issued for some 800 m². The resulting building surface exceeded 4000 m² and the construction code was violated as well as all regulations of the concerning the current master plan. Its overloaded glass and metal architecture gave birth to the so called turbo-architecture-style.

Similar to TV PINKS owner many influential builders turned a blind eye on any building regulations confident about their influence. After change of power in 2000 the TV PINK building was visited by a group of Ministers, won an architecture award and the project was presented at the Serbian pavilion at the Venice biennale of 2002.

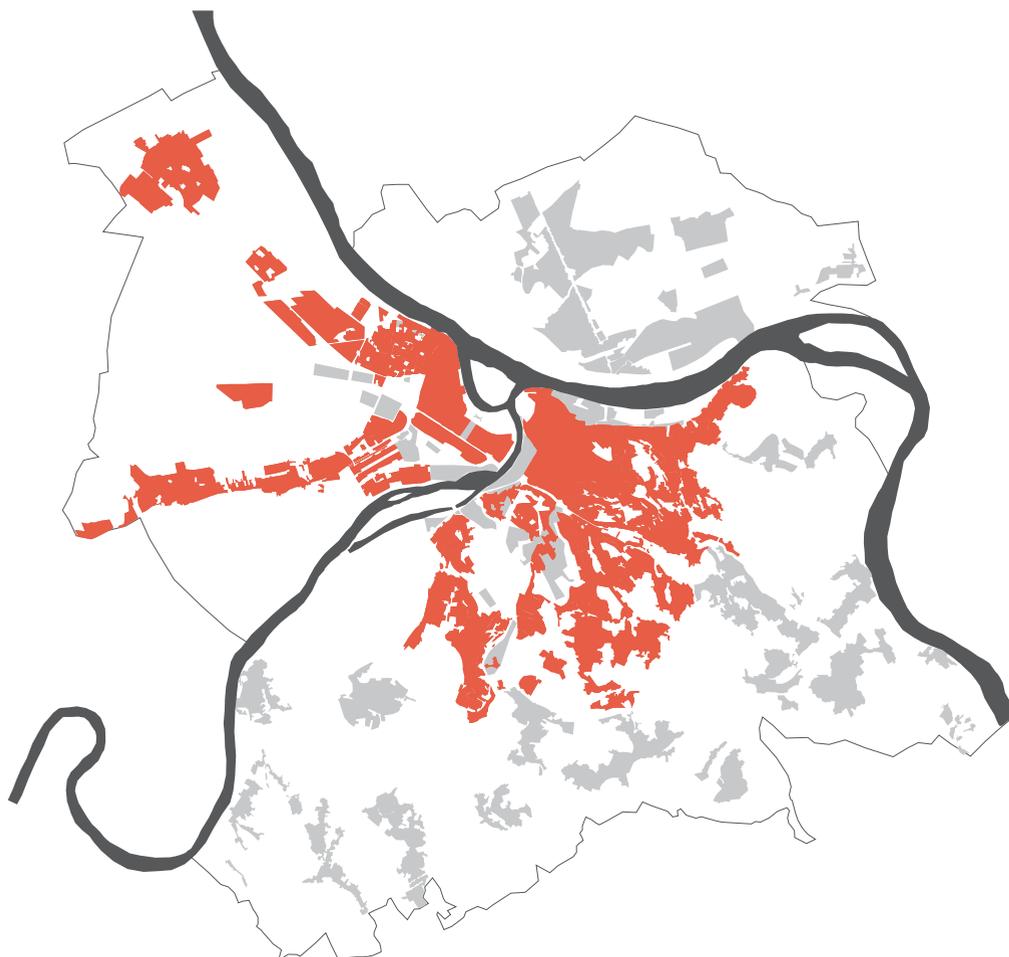


Actors : Rich and influential

Fuel : UN-Embargo, insecure situation, turbo culture

Usage : Comercial

Strategies: Popularity, Stability



10 km

Localization : Blown Up Regulations

Typology



The TV PINK building had many imitators. After it was established and in some way legalized next to its place a row of other buildings exceeding the same regulations appeared.



“Blowing up” regulation is a common practice. The two newly built houses for commercial and residential use in Old Belgrade shown on the opposite page were both built with two additional storeys.





These villas in Dedinje were started to be built in the 90's. The site faces a military site and had always been part of the green spaces typical for this area. The list of people that started building on this site contains relevants of politics of several parties, weapon smugglers and radio-station owners, influential enough to change public space into their turbo-architecture-villa's locations.



LOCALIZATION

The nine wild building types can be located in different parts of the city. On the map on the right it is clearly visible that the highest variation of types is concentrated around the city centre. This area is attractive for various kinds of commercial use and housing at the same time. In contrast to this variety the actual number of illegal construction in this area is relatively small.

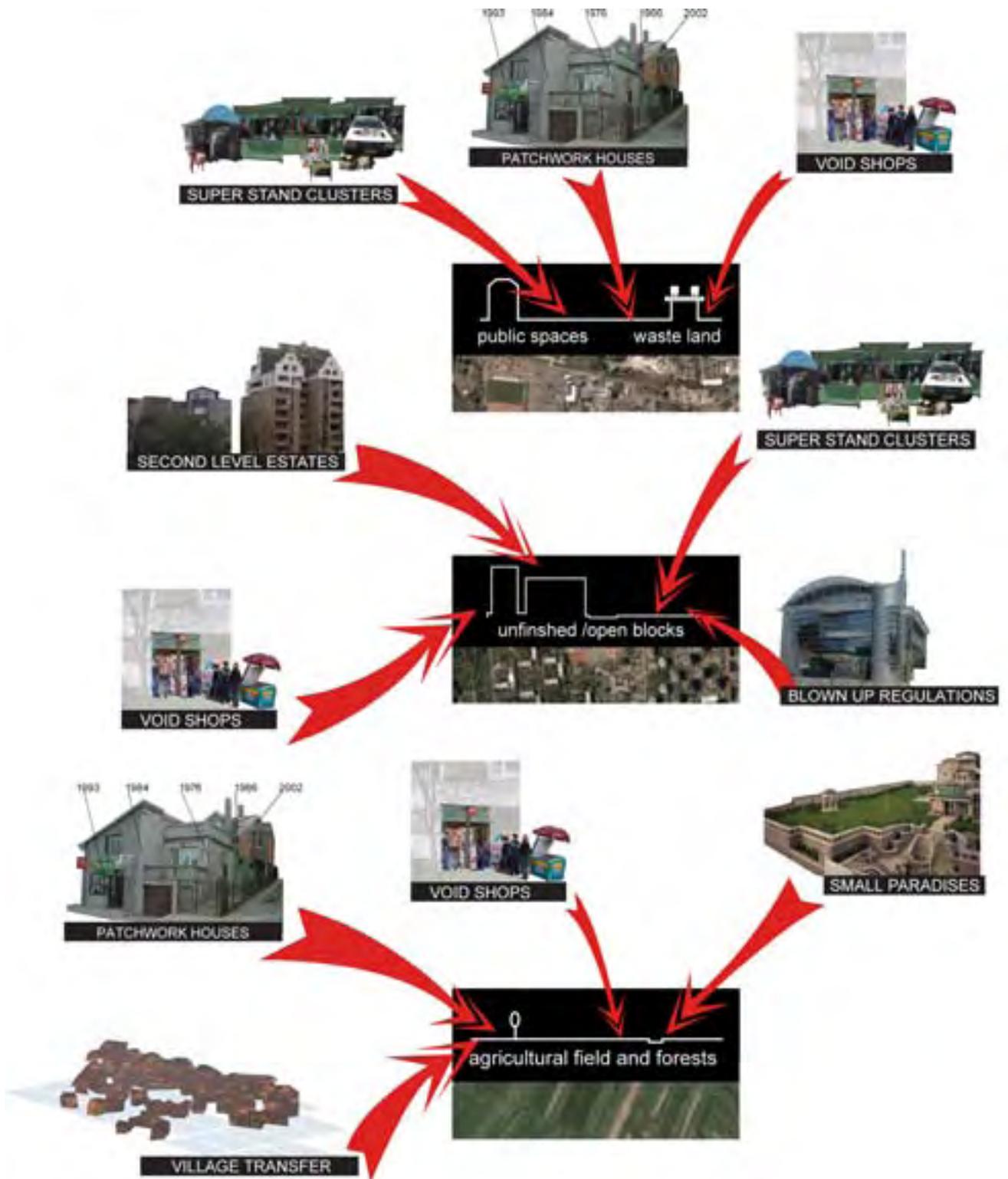
Each type emerges on specific kinds of city tissues in Belgrade, such as the marrode old part of the city, shaped by Serbia's socialistic past, when land value was not directly connected to location, or the unfinished bloks dating from the urbanistic plans of the 50's and 60's which kept changing and where never really completed. Some Types are flexible enough to adapt to every environment, others like the "Village Transfer" type are conected to one type of city-tissue like the agricultural fields, where just outside the city centres borders they found their juristical-gap and place to proliferate.

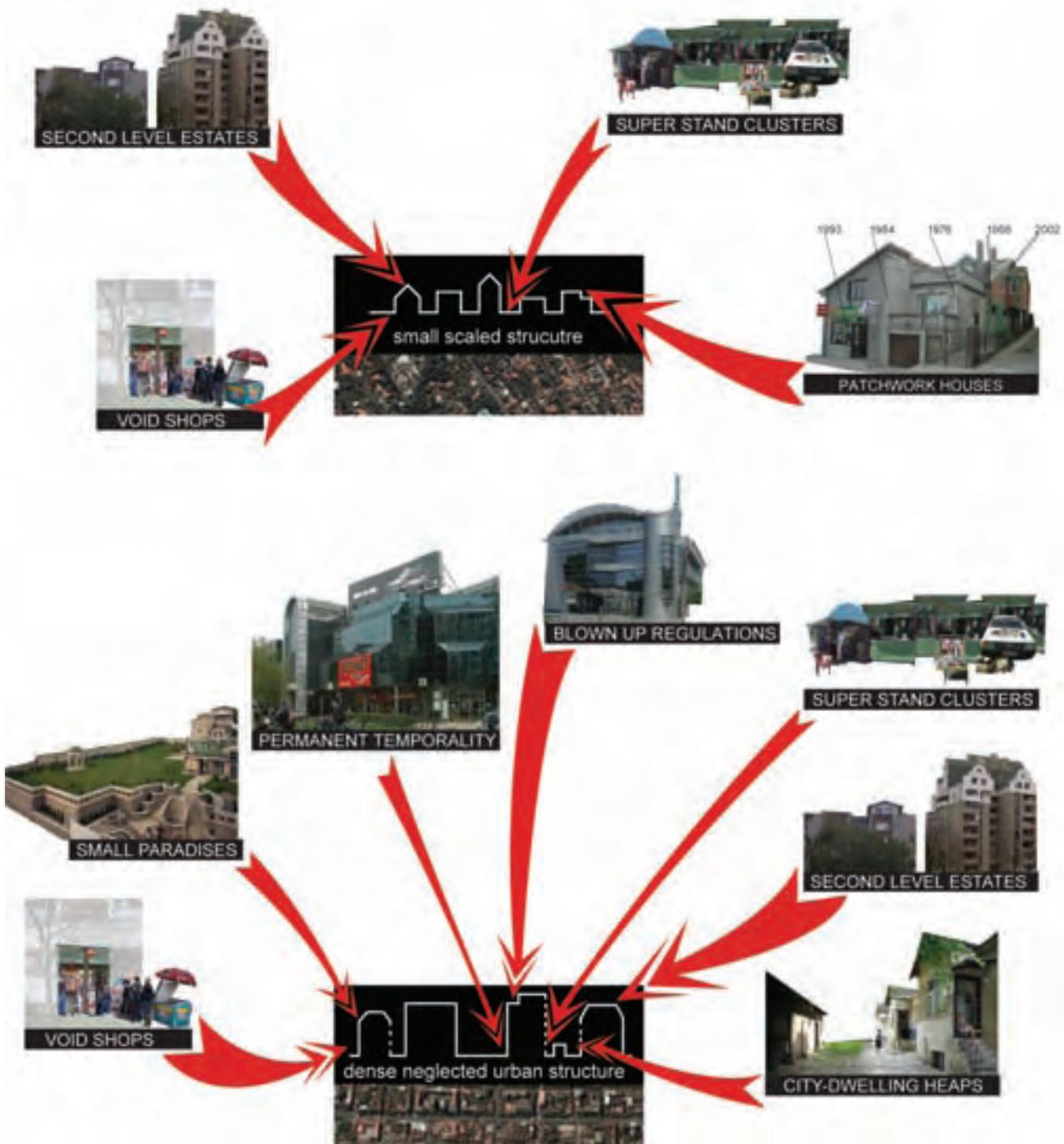


10 km

Variation of wild building types in Belgrade

Typology

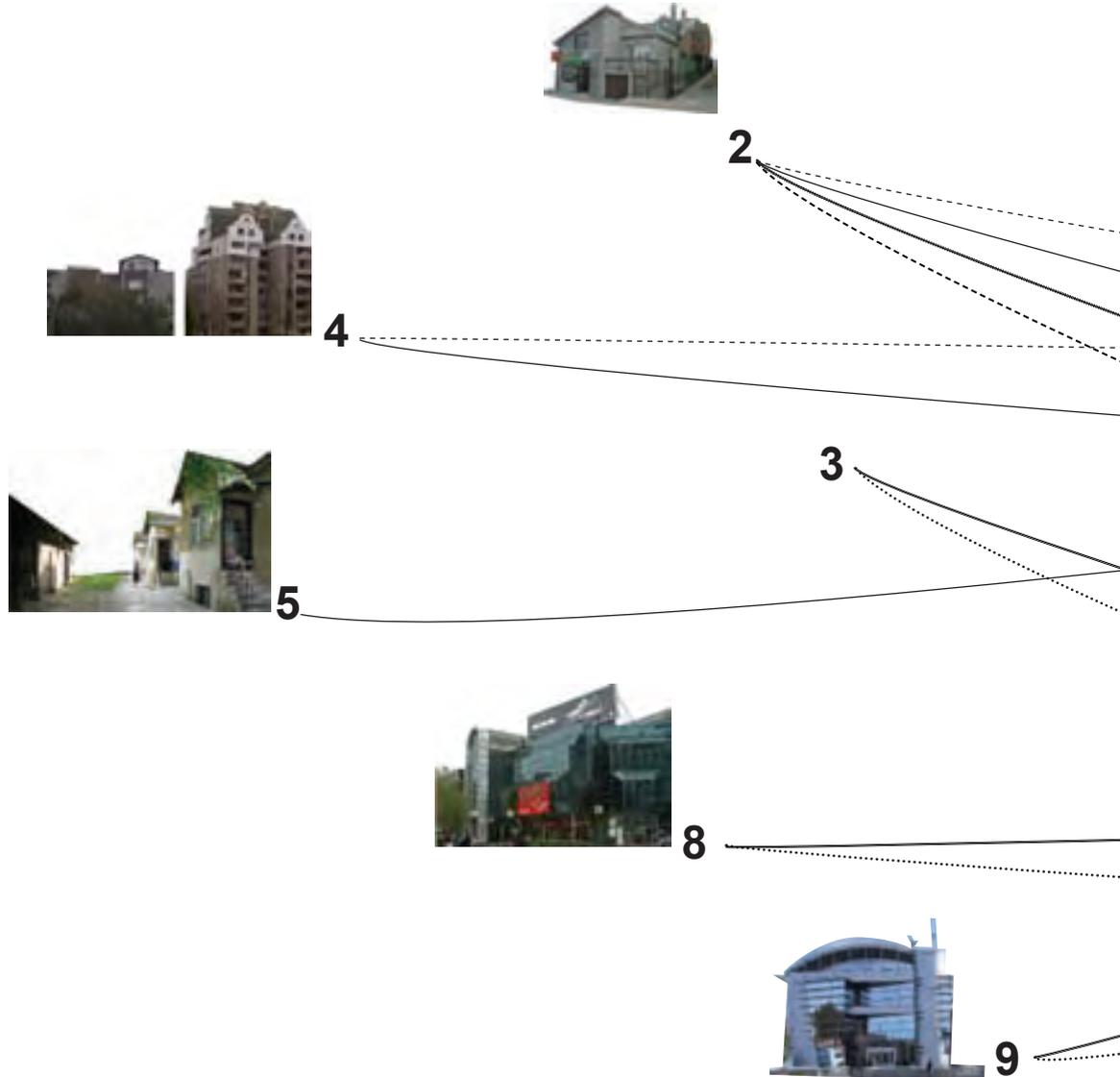


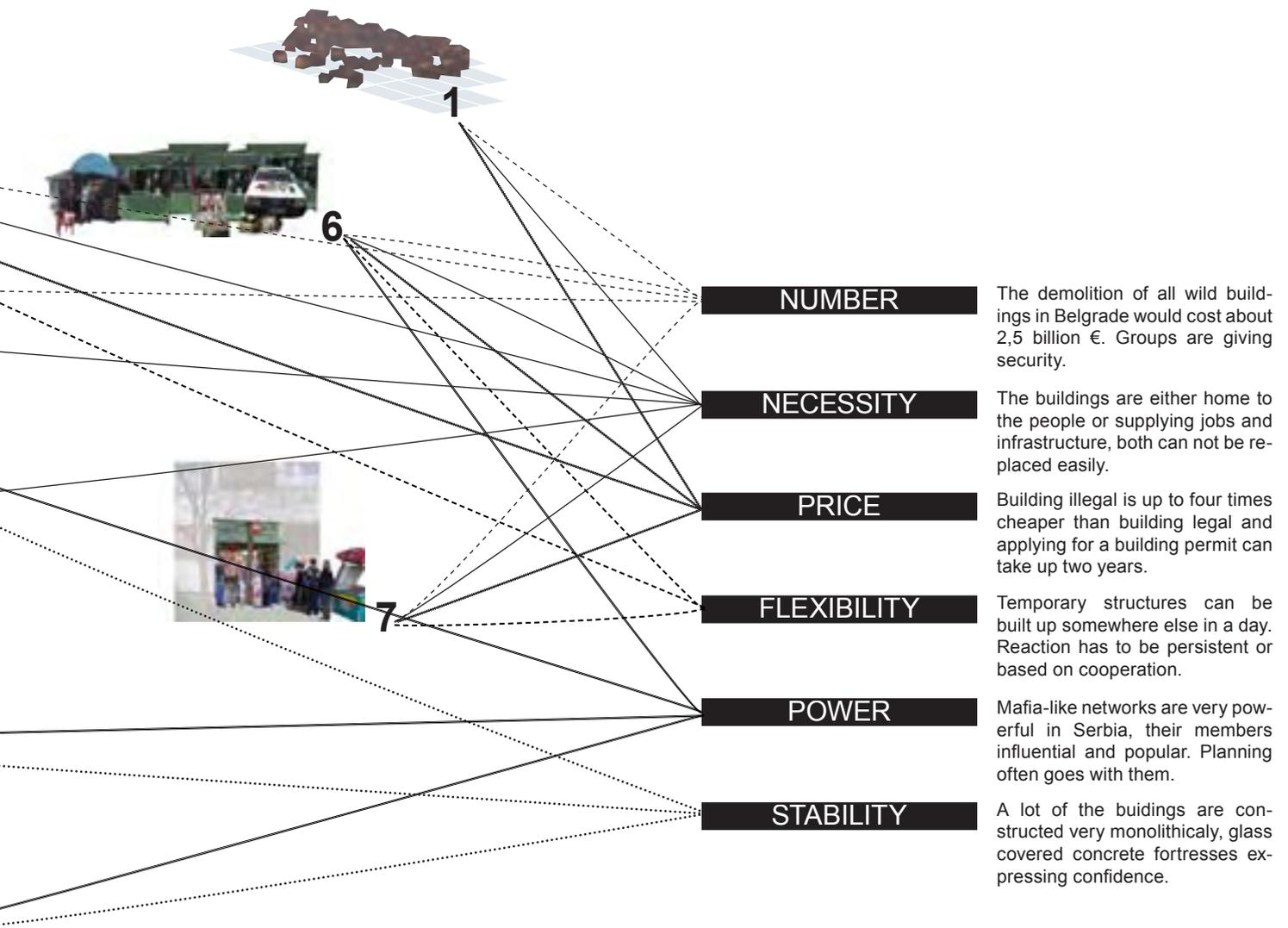


Wild building types attacking different city tissues

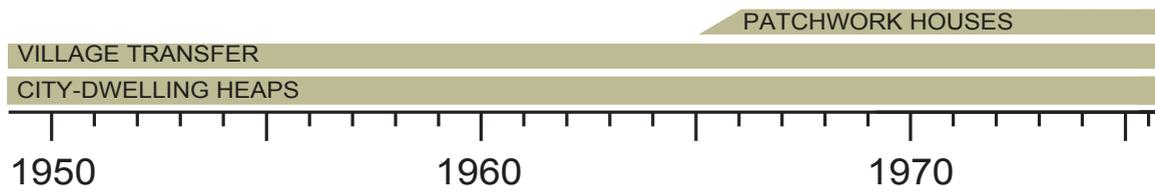
STRATEGIES OF WILD BUILDINGS

There are several reasons why city authorities can not ignore, exclude or demolish all wild buildings. They differ for each of the types. We call them strategies, in the sense of features and facts Institutions have to deal with and to react on.





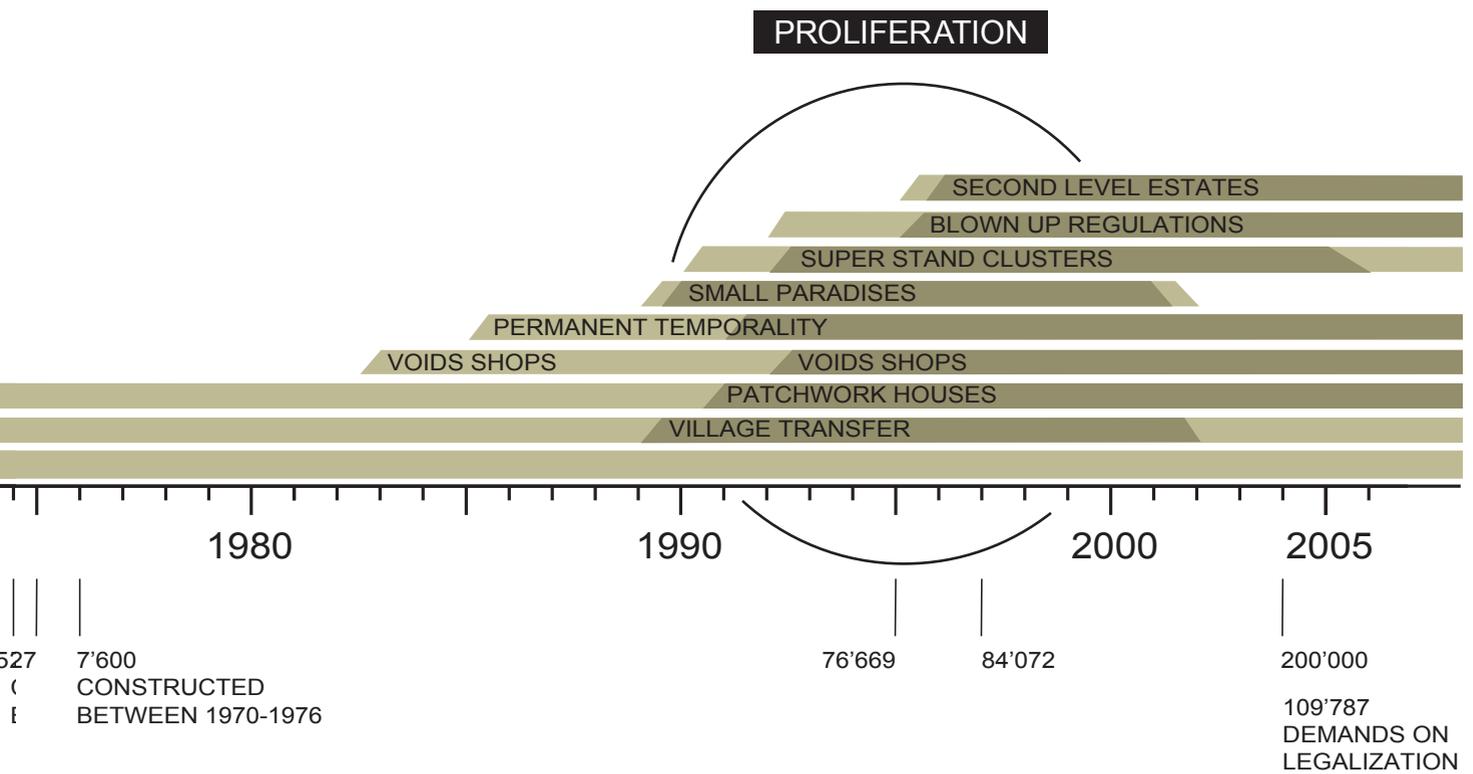
Timeline



NUMBERS OF "WILD BUILDINGS" IN BELGRADE

30'527 Y'

WILD BUILDINGS' EXPANSION



INSTITUTIONS

Institutions such as the government of the State and administration of the City define laws on the basis of which is decided what type and features of buildings are legal or illegal. However the aims and regulations of governments and administrations can also shape and encourage the environment for wild building construction.

During the last years Belgrade as a post-socialist city has been facing multiple transformations, and complex structural changes: going from its specific totalitarian form of governing towards a democratic society, from planned economy to market economy, from an industrial to a post-industrial society. Next to that the city had to deal with many problems such as the wars, hyperinflation and the change of government and power. All of these transformation and impulses influenced wild building as well as shaped institution's attitudes towards informally erected objects. The shifting attitudes and changing policies towards these objects are connected to the government in place and its willingness and ability to enforce them.

In Belgrade three periods of such institutional attitudes can be identified. The first one corresponds to the socialist era, when the state claimed to be able to provide housing for every citizen. The second one in the 90's in times of chaos and the break up of Yugoslavia, when wild building was accepted as informal social policy. The third one, after Milosevic's fall in 2000, when the country begun its way to become a democratic society and a functioning market economy and, therefore, was trying to integrate wild buildings as well.

The attitudes overlap, resulting in different layers of action and sometimes in different layers of legality.

SOCIALISM: “NO TOLERANCE”

The Socialist Federal Republic of Yugoslavia wanted to provide flats for everyone; it was the time in which the State monopolized housing construction and developed collective housing blocks in urban areas. Nevertheless, the facts showed the limits of this policy as receiving a flat in Belgrade implied having a working place in this city. The state ignored these problems for ideological reasons. The individual housing production was not supported or recognized by the government at this time.

Already in the 60's illegal constructions appeared in all major socialist cities of Yugoslavia. The phenomenon intensified in the middle of the 80's in the peripheries of urban areas, when farmers began to sell their rights to use the agricultural land as a building land. These illegal transactions required the splitting of agricultural plots. Such transactions and further constructions were not permitted by the law and the city reacted by imposing penalties: demolitions, refusing utilities and impossibility of registration. Nevertheless there was a common practice to backdate permits.

“In the 80`s more and more Serbs came to Belgrade migrating from the Kosovo. The government did not react on such shifts of popultaion. The problem of different ethnic groups in this area should not be made public as it did not fit in the Idea of a united Federal Republic of Yugoslavia. The refugees solved the problems themselves building houses at places like Kaludjerica.”



DEMOLITION THREADS



REFUSING UTILITIES

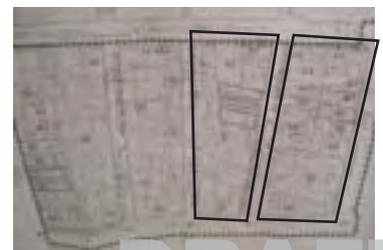
In 1961 the Belgrade city assembly ordered the Public Utility Companies to reject connections to utilities for illegally constructed houses. In this way these objects should not obtain connections to urban utilities, sewage, electricity or even water. Often the builders helped themselves tapping electricity leads or making a deal with the companies.



IMPOSSIBILITY OF REGISTRATION



In Vracar an interesting example of four blocks illustrates the impact of socialistic planning. On the site of two of these blocks the government was planning to start a new highway. For decades the legal development of this area was blocked. Today the contrast is still sharp, two of the blocks developed normally with 4-6 storey buildings. The others are filled up with illegal extensions temporary constructions and pavilions. New regulations try to encourage investors to rebuild this laid back fragment of the city.



NINETIES: “MAXIMUM PROFIT”

The 90`s began with a new wave of Yugoslav nationalism and the break up of the country after a decade of weak government.

By 1995 the balance of the situation was three wars and shifts of over half a million people. The economy was down, hyperinflation made any savings useless and the state funds for housing and pensions had been raided years before.

The city faced proliferation of wild building activities, waves of refugees and growing acceptance of a “do it yourself” mentality. Former criminals became police-force members and war-lords officially respected idols for parts of a whole generation.

The authorities reacted widely with a sellout of agricultural fields, public spaces, open plots and temporary permits to build on them. Wild building was accepted as informal social welfare and authorities tried to get their share from it.



In the nineties, Belgrade was known as the “Kiosk City”, because of all the kiosks and sellers populating the streets. Still today you can find traces of demolished kiosks in central locations like the Boulevard of King Alexander in the city centre.



TEMPORALY PERMITS

Temporary permits which appeared in the mid 80`s were the main tool of city planning during the following decade. they were sold for all kind of structures and nobody expected the buildings to be demolished after they would run out of time.

MAINTAINANCE LAW

In 1995 the government enacted the law of maintainance of dwellings. Among other regularities It enabled the assembly of tennants of a building to give an investor the permission to develop the roof of the building as advertisement space or building plot. In return he should renovate the faccade or improve the infrastructure.



The law for maintenance of dwellings enabled the tenants assemblies of a building also to make contracts allowing advertisement boards built on their roofs getting improvements like an elevator or money in return.



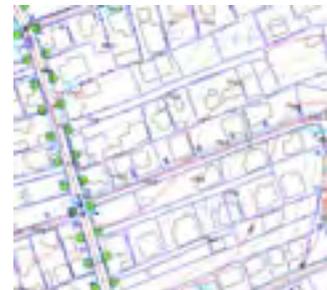
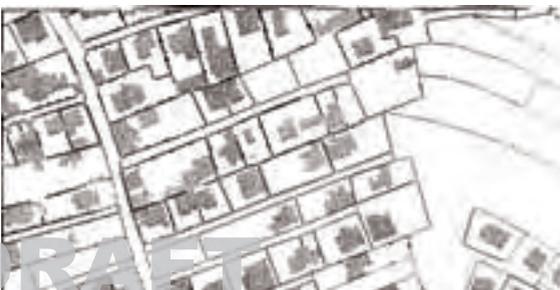
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© ETI 2010/10 Basel

SINCE 2000: “ORDER THE CHAOS”

Already in the late 90`s the institutions realized that ignoring or demolishing all wild buildings was not possible any more. It was said that demolishing all wild buildings would cost 2, 5 billion € , much more than their outright Legalization. With the help of aerial photographs the city tried to record the state of facts. The areas where the problem was most urgent were defined and the city started to develop regulatory plans, propose basic infrastructure and utilities to integrate the informal settlements and their inhabitants into the city fabric.

For the first time it was officially recognized that wild building could not simply be regarded as criminal action but was a product of its time, caused by specific circumstances.

A high-level government committee was established, headed by the Prime Minister in 2002 and focused on land registration, real property markets, privatization, and property rights. Together with the new 2003 master plan the institutions attempted to set up a deadline for starting a new era of planning and construction and stop all illegal activities. At the same time they tried to legalize as much as possible of the existing buildings, giving their owners the opportunity of being fully represented in the city, getting mortgages and entering the rapidly expanding legal real estate market.



REGULATORY PLANS

Regulatory plans were developed for the most urgent areas in Belgrade including the illegal constructed houses, aiming to supply them with additional infrastructure like streets, schools and sewage systems..

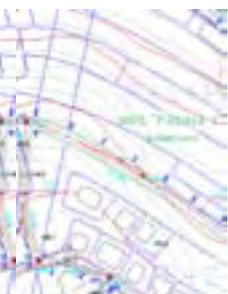


DEADLINE 2003

The deadline of 2003 should mark the moment after which every illegal building activity was regarded as criminal act and when everybody who had built illegal in any way before should apply for legalization.

LEGALIZATION COMMISSIONS

The legalization commission where introduced to enable legalization without regulatory plans. Finishing the plans was taking a lot of time and the commissions could decide each case by its merits with a set of rules. This way the city was reacting on the variety of wild buildings and reasons for illegality. 11 commissions were formed, one for each of the 10 city municipalities and an additional one for the whole city area dealing with building having more than 400m².



4.

This example from Padina, an informal settlement in the south of Belgrade, shows the change of planners practice. In 1989 an early version of the regulatory plan was proposing to demolish some buildings (2.). The final plan finished 2005 (3.) keeps these buildings. An aerial photograph (4.) shows that this plan is again outdated by the areas' dynamic development.

The planning for Padina took 13 years including all changes. Whereas a first room of a house can be ready to move in after one month.

INTERNATIONAL INPUTS

Many international institutions, like the EU, some countries governments, the UN and several NGO`s are connected to the establishment of democracy and the regaining of stability in South Easter Europe. Partly they are also dealing with the problems of illegal housing, legalization and private property. This list shows some examples:

World Bank loan (30 mio \$) + money from the Eu for real estate cadastre project in Serbia in total: 39 mio US \$, enforcing the RGZ Republic Geodetic Authority.

USAID infrastructural help for legalizing municipalities (providing knowledge, advertisement for legalization, Software and Computers)

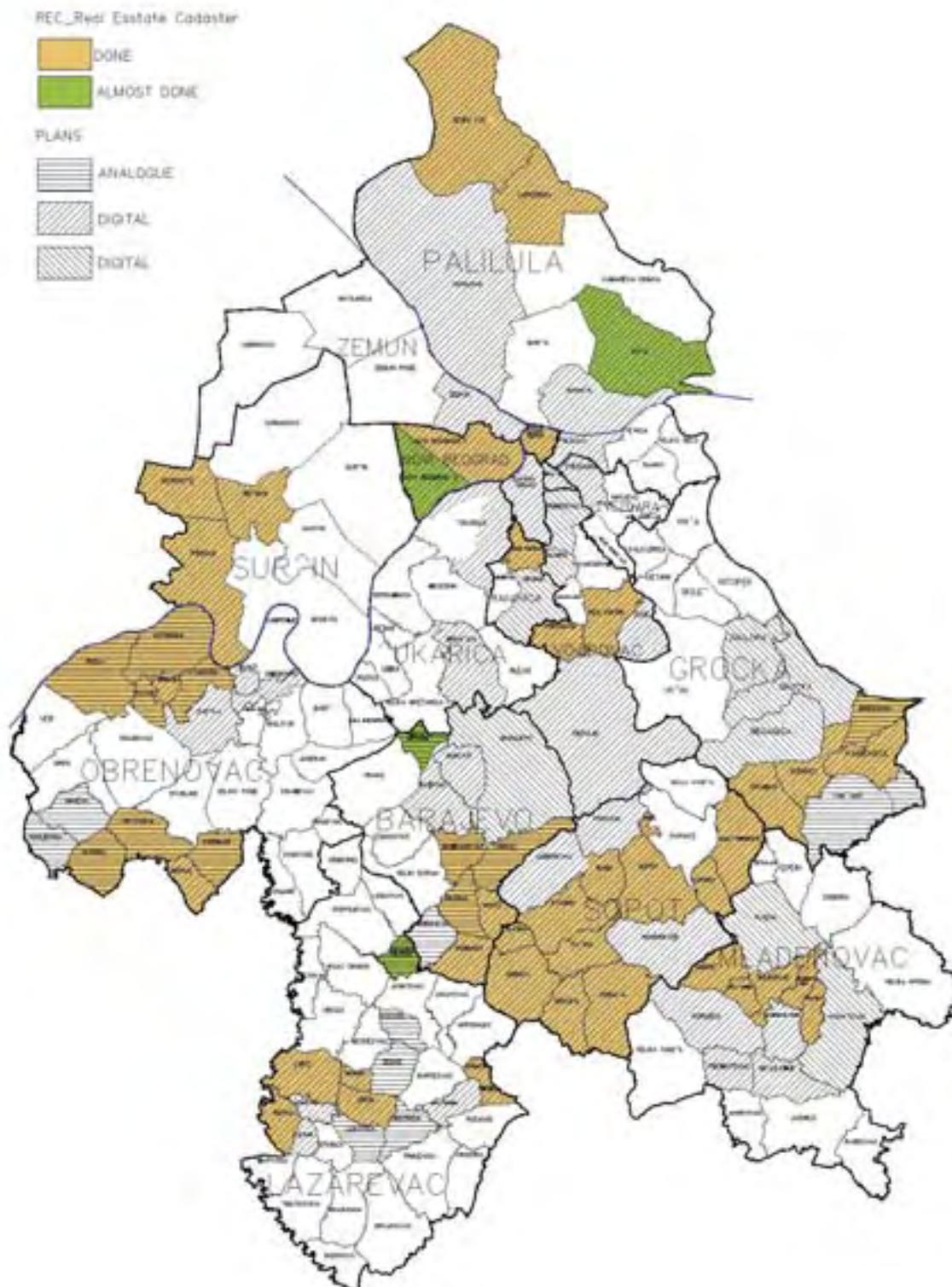
„Stability Pact“ and UNECE dealing with the housing problem in Serbia writing reports and giving advises.

Conferences like the “Ministerial Conference on Informal Settlements in South East Europe” organized by the Stability Pact department Housing, in Vienna in 2004.

In the RGZ (Republic Geodetic Authority) responsible for the Real Estate Cadastre you can find an office for each country that helps this institution. So it is the Norwegian room, the Swedish room,... “Every body is interesting in helping us! The scanners are donated by Sweden, and the knowledge is coming from abroad as well.

Of course nobody helps without interest. Everybody wants to invest!” Sasha Stefanovic, RGZ



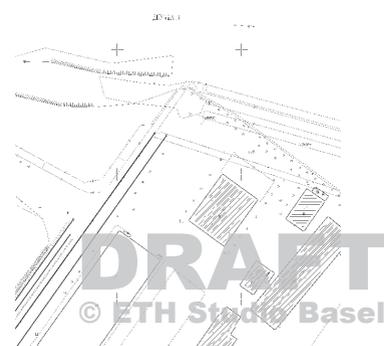


Working map of the RGZ of Belgrade showing the state of work in May 2006

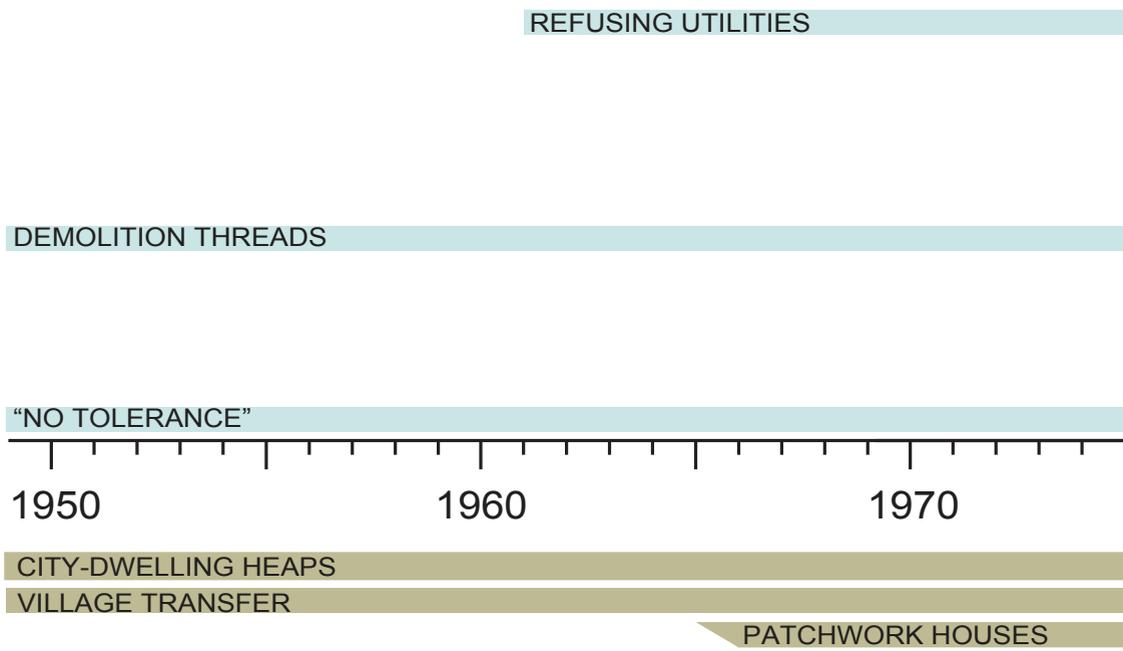


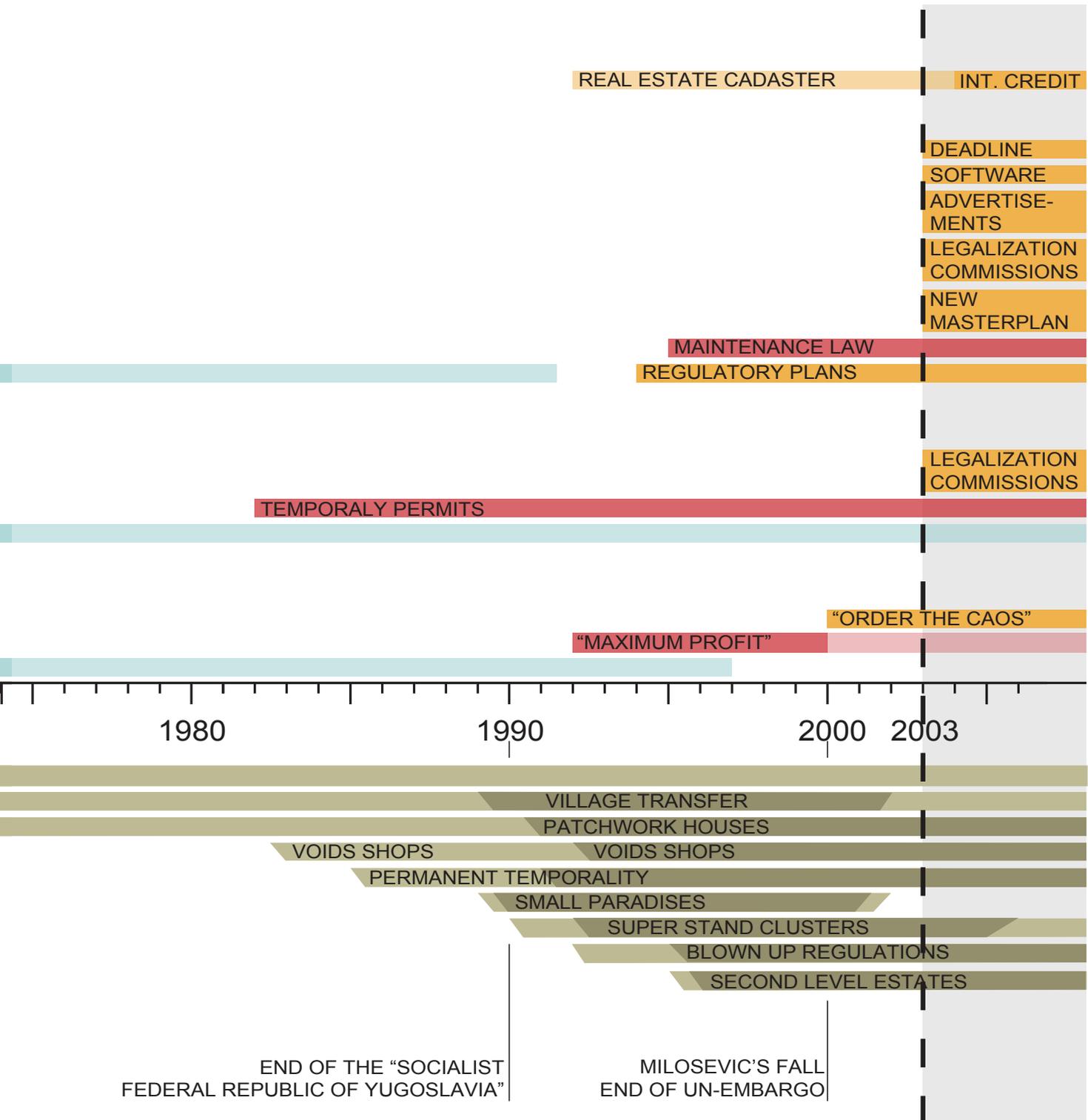
“The information for the real estate cadastre was only collected out of the land books and data registered at the municipalities. So it connects the data of both, but it has not been checked what is really on the site. Since the new law of 2003 her agency has got the right to lease land for 99 years where the ownership is clear. To be able to give a guaranty for investors our secretary always has to check first who is the legitimate owner of the land or the right to use the land. This can take up to 3 years”

Slobodanica Preicajski, of the City’s Secretary for Building Construction



Timeline





INTERACTION OF TYPES AND INSTITUTIONS

Wild Building and the city's institutions can be seen as different typologies of urban entities, two actors acting and reacting. Both invest different interests, power and strategies into a resulting dynamic balance changing with its environment.

Legalization is only one of the processes taking place, supported by the country's transition, economic forces and a wish for security and planning control. In this process there are blockages such as the problem of the land-registration, low quality construction and missing documentation. But there are also catalysts such as financial interest and international attention.

The dynamics of the environment and the necessity to improvise have created an enormous flexibility of all actors involved. If one reaction like legalization is blocked or a better opportunity appears the wild builders and Institutions might chose another tactic. This might result in a new process creating side-effects or mutations and contributing to blur the diffuse boundary between legality and illegality.

Actors are crossing this boundary as well. Driven by profit or the wish to create fairness and chances in a city where informal building can not necessary be regarded as a criminal act. Planners are changing their regulation and some officials are accepting money to turn a blind eye on someone's building activities.

City planning and laws are not left untouched. Transformation of the legalization laws and transformation of master planning practice are the latest developments infiltrating and perverting common solutions.

LEGALIZATION

For wild builders and Institutions legalization has an political, social and economical impact. For the builders it can mean security, higher value of their property and the possibility of getting a mortgage on it. For the Institutions legalization is part of the scheme to establish a single and legal real estate market instead of having the black and legal markets, where prices are four times higher, in coexistence. Legalization allows privatization of unregistered enterprises, transparency for local an international investment and the tax authorities to impose property-, land development- and transaction taxes. Legal private property is regarded as the base of the market economy.

Legalization also means inclusion into the stock of housing of the main part of the buildings constructed in the 90's, getting an overview the state of facts and regaining control over standards and city development.

Although 2003 was meant to mark the cut towards a new legal building period, the facts show otherwise. Especially for small housing units situation is more difficult and financially less attractive. Mistrust divides Institutions and wild builders. Dynamics are taking over, leaving the original idea of legalization behind.

PROCESS

Legalization of wild buildings in Belgrade is done on a case-by-case basis.

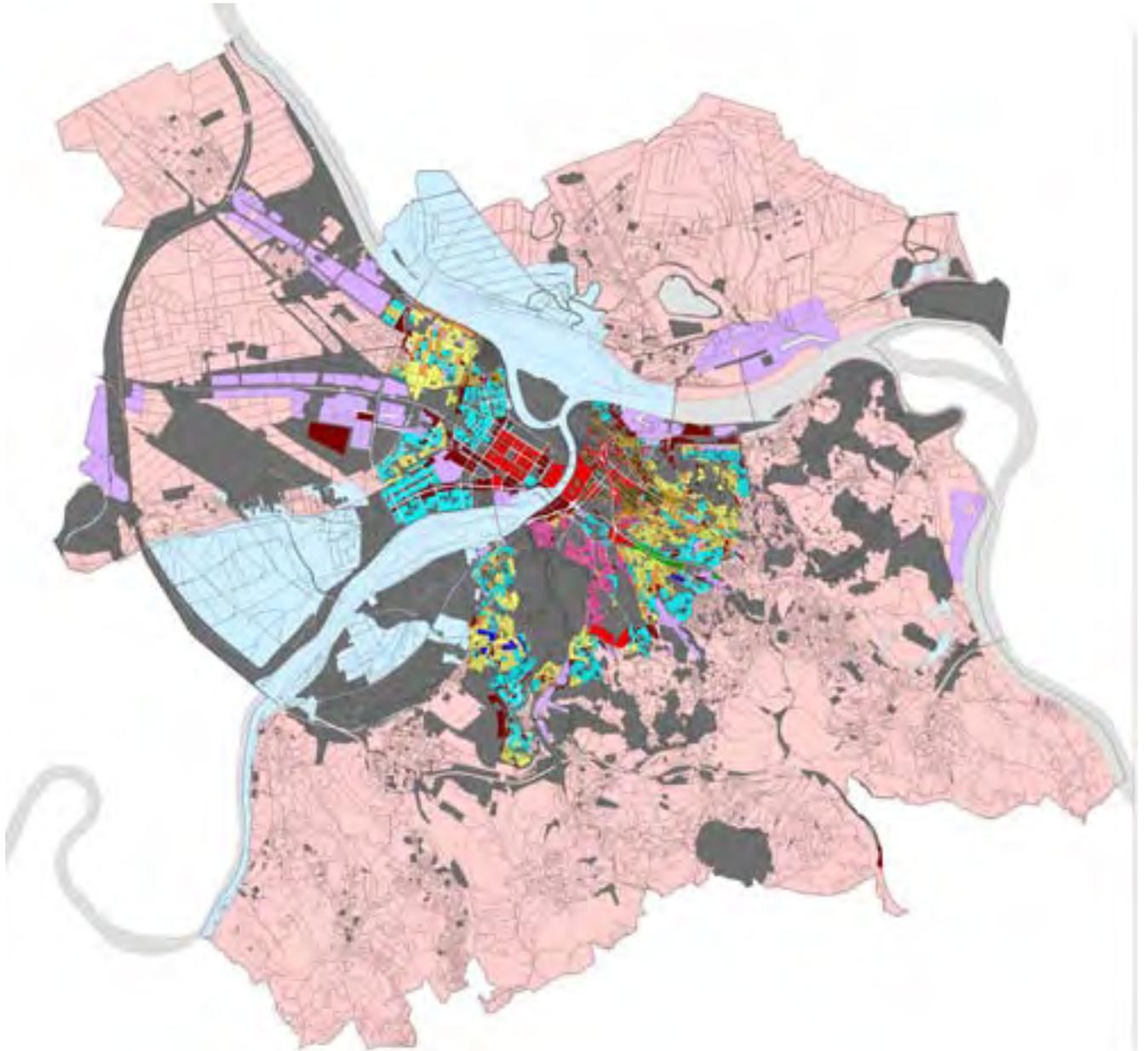
According to the Planning and Construction Law of May 2003, the owner of any illegal object had to apply for legalization before the 30th September 2003. Afterwards fees for legalization of existing buildings would be much higher and new illegal construction would be regarded as a criminal act.

The legalization-application should include documents to locate and prove the ownership of the structure and land use rights. Based on this the legalization commission checks with an aerial photograph if the buildings was constructed before 2003 and examines public and private interests. After this evaluation, the commission gives a first recommendation of the case. Decisions for buildings with less than 800m² are done within the ten city municipalities and for over 800m² by the city itself.

A catalogue of rules defines the construction standards for legalization in each part of the city. In the inner city standards are higher, in old Belgrade for example preservation and protection Institute also need to be consulted. At the same time in the outskirts are open to negotiation between neighbors.

If the decision is positive the applicant is allowed to enter the legalization process and asked to provide further documents such as architectural, structural and utilities plans.

In the next step the applicant goes to the Secretary of Building Construction for the assessment and payment of fees. Fees vary according to the location of the object, its use and infrastructure. For housing the legalization are about half of the corresponding building permit fees.



Map showing different regulations' areas for legalization. Legalization commission.



Pavel was legalizing his shop for ship-spare-parts. He has to pay about 22 000€ for 120 m² shop. He does not think that this is too expensive. The Secretary for Building Construction offered him to pay in installments over five years. Afterwards he wants to sell his shop. He says, for somebody working together with a lot of international firms, business was better in before Milosevic's fall.



EXAMPLE

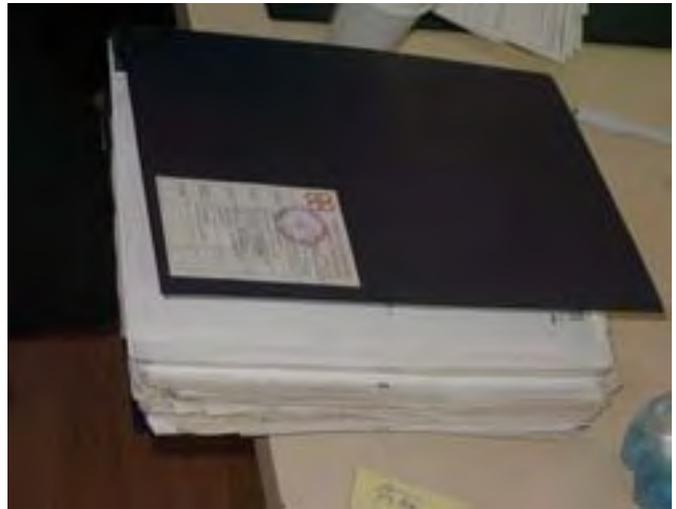
This building located in the municipality of Old Belgrade next to the old fortress corresponds to the “Blown up Regulation” type. It was constructed with a building permit for only 7 floors. During its construction the investor added two more floors. Still an architect planned it and supplied all the necessary documentation. Today pushed by the investor’s and the institutions financial interests this example has almost completed the process of legalization.

In this case like in most of the other 1’680 cases of buildings over 800m² that applied for legalization the process was fuelled by the combined effect of institutions interested in taxes and investors in the search for credit. Until today 75% of these cases were taken into the procedure of Legalization and about 30% of these buildings did already succeed.

In sharp contrast, since 2003 about 136 000 applications corresponding to smaller buildings were filed but only about 2% had been proceeded in the first year.

One of the two folders with the necessary documentation for legalization.

At the bottom an aerial photograph marked by the Institutions to locate the building and check the regulations, constrains and requirements for legalization at this site.





BLOWN UP REGULATIONS



“For the people who have a lot of money, the city says, ok let’s legalize them. They are building something that has 10 000 m2 and we need the money. In these cases the city does not care about other interests. That is why i m against legalization.”
Slobodana Prekeaiski, of the City’s Secretary for Building Construction

PROBLEMS

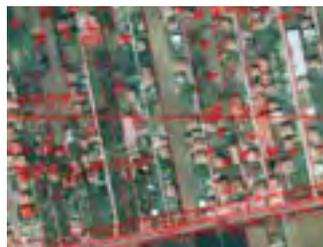
The numbers clearly indicate that legalization of small housing is on a stand still. The problems are manifold such as land ownership, lack of documentation, low capacity of the city administration to process applications and conflict of interests, distrust and poor communication between the actors involved. A draft social assessment showed that with the exception of the church, Army and the police, all other institutions are trusted by less than 10% of the population sampled.

Besides a general policy of rather independently acting municipalities is expecting too much of them and does not include the idea of mutual exchange yet. This independency in terms of getting control over informal construction contains the danger of facilitating corrupt practices.

Concerning land use rights problems in Serbia are sometimes dating even from the times when Yugoslavia was occupied by the Hapsburg and Ottoman Empires. The ottomans are accused of burning and destroying all land records and land related documents. More recently, during the socialist period, the registration of real estate was not considered to be necessary at all. Transactions were done informally and nationalization of city land after the WWII and denationalization in 1992 caused even more confusions. Even today land-ownership does not exist in urban areas. The following examples illustrate some of the main problems identified by wild builders and Institutions:



Like these houses built on public space in Zemun next to blocks from the 60's, some buildings are erected on city land, public land, or someone else's land. They took their chances, sometimes even having temporary permits given by an opportunistic government. Ursupation of land is one of the key-problems of illegal constructions.



In Ledine-Suburb agricultural plots have been divided informally and sold to several builders. For registration and legalization, new official cadastral borders have to be defined. All the builders of one plot have to agree which each others constructions and apply together. This process is complicated and takes a lot of time.

„I live in a building for collective-housing built by the socialistic government. A few month ago I went to the bank to get a mortgage to have more money for my buisness. I couldn't obtain it because my flat wasn't registered. In the cadaster it was only a street there with an old house!!!“...”No, I did not apply for registration, I got the money through other ways.”

Boban, Zemun





Like here in Padina, builders had often done the connection to electricity and water networks by themselves, also collecting money to build streets. This is still the fastest way and many of them do not understand why they should pay fees for infrastructure to legalize their building.



Before the elections politicians promised that legalization would be easily possible for everyone. So citizens applied with a picture and their address. When the Institutions asked for plans, they were surprised and could not or did not want to pay an architect to draw them.

„I bought this little shop ten years ago, with all the papers. In 2003 I applied to legalize my building, but until now I have no answer. I have no idea and every time I call the office to know what is going on, they ask me to wait. I'm afraid because I don't know what will happen tomorrow, if I will own the land or have my shop destroyed”S. Mladenovic, owner of a shop in New Belgrade

“these people don't have education, they don't respect intellectual work. [...] They think it is a waste of money to pay an architect. And why would have to pay to obtain ONLY a paper? And to pay taxes? They save this money for building a bigger house“

An employee of the legalization commission

“The institutions have to act in this procedure just like with somebody who has done things legally. And they say I couldn't care less, they believe that nobody will tear them down they do not have the money or they do not want to pay it to be legalized they do not want to sell their buildings at this moment. The whole procedure is going very very slowly. My colleagues working on that say that this work on legalization is just the same work as they do preparing permits for building of 50 000m but the money that comes out of it is nothing, and the builders have the right to pay off in 5 years, these tiny little sums, its stupid, its just taking time”.
Slobodanica Preicajski, of the City's Secretary for Building and Construction



“People were building with temporarily permits on my family's land in Zemun. We did not dare to do anything against it. The builders threatened us, they are powerful. The problem is not solved until today.”

Jawanka, urban-planner

CHANGES OF PROCESS

To react on some of the problems of legalization the city started to re-think and facilitate the procedure.

The deadline for application for legalization for example was prolonged from six months up to the present day, as people kept complaining that they did not know about it and the city could not keep to its own time plan for processing as well.

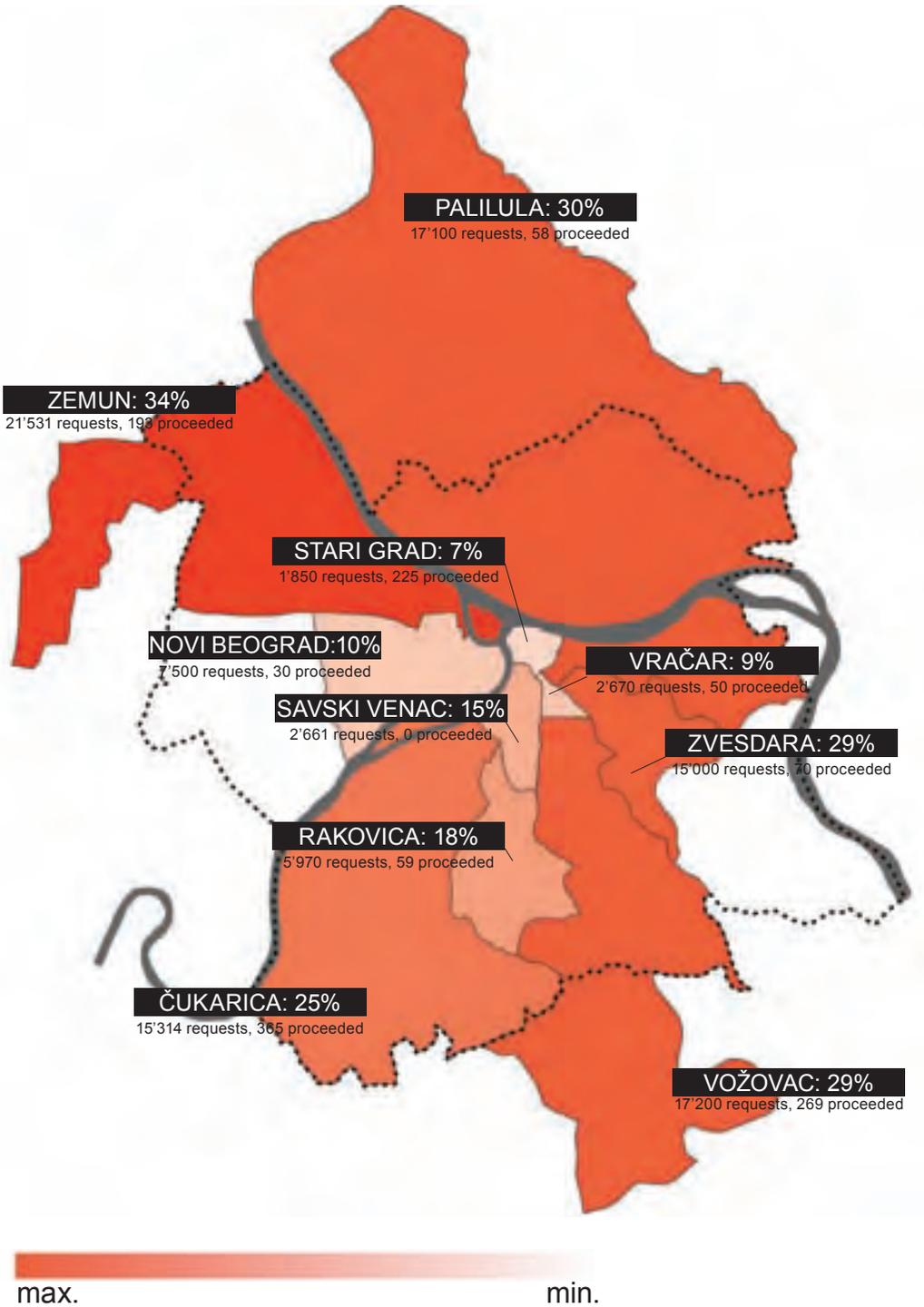
The land development fee for infrastructure is today divided into two parts: one for primary and one for secondary infrastructure. The second part is not paid if the builder had already provided and invested in infrastructure himself as it is the practice in most informal settlements.

The cost to legalize small houses (up to two storeys) are reduced to 50% and range around 30€ per square meter.

Reacting on the builders problems to provide utility-plans this part of the application was facilitated in these days. The provided plans had nothing to do with reality anyways as there is often no documentation of the exact building process. In future there will be an licensed expert commissioned by the city and asked to check if water is running and the light is working.

During the process of establishing a unified real estate cadastre, land registration problems have been given to private companies. Since 2002 when the major law on State Land Survey, Cadastre and Registration of Real Estate Rights was enacted they are enabled to define new cadastral borders by checking old cadastral plans, negotiating with all stakeholders and dealing with the court. After this they give back final results to register at the responsible National Geodetic Authority.

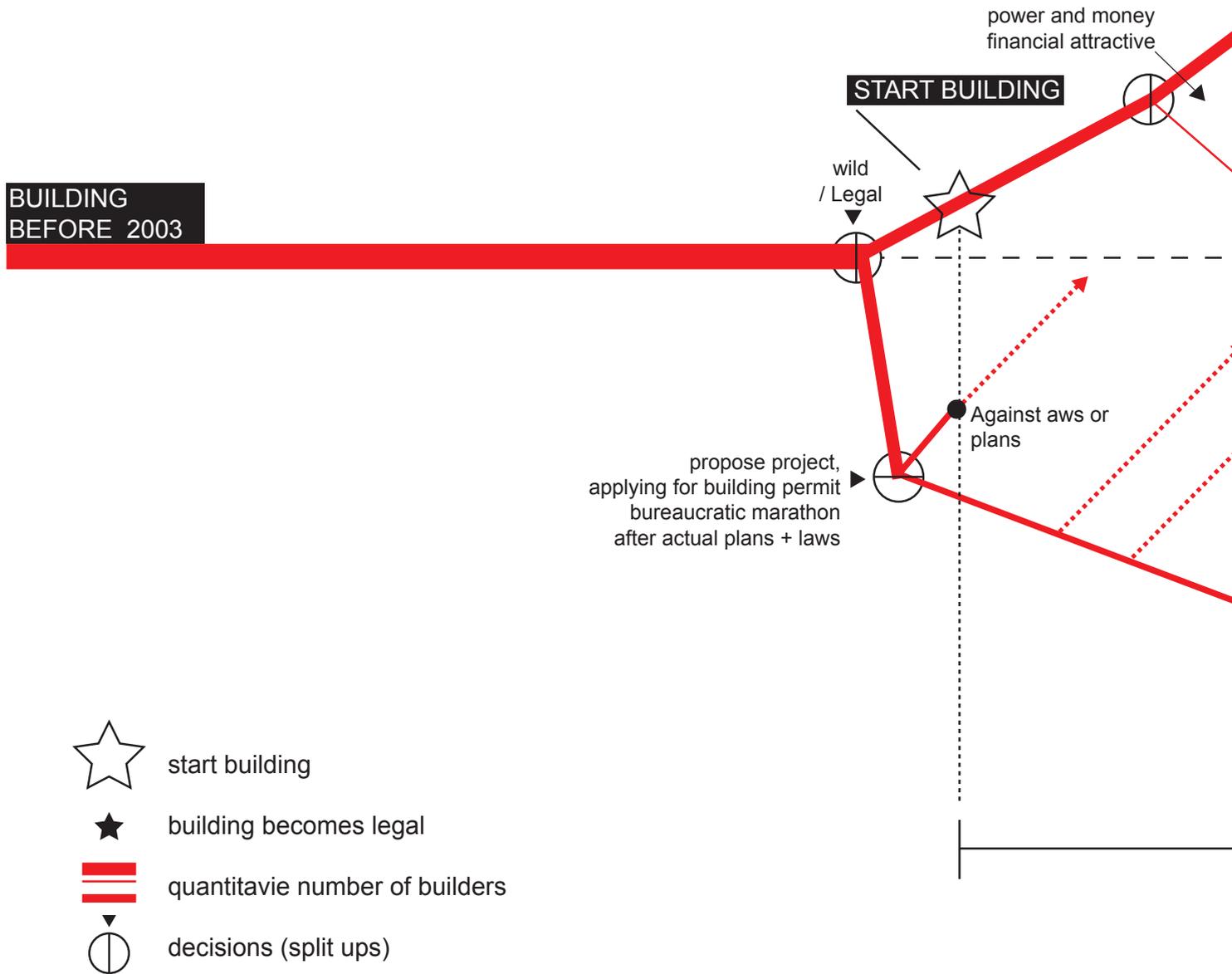
Nevertheless some experts are sure that legalization will never be finished. Like with the plans and the wild buildings it is also a question of time.

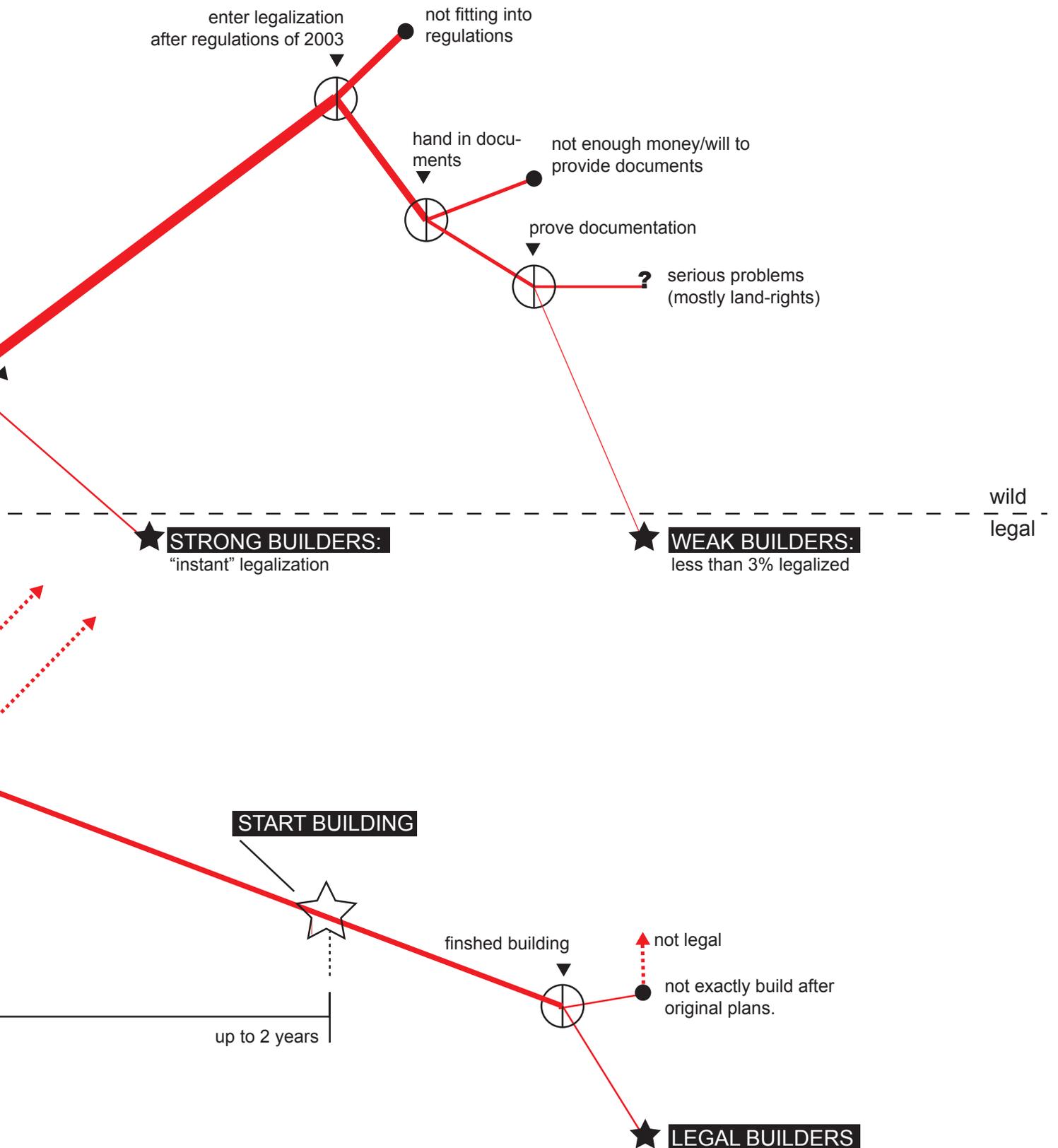


Percent of requests for legalization per housing stock for each municipality.
 legalization commission's statistics 13 november 2003 / statistical year book of Belgrade 2004
 for the city level: statistics given by N. Komatino (deputy of secretary for legalization) may 2006

WAYS OF GETTING LEGAL I

Building before 2003





-

TACTICS

As legalization did not actually start before 2003 and soon after resulted in deadlock for many participants, the most dynamic actors invented different tactics to control, survive, make profit or get legalized; constantly maneuvering through the maze of a blurry terrain.

Some of these tactics are: to scare off each other, using camouflage or negotiating existing boundaries.

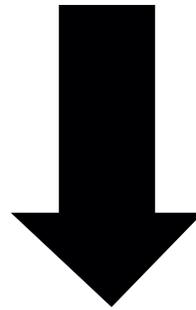
The easiest way for Authorities to control wild building is by demolishing existing ones. The other way round builders can scare off planners by building against plans and having the powerful on their side.

Camouflaging up to three stories under a roof is a way of complying with masterplan's regulations. The profit coming out of this tactic can partly be used to make sure the authorities accept the rather free interpretation of the regulation and widen it up towards legalizing something not fitting in any regulation at all.

Builders, Kiosks owners and applicants for legalization are in constant negotiation with the city authorities. They build up networks, change structures, move and often pay to take their chances.

SCARE OFF - INSTITUTIONS: DEMOLITION

Drastic actions of the city authority are most of the time connected to infrastructure projects. There have always been threats of demolition of illegal constructions but up to now it hardly ever happened. Only the biggest streets or projects like the light railway with investments around 400 mil €, planned and surveyed on city level lead to demolition. In 2001 in Belgrade 355 wild buildings were demolished and (~0,4 % of the total number) , almost all of them stood as single illegal examples in their city areas, demolition in the wild settlements was rare. Demolition was also undertaken for political reasons, as most of the wild-villas are built by well known Balkan-Mafia members.



Here in Zemun the city ordered to demolish a permanent built kiosk one year ago. Today the same owner has a permit for a temporary constructed stand, standing on the first constructions' leftovers.





Tactics



24h

The city wants to widen the King Alexander Boulevard for the new light railway, one of the big infrastructural projects to happen in the next years. At the east end of the streets Kiosks are lining the street. Next to the green market demolition started end of May 2006

the public land surrounding the market had been sub-divided and sold in the 90's. The new users paid 5000€ per plot for temporary permits sometimes they united two or more constructing all kinds of shops, restaurants and Kiosk solidifying to a barrier between market and street. In May 2006 the City asked them to remove the kiosk for the light railway to come. The owners did not react until the first kiosk were demolished and a fee of 2500€ was to be paid. From one day to another the kiosk-cluster shrinks being demolished and digested, leaving tiled concrete slab as traces behind.



48h





The demolition of the main parts is done by the people working at the kiosk, windows, oven and even tiles might be re-used at the plot the owner got in exchange.



The leftovers are taken and shredded the next day by the gypsies that leave the place in the evening with a caravan filled with iron and aluminium.



In the aftermath of the assassination of Zoran Djindjic the former prime-minister in 2003, the city authorities plucked up courage and ordered the demolition of a turbo-style-architecture villa in Zemun belonging to a member of the Zemun -Clan. This Clan was known to be connected with the killing. The villa resisted, a core of concrete did almost stop the venture.

SCARE OFF - BUILDERS: ANTI-PLANNING

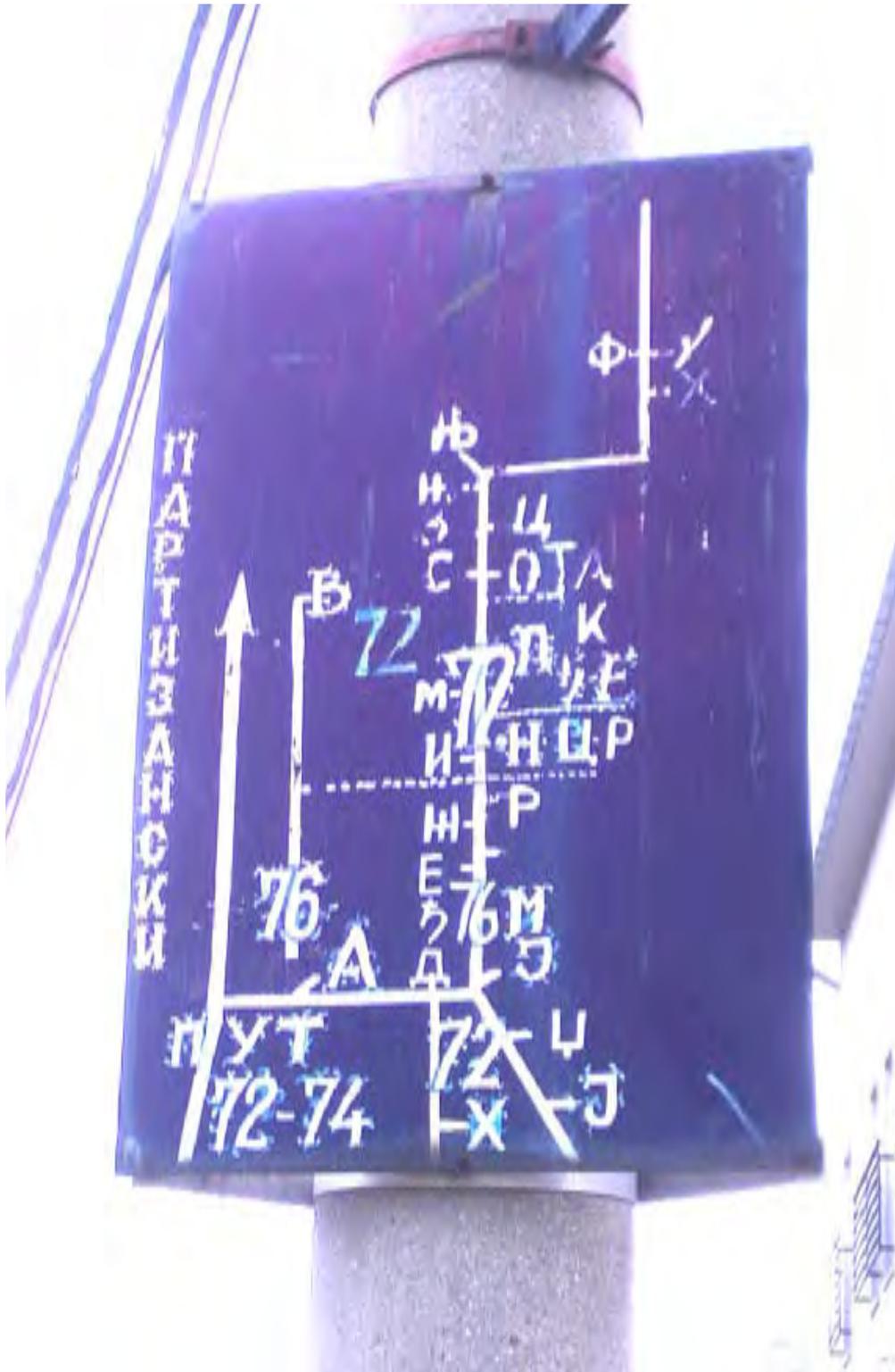
Planning in Belgrade is an open process. Since the mid 90's when the City Planning Institute started to remake regulatory plans with the inclusion of existing illegally built buildings, future builder came to the Planners to see what is going to happen in their area. Realizing that a street or a school was planned on the site of their plot of mostly agricultural land, the resolute started building immediately, scaring off planners, forcing plans to change and the sites dedicated to public use to shrink every year.



During the 90's Belgrade authorities started to sell temporary permits for plots of 30m² for small commercial constructions. Ambitious builder-families independently joined several plots building much bigger constructions including housing functions as well.



This sign tries to bring order in an area where the number 72 was used more than twenty times.

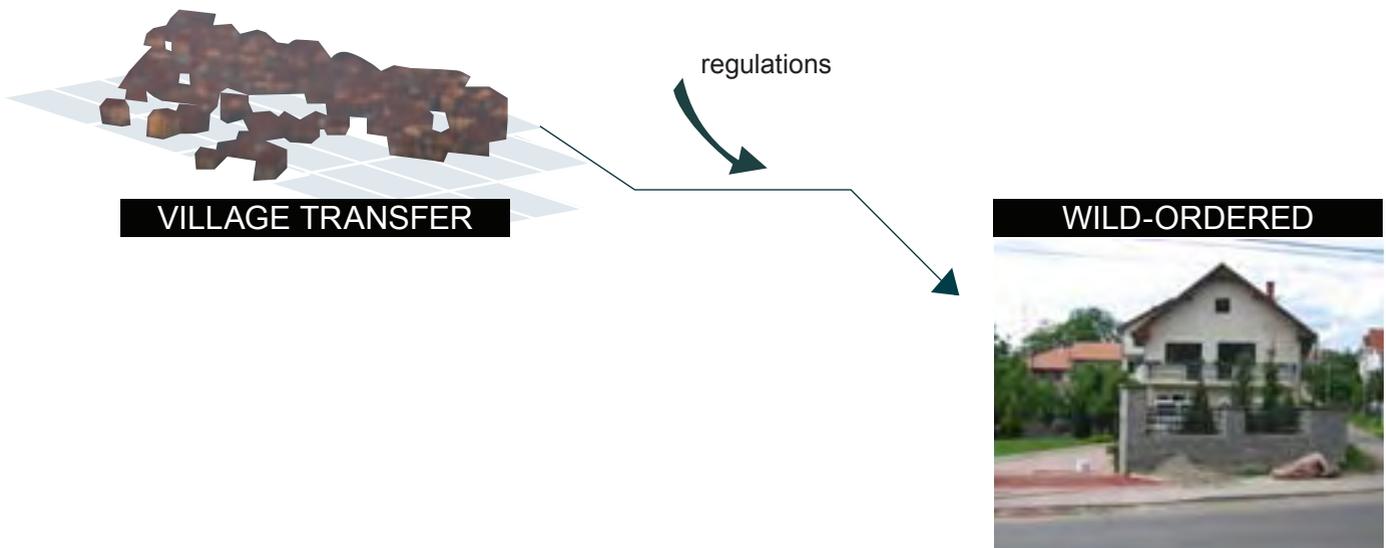


House-numbers like “72p” here in Karaburma remind of informal planning. Illegal developers were often building streets to sell small plots of their land for a higher price.



CAMOUFLAGE I: CAMOUFLAGE *Light*

When the first regulatory plans were about to be finished people started to build illegal buildings after legal regulations. For each part of the city the permissible number of storeys and the basic regulations were known. The builders hope for security and future legalization. In this way some illegal settlements start to look more legal and generic than any other part of the city.

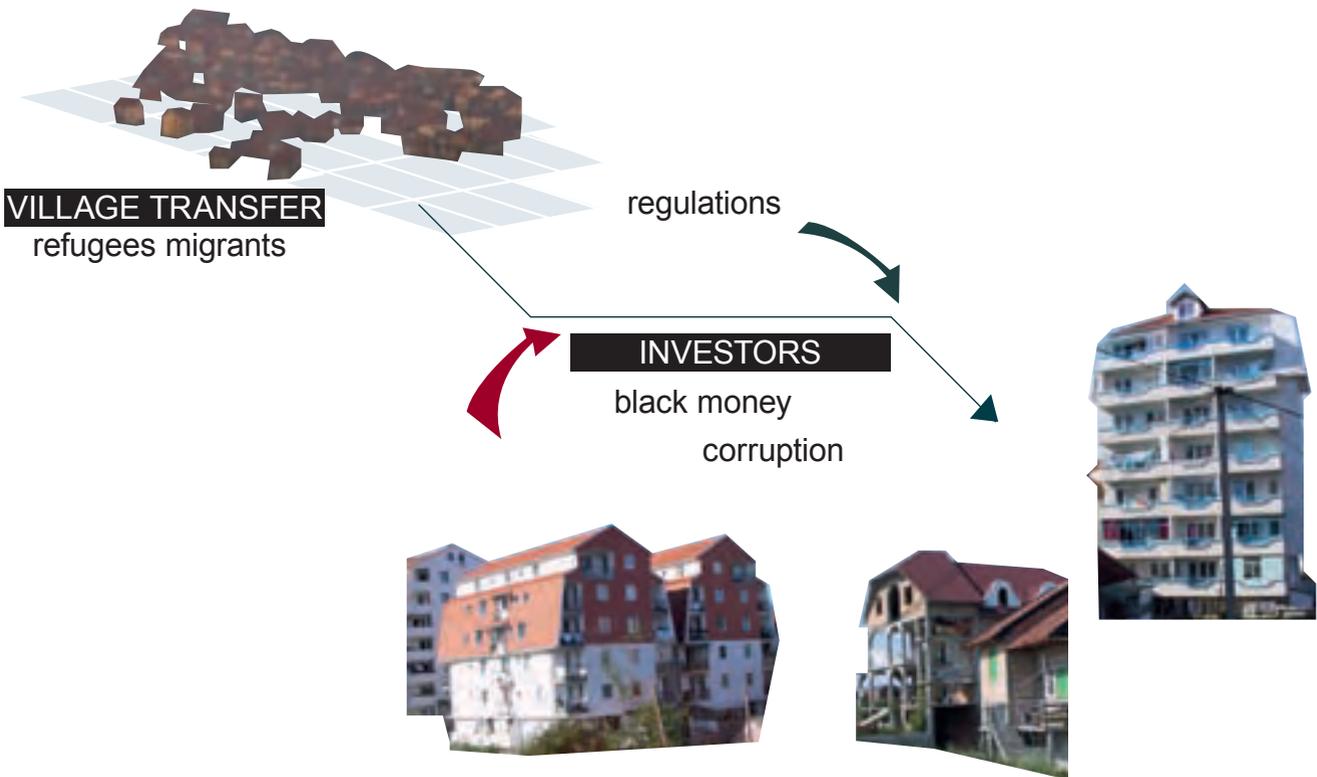




CAMOUFLAGE II: SECOND GENERATION

In the late 90's the times of the UN-Embargo and the expected collapse of Milosovic's regime there was a huge amount of illicit earnings waiting to be invested. Speculation begun in force in Serbia – a country in which until the 90's there was no market of apartments for rent and the only known modality was that of the "landlady" (i.e. one that lets a room without registration and set up price and conditions for use). The market was soon split into two, legal and illegal, with different actors, prices, buyers, areas and objects.

Influential builders made the most out of existing regulations and a mutated type of illegal building proliferated in this environment.



In beginning of 2006 an illegal built apartment house sunk and collapsed tearing down another one standing next to him. This happened when workers where about to start with the foundations for a new building in this dense area. In this case nobody was injured but workers have not always been so lucky. Reckless investors reduce building costs by excluding engineers and controls.



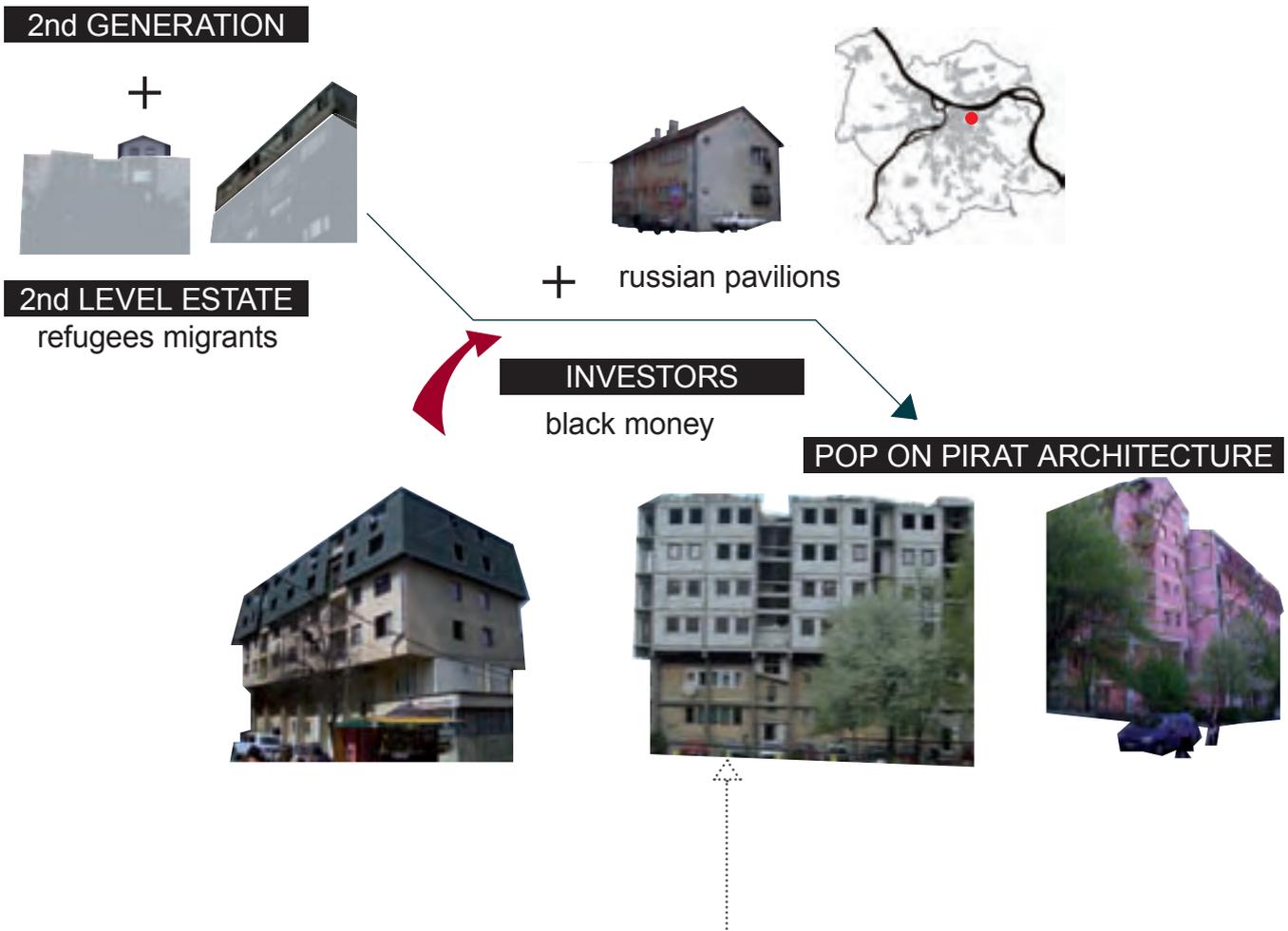


On the illegal flat market “grey” flats are a common good. They are cheap (~250 €/m²) and come without any finish, such as floors, bathrooms or installations. In this example it is possible to see the upper flat waiting unfinished for its owner.



CAMOUFLAGE III: POP ON PIRAT ARCHITECTURE

In Karaburma in the north of Belgrade a specific type of the camouflage buildings appeared. Shady speculating investors promised the owners of flats in the Russian pavilions extra space, balconies, gardens and better streets if they allowed them to build on their roof. Often they did not keep their promise. The two storey houses originating from the 50's were attacked by four to six stories constructions supported by concrete pillars going down in front of their windows. Groups of them standing one meter apart are well known as "canyon houses".



"The developer promised us extra space in the extension and a balcony. But he wanted too much for himself. He built six additional floors on our house. Two of them had to be demolished. Since four years the construction stays unfinished and water is coming through our ceiling"
Owner of a flat in a former Russian pavilion under a partly deconstructed addition.



In the foreground is one of the russian pavillion that has not been extended yet. In the background is the extension of another pavillion. In total about fifteen of these mutations were built in Karaburma.

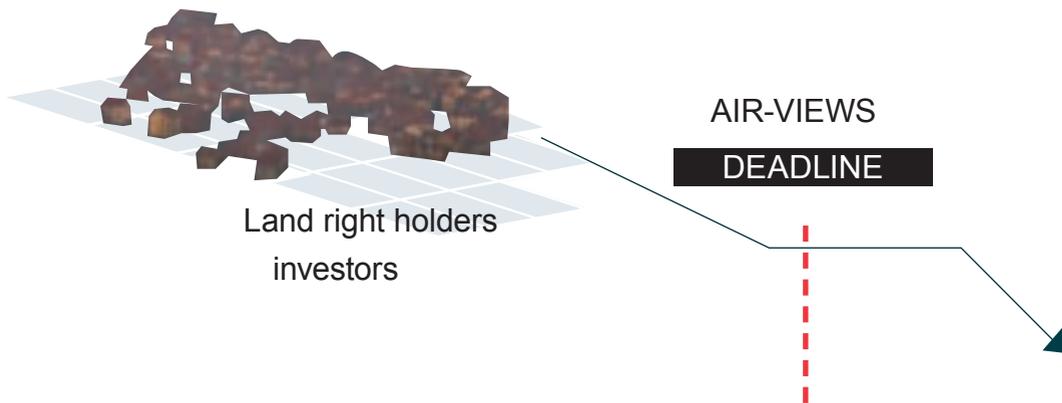


A woman in Karaburma was complaining that the four storey addition constructed on the other side of her street left no light for her house. The boss of the “pirat architecture” construction-site sent her to his developer living in the city center. The developer told her better to care for her own things. After the building was finished the developer and the constructor disappeared.



CAMOUFLAGE IV: VIRTUAL BUILDINGS

In 2003 people in Belgrade knew about the deadline for legalization, they had heard everything build afterwards would not be admitted for legalized, they had heard about aerial photographs being able to prove which buildings had been build before 2003. Some of them had already owned rights of a piece of land, others had just a lot of money out of sources that should not be revealed.



INSTANT CONSTRUCTION

Construction started at once, sometimes without enough cash to finish the building, sometimes with the plan only to finish so that it was possible to pretend a building was there and wait for the things to come.



VIRTUAL BUILDINGS

People put plastic foils on their estate. On the air view they should appear as roofs, camouflaging empty site, virtual buildings possible to legalize in the future.



NEGOTIATION

All kinds of present building activities are driven by a negotiation-process. Even during construction flexible builders keep negotiating with the secretary for building construction about changes in usage, the exact number of stories and the resulting buildings surface. Their offer is the development of a city that is longing for a change.

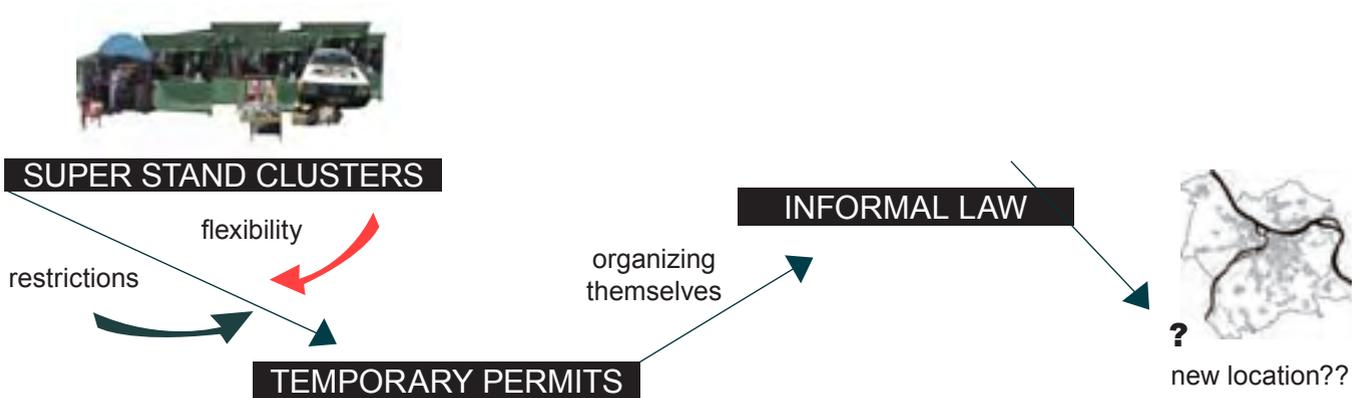
Negotiating as a tactic is often also part of the legalization process. For example, PINK TV's owner bought another plot of land located behind his building which had been used as a parking lot, to continue along with his expansive building behavior, (see typology: "Blown Up Regulations").

The establishment of the "flee market" next to the railway line in New Belgrade shows an interesting process of negotiating as well. After fruitless attempts to forbid street-selling in this area, wild builders and institutions started to cooperate. Initially, stand owners had always built up their stands on changing sites in the same area, flexible enough to react on the city's fences and restrictions.

The authorities changed their tactic defining spaces for the vendors to rent. The shop owners agreed to pay the price for temporary security. Different rental fees corresponding to stands and slots in different locations were established and soon after some of the stands expanded into rather permanent structures.

The next step was the introduction of cashiers and account books. Today the city is planning to move the flee market to another place. But the vendors having established their position cannot be easily dismissed any more.

Street vendors have organized themselves. An association fights for their rights doing lobby work as well as organizing protests.





This liquer-shop opened four years ago. Like all other shops on the Flee Market it is open every day except mondays. Since 2004 every day's sales are written down into a book to report to the tax authorities. A sign in the shop says that there is a video surveillance system.



TRANSFORMATIONS

Apart from interactions such as legalization, maneuvers, mutations and single actions the question is left open what is happening with (wild) building energy after establishment of the new masterplan and construction- and legalization laws of 2003. Putting it the other way it may be asked if planning authorities regained control over their territory and if wild building ever stopped.

In Belgrade, seven years after the peak of “wild” building and “sophisticated” NATO-bombing, the laws are transformed by weak officials closing their eyes and builders taking a chance.

Looking towards big investments plans are becoming offers and the field is left open for the most powerful investors to come

TRANSFORMATION OF LAWS

Today it is not the illegal buildings dated before 2003 that is benefiting from legalization with its reduced taxes and laissez-faire in terms of quality-control.

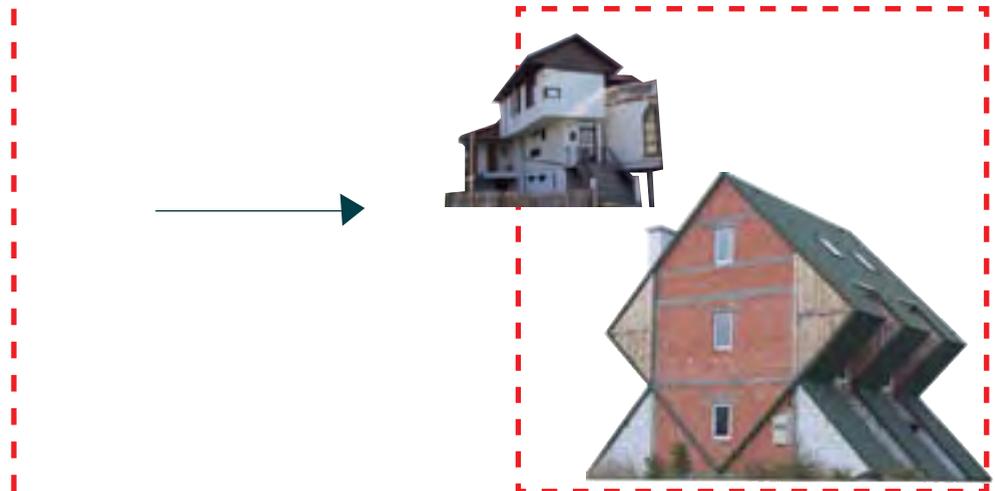
In fact, the process of legalization has almost stopped for the small scale housing built illegally before 2003. However, the deadline to apply for legalization was again and again postponed.

Builders that are building right now use the possibility to enter through corruption in the process of legalization to avoid the still complicated bureaucratic legal procedure of issuance of building permits.

The deadline is changing from a cut marking the end of wild construction activities, towards a field of possibilities for new and cheaper illegal-legal building.

DEADLINE FOR LEGALIZATION

FIELD OF POSSIBILITIES



“Builders come to me to ask for plans for legalization. I can draw them easily with a list of requirements. Even though their houses are often not build before 2003 I know people who can help them to enter in the process of legalization in an informal way. Everybody builds like that”...

”Prices for plans and legalizations differ depending on the location in Belgrade they the plans cost about 3-5€/m².They are often done by students”
Student of the Belgrade University Faculty for Architecture.

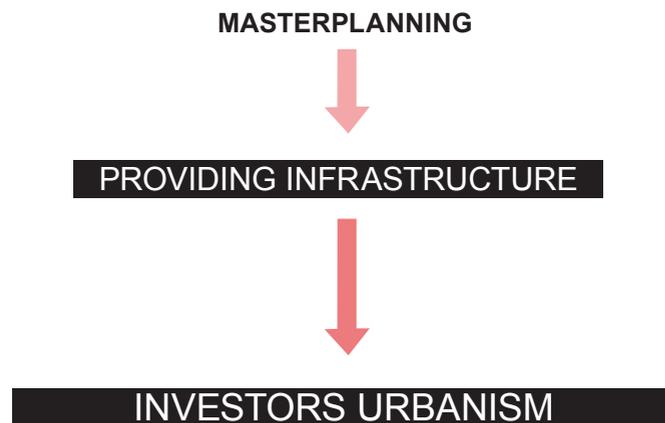


TRANSFORMATION OF PLANNING

Since 2000 The City of Belgrade was investing 1 000 000 000 € in Infrastructure Projects, trying to provide the best ground work for national and international investments. Slobodanica Preicajski the deputy director of the City's Secretary for Building Construction explains that the first years of the new masterplan are used for this purpose and that much more investment are expected for the years to come.

For her it is obvious that in the past the politics had the power over city development, most of the times planning huge projects without a realistic chance to realize them. Today the power is at the side of the investors.

To welcome their investment the planning institutions are apparently ready to rethink basic Elements of the City like the Donau-Harbour in Old Belgrade which might be changed into a luxurious residential area by its new owner leaving the city with the task to find a new place for the harbor behind.

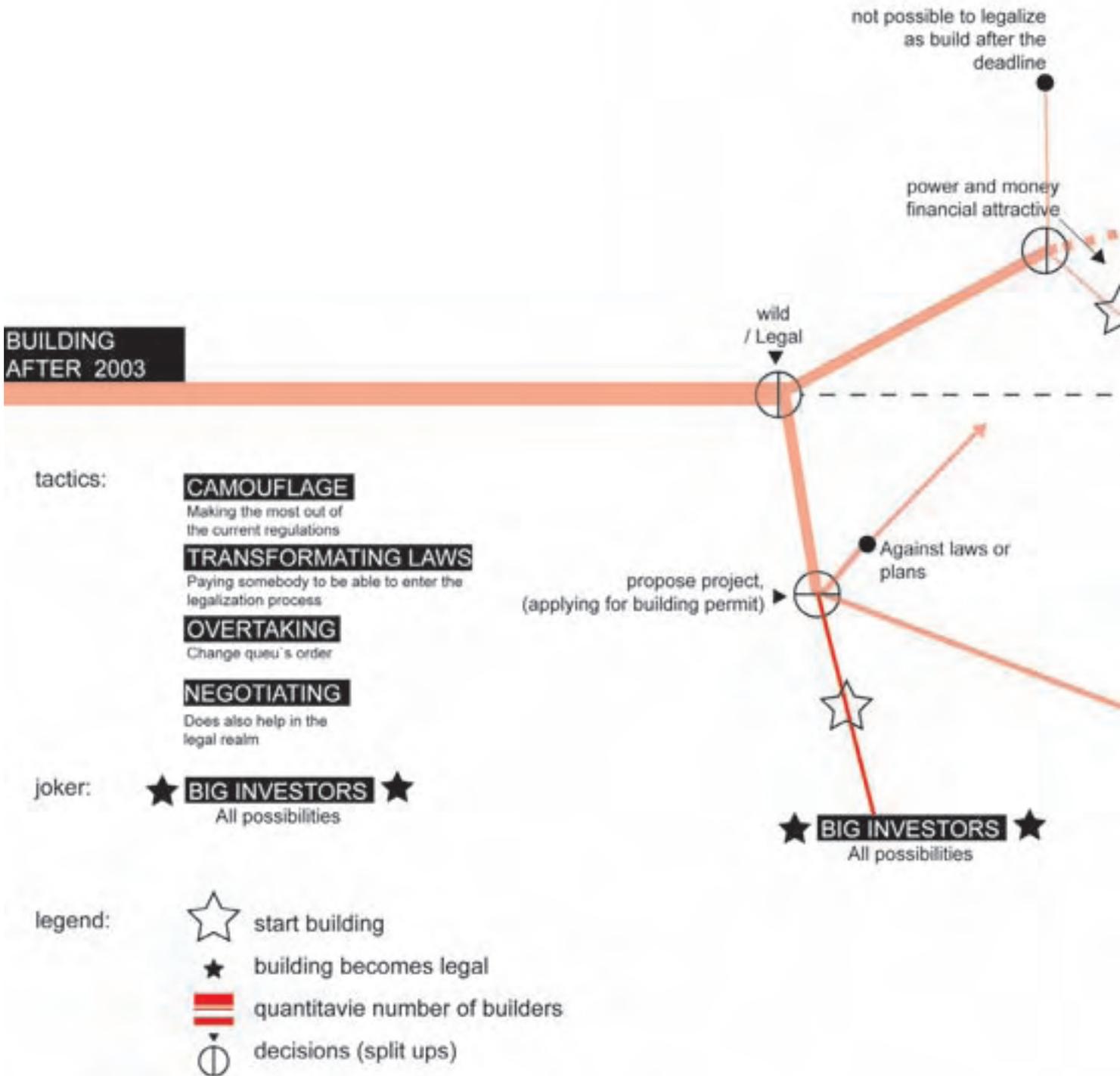


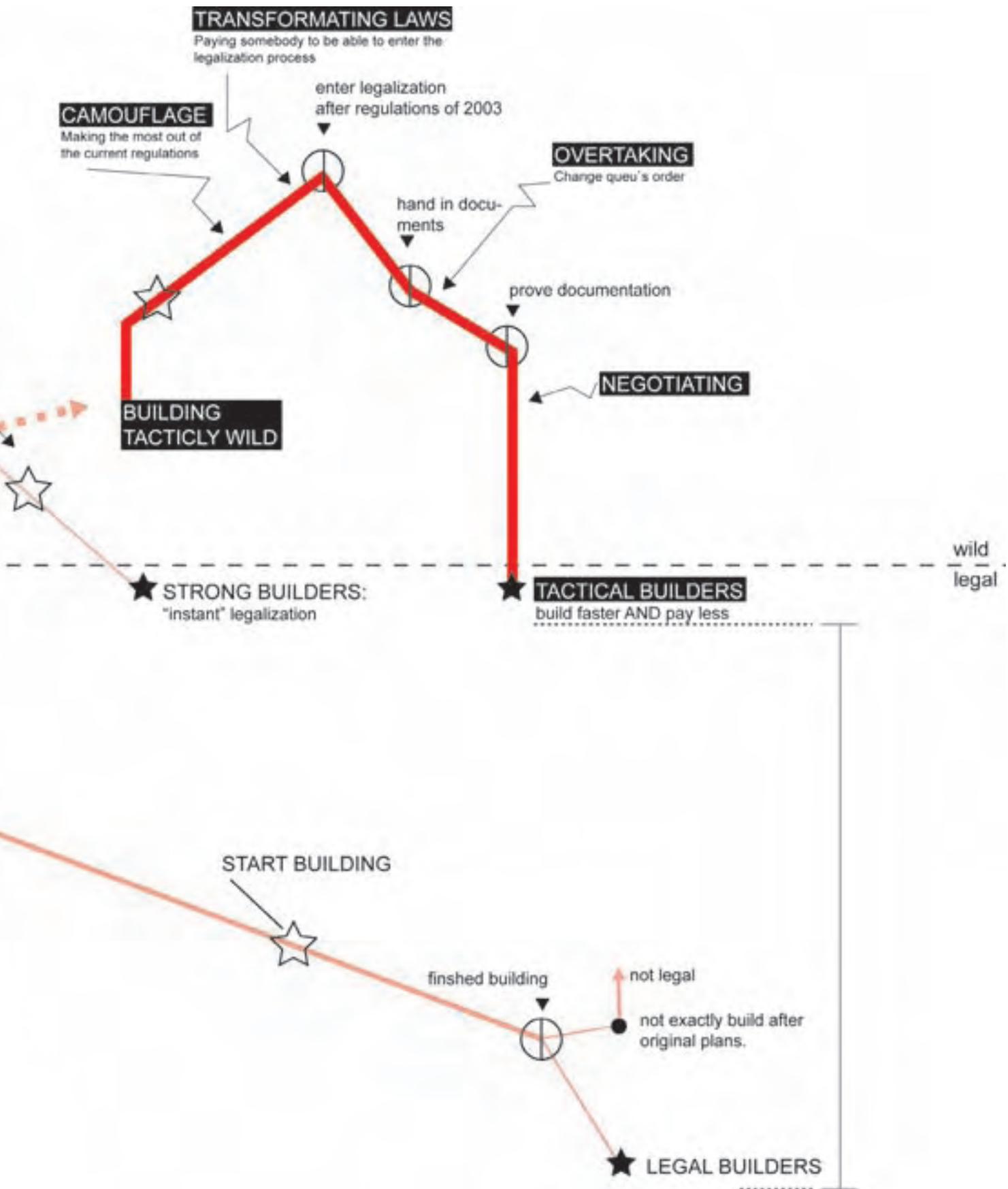
“the Investors have money and interests and whatever they initiated worked. They have a better insight into the situation than we had or the town planners or the politics have. They knew what was best and how they could invest their money in the best way”

Slobodanica Preicajski of the City's Secretary for Building Construction

WAYS OF GETTING LEGAL II

One tactical example





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