

GUIDELINES FOR THE IMPROVEMENT AND LEGALIZATION OF INFORMAL ROMA SETTLEMENTS

1. INTRODUCTION

With the adoption of Action Plans on behalf of the Government of the Republic of Serbia on 27th January 2005 and the signing of the Decade Declaration by the President of the Government, Serbia joined to the regional program for the improving of the position of Roma in Central and Southeast Europe "The Decade of Roma Inclusion 2005-2015". The participant countries of the program are the Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Macedonia, Croatia, Montenegro and Serbia.

The Action Plans have been adopted in areas in which the Roma are the most endangered - education, housing, health and employment.

One of the most difficult is certainly the problem of housing, and according to all research on Roma housing, their living conditions, spatial and other construction conditions, it is evident that they are below the standards in which the majority of the population lives.

The Action Plan for Roma housing stipulates determined goals, measures and implementing bodies for these activities for the period from 2005 - 2015, but certainly one of the first goals is the legal regulation of informal settlements, which are often unhygienic and which are inhabited by socially vulnerable groups, among which the majority are Roma.

In 2002 Serbia had around 600 Roma settlements with 270.000 habitants. Approximately 300 were urban and the rest were suburban or rural settlements.

Construction was permitted in about 70% of the settlements, temporary permissions had been issued to approximately 14% of the settlements, and construction was prohibited in 16% of mostly urban settlements.

45% of the settlements were preponderantly organized, 44% of them were slums and unhygienic settlements, and only 11% were organized settlements. Approximately 30% of the settlements do not have water while 70% do not have sewage.

The Roma in Serbia, whether living in urban or in rural regions, live in poor residential conditions. The settlements they inhabit have the following characteristics: legally unregulated status, lack of sufficient infrastructure, overpopulation and a low number of housing units, impoverished environment and, what has become a rule, distant location from elementary social utilities. Most of the Roma do not possess the required documentation of ownership of their homes and lands, which further complicates the problem of Roma housing. Roma settlements can be found throughout Serbia, and in accordance with the abovementioned research from 2002, it has been definitely confirmed

that the official data on the number of Roma in Serbia is at least four times larger when considering the map of the Roma settlements in Serbia. Great concentrations of Roma are located in Belgrade, Nis, Leskovac, Vranje, Sabac, Pozarevac, Bor, Pirot, Novi Sad, Subotica. The percentage of the Roma population in some smaller places in Serbia, such as, for example, Bujanovac, Kostolac, Beocin and other, is up to 15, 25 or 30 percent of the overall population.

The “Guidelines for the improvement and legalization of informal Roma settlements” provide solutions for ways in which local self-governments (municipalities and cities, and in the further text we will use the term “municipality”) have to approach this issue. These Guidelines do not have a legal but a technical character, and they rely on the valid legislative system, a.i. the relevant laws, sub laws and regulations. The Guidelines are also based on the conclusion of two conferences: “Towards a new national housing policy in Serbia” and “Legalization and improvement of Roma settlements and housing”.

Solutions that stand out from this text can largely be of direct assistance to the improvement of other informal settlements, not only the Roma ones. In other words, the Roma are not the only ones that have illegally or informally constructed their homes and settlements. Problems concerning many informal settlements are related to the problems of Roma settlements. The difference is mainly in the fact that Roma settlements are additionally overwhelmed with discrimination that caused their exclusion from the urban system.

Thoughts expressed here with regard to the organization of the Roma settlements should not be understood like the desire to create some type of “Roma urbanism”, “Roma city Construction of Roma cities” and so on. Practical reasons exist that have lead to the conclusion that initial attention needs to be paid to these settlements rather than to some other informal groupings in our cities. There are three direct reasons for the elaboration of these guidelines:

- *Many Roma settlements are the most miserable parts of our cities. Although they are not the only informal settlements, although they are by size smaller than other informal settlements, they are because of poverty and discrimination in the worst position, and living is the hardest in them;*
- *The solution to the problems of the existing Roma settlements and to Roma housing is part of a unique national Action Plan for the general improvement of the position of the Roma which was adopted by the Government of Serbia;*
- *Roma settlements are the most analyzed segment of informal settlements in Serbia. It provides a background of expertise for the development of the Guidelines. Without this basis of knowledge which has been created during the past decade and a half, it would be hard to imagine successful work on the improvement and legalization of Roma settlements.*

The term “improvement” of informal settlements has been brought to a wider professional usage through UN-HABITAT approach to the widest possible meaning of the word. In English speaking countries it appears as “upgrading” or as “improvement” and it is an integral part of several international documents. The term “improvement” means raising the quality of settlement structures and of the totality of the settlement to a higher level that is more suited to human demands. Improvement is mostly based on connecting the effects of different settlement programs, like for example the connection of the construction of infrastructure with the renovation of houses, the construction of child institutions, etc.

The improvement of Roma informal settlements implies solving problems in several main areas:

- *solving of problems of ownership and the lease of land development*
- *the acceleration of the social progress of the Roma settlement*
- *spatial and infrastructural improvement of settlements*
- *At the same time, improvement also means raising levels of trust and tolerance, and the struggle against discrimination and ghettoization.*

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Under the term “legalization” we will mean the ulterior legal regulation of previously illegally constructed structures (whether it is an entire illegally built settlement, or an individual structure, regardless if it is in private usage for housing or public usage as a street) with the goal to include it into the social, economic and special system of the city and society.

The term “informal” settlement refers to such a settlement within which houses and other structures - streets, infrastructure, etc. were built without adequate municipal construction licenses. Besides this, in different environments other characteristics appear. We will mention here, as examples, the lack of an adequate infrastructure, lack of connections to the urban social system, poor environmental surroundings which are either natural or man-made or an inadequate location. The term “informal settlement” has been used in practice due to the Stability Pact and the Vienna Declaration, of which our country is signatory.

The term “Roma settlement” refers to a part of the city that is mostly populated by Roma. The term is related to other urban-geographical terms like “polish quarter”, “china town”, etc. In literature synonyms for the term “Roma settlement” include terms such as “Roma mahala” or “maala”, “Roma neighborhood”, etc. When the point is the exclusion of Roma settlements from urban systems the word “ghetto” is used, or the more neutral term “enclave”. In older texts the term “ciganmala” can be found.

The informal character of Roma settlements can and should be overcome with the assistance and engagement of all people living within a single territory and concerned with the process of its improvement.

The result of the process of improvement should be the equalization of the status of Roma settlements with other parts of the city.

These Guidelines are legally based the Law on Spatial Planning of the Republic of Serbia, as well as on the Law for the Protection of Rights and Freedoms of National Minorities, Unique Action Plan for Roma Inclusion, Poverty Reduction Strategy document, the Decade Declaration of the inclusion of Roma 2005-2015, and the Vienna Declaration on Informal Settlements. On the occasion of the elaboration of these Guidelines, the Action Plan for the Improvement of the Situation of Roma and Sinti in OSCE Mission Regions, the Recommendation of the Council of Europe for the Improvement of Living Conditions of Roma, Gypsies and Travelers, as well as other relevant international documents, were taken into consideration.

2. BASIC PRINCIPLES OF IMPROVEMENT AND LEGALIZATION

Some of the basic principles that should be kept in mind during the process of planning and managing the improvement or Roma settlements will be presented here. These principles are based on national and international documents and regulations.

2.1. GENERAL POSTULATE FOR IMPROVEMENT AND LEGALIZATION

- Housing and settlements constitute basic human rights. Adequate housing and sustainable settlements are rights that belong to all persons, including the Roma. Because of this, Roma settlements must be treated like other parts of the city.
- *The improvement of Roma settlements and housing is a municipal duty. The municipality is obliged to improve the living conditions of all its citizens, including the Roma. The reform of Roma settlements is one of the elementary activities for the improvement of living conditions.*
- *The legalization of all structures within the settlements is a key part of improvement. Improvement, besides the improvement of the physical surroundings of the settlements, also refers to the improvement of the legal status of the settlement, in other words its translation to a legal status. Improvement contains within itself legalization.*
- *Prevention of new illegal construction and improvement should be interlinked. Parallel with the process of improvement, the municipality should develop measures to prevent the appearance of new informal structures, either within already existing Roma settlements, or on other locations.*
- *The increase of tolerance and trust are one of the goals of improvement. The municipality should, throughout the process of improvement, work together with the Roma and the non-Roma on the development of tolerance and trust between members of different national groups (Roma - non-Roma) and different social groups (poor - rich).*
- *The Roma should be included in the process of improvement from the beginning. The municipality, as the mandatory and responsible organ for the implementation of the entire process of improvement should guarantee the active inclusion of the Roma in the entire process of improvement, from the very start and in all of its phases.*

2.2. APPROACH TO IMPROVEMENT AND LEGALIZATION

- *The improvement and legalization of Roma settlements is a better strategy than any other. All categories of Roma settlements - including the most impoverished, can and should be improved. Improvement is the cheapest, socially most painless*

and most adequate method for the inhabitants. Improvement is better than displacement.

- *Displacement of Roma settlements is the final measure that should be applied. Displacement of informal Roma settlements only makes sense if they are located on poor, risky, unhealthy or in any other way dangerous sites. Displacement of a Roma settlement from an unfavorable location to another unfavorable location is unacceptable. A displacement program must assume better conditions of the location.*
- *Even the worst Roma settlements should be viewed as a development resource. Slums cannot be seen only as a negative consequence of urban growth overloaded with poverty, but also as a development resource. Their ability to provide some type of living conditions to the poorest families should be accepted and improved.*
- *The inner urban Roma settlements should be maintained in the process of urban reconstruction. The practice on planning the displacement of inner urban Roma settlements, sometimes more than a century old, is unacceptable. This practice is contrary to the rights of the Roma to have a city. The inner urban Roma settlements should be maintained and improved.*
- *Forced dislocation, in all its forms, is prohibited. The strong economic growth of some cities and sudden construction activity cannot be an excuse for forced dislocation. Better planning of timelines and finding adequate solutions for dislocation should take place instead of forced eviction from apartments and demolition of settlements.*

2.3.COMPLETENESS AS THE PRIMARY DEMAND

- *It is necessary to connect at least four programs. Residential projects, no matter if they are related only to the improvement of the existing housing fund, or to new construction within already existing settlements, must be linked to social development programs. The composition of these programs should stem from the reality of the situation. At least four programs must be connected into a unique development project for the Roma settlement. They are housing, education, employment and health care.*
- *Ethnic and social intermingling is necessary. Social and ethnic intermingling of the population is necessary as a measure against segregation and ghettoization. However, the destruction of well doing and old Roma mahalas' with the idea of better "socialization", as well as the building of new periphery Roma settlements with the excuse of "the preservation of the Roma identity" is unacceptable. A balanced approach is necessary.*

2.4. FINANCE IS THE KEY TO SUCCESS

- *“Easy”, “difficult” and “soft” sources of financing should be combined. Commitments, prices and rights in the process of improvement and legalization should be evenly distributed between the participants. Roma should cover the price of “easy” activities - construction and repairing of houses, partly the infrastructure, etc. The municipality should cover the “difficult” activities within the land ownership issues, urban planning, securing of public lands, the construction of infrastructure, streets, etc. “Soft” activities are covered at the national level - ensuring legislative acts, urgent activity funds, support to the system of social housing, etc.*
- *The municipality budget is the primary basis for the improvement of the Roma settlements. Financial sources for the improvement and legalization will be combined between the state, municipality, Roma and others. However, the municipality budget remains the most important source of funds for the process of improvement and legalization. The municipality should, to that effect, perform adequate budget planning.*
- *Financial transparency during the process of the improvement is obligatory. The financing of the improvement of the Roma settlements should be stable, continuous and public. Roma representatives should be included into the management group that will manage and oversee the funds.*

2.5. LEGISLATION MUST BE RESPECTED

- *Existing laws and regulations must be respected. All the actors included into the process of the improvement and legalization must respect all rules related to specific steps and activities. This guarantees the security of the life and development of the Roma settlement. The excuse that something is in the interest of the Roma, although it is against a regulation, must not be accepted because such a solution can later on be rendered invalid. The Roma must be aware of this jeopardy.*
- *Making use of existing legislation and local municipal regulations is the best option. The improvement of existing legislation is an arduous and timely task. Municipalities should not wait for this to happen in order to initiate the process of improvement of Roma settlements. For that reason it is best that the municipalities lean on the existing legislation and find within it adequate solutions for the improvement and legalization of Roma settlements. They should adjust some of the local municipal regulations to these needs.*
- *Local regulations on standards for equipping settlements should be elaborated. The municipalities should elaborate local regulations on standards of equipping Roma settlements, having in mind the local situation - the economical potential,*

technical conditions, human resources, usage potential, etc. A section of these standards should be related to housing issues. These standards can be used for other informal settlements.

2.6. URBAN PLANNING MUST BE IMPROVED

- *The alteration of urban plans is necessary. The municipalities must revoke all those that without clear, positively directed arguments plan the displacement of Roma settlements. New urban plans, or those that are being elaborated at the moment, should include Roma settlements, with the aim of improving them, or potentially displacing them if there is no other option.*
- *The improvement of the spatial practice is also necessary. Municipalities must develop a spatial practice that will take into consideration the reality of Roma settlements. The spatial practice that is being implemented in urban milieus that are unburdened by misery and discrimination, cannot attend to the needs of Roma settlements. The change of this practice does not imply a step back from professional principles, or the violation of laws and regulations, but the creation of an urbanism that can responsibly deal with the reality of Roma settlements.*
- *The planning of large-scale structures cutting across Roma settlements should be avoided. The practice of planning large scale transport routes, industrial zones, garbage dumps, etc. across Roma settlements on the periphery must be abolished. The practice of planning “solitaire” and “block” urban settlements across Roma settlements should be also abolished. Roma settlements in an average city are usually so small that it is possible to avoid them from this type of plans.*

3. THE PROCESS OF IMPROVEMENT AND LEGALIZATION

In academic and sometimes in management circles, the issue is often raised of whether it is necessary to first perform the legalization of a settlement, and then its improvement, or if the improvement is the basis for legalization. Actually, these two processes are intertwined and they support each other. Legalization supports improvement, and an improved environment provides arguments for the legalization of structures and settlements. In other words, the legalization has limited effects if it is not linked to improvement, and improvement cannot be completely advanced if it is not connected to the process of legalization.

3.1. DESCRIPTION OF WORKING STEPS FOR IMPROVEMENT AND LEGALIZATION

The process of legalization and improvement can be implemented through eight working steps presented herein:

- *“The null”, or first step for the solution of the issue of Roma settlements on the territory of a municipality is an initial complete analysis of the conditions and perspectives of these settlements.*
- *The second step is the adoption of the Decision by the municipal assembly that the Roma settlements of the local self-government should be legalized and improved based on the previous complete analysis. This Decision has two basic effects: it is the expression of the political will to implement and finalize the process legalization and improvement of Roma settlements, and secondly it provides the legal basis for the further implementation of the process;*
- *The third step is the solution of the land property relations on the basis of negotiations and agreements with owners/users of the land, and with the aim of making possible the creation of a standard settlement, improving the infrastructure, streets, public areas etc, and also to legalize particular houses;*
- *The fourth step is the adoption of the Action Plan for the complete improvement and further overall development of the Roma settlements, and on the basis of previously settled land property relations, and taking into consideration collective, individual and special needs of the settlement, as well as of the wider social orientation toward Roma settlements;*
- *The fifth step is the adoption of a spatial plan that is an integral part of the Action Plan, but which probably has to be adopted through a specific procedure prescribed by the law. The spatial plan (plan of general management, plan of general regulation, or some third kind of plan) will serve mainly for the delimitation of private from public areas in the settlement, and later for its regulatory spatial and physical development;*

- *The sixth step is the delimitation of the public and private areas of the settlements based on the spatial plan, and the solution of issues concerning private plots. This delimitation will be performed on the field with the participation of all interested parts - municipalities, the Roma settlement itself as a community and individual families;*
- *The seventh step is the adoption of decisions concerning the legality of individual houses based on the resolved land property issue and on the spatial plan, i.e. the delimitation of plots. The idea is that resolved land property issues and delimited plots should be enough for the confirmation of the legality of the structure and that no other additional procedure be necessary;*
- *The eighth step is the actual entry of the settlement into a standard, common progression of regimes of improvement and construction as well as the implementation of other programs relevant to the overall development of the settlement. It is actually a step of equalization of the former Roma settlement with other parts of the city.*

3.2. THE SEQUENCE OF WORK STEPS IN THE PROCESS OF IMPROVEMENT AND LEGALIZATION

The previous text presents an overview of the working steps that the municipality needs to take in the process of the improvement and legalization of a Roma settlement. These steps are shown in an order that can be very productive, since every next step leans on the previous one, providing at the same time support for the next one.

However, in a specific municipality, depending on the local conditions, a different composition of working steps than the one described above can be adopted. A completely different strategy is possible. In that sense it is important to add that the situation in different municipalities is not the same, that there is a difference between the situation of the Roma settlements, and of the degree of attention that the municipality gave in the past, or is giving today, to the Roma settlements. Because of this, the composition of steps that will be used in the procedure of improvement and legalization depends on the particular situation. Some of the typical situations, which will be described further on, require different working steps to achieve an improved and equal settlement. Typical situations include the following:

- *The settlement can and should be improved. The settlement appeared spontaneously centuries ago and the later construction was not legal, it is partially located on its own and partially on land which belongs to major economic systems, it is partly equipped with infrastructure, it is foreseen to remain on the present location within the general plan. In this case it is advisable that the municipality adopts the sequence of working steps that has been described above, although natural variations of this procedure are possible,*

depending mostly on the manner of financing of the improvement and legalization.

- *The settlement only needs to be legalized. There is no illegal construction on someone else's property, land property issues are clear and the municipality has prepared spatial documentation for the improvement of the Roma settlement. The legalization of individual houses and other inhabited structures is surely the next step in the improvement of this kind of settlement. The municipality should find all resources (not only financial) to assist this kind of settlement because the process of legalization is complicated.*
- *A neglected settlement is located downtown. In municipalities and cities there are Roma settlements that are very old and that are located in central city areas. The municipality should give up the decades-long practice of attempting to displace these settlements, but accept them and implement the procedure described in the previous bullet points.*
- *The settlement should be displaced. There is recent illegal construction on municipal property for which there are, for decades, different plans on how to activate it as a highly valuable part of the city. A specific investor with concrete interest does not exist. Two approaches are possible. The municipality can systematically work on the timely dislocation of the settlement, through which it can make the property more attractive to potential investors. Secondly, the municipality can adopt the approach of moderately equipping the settlement on its existing location, without providing a guarantee that the settlement will permanently remain there.*
- *A very unfortunately located settlement. This kind of settlement is located on railway tracks, on a flood line, landslide, in the near vicinity to non regulated pollutant with dangerous chemicals, on the city dump on a leakage of fecal sewage, etc. The question here is not the legality of the construction - because some of these settlements were indeed legally built many years ago – but of the existence of potential health and safety hazards for the inhabitants. The municipality has to initiate the displacement of this kind of settlement and the schedule of steps should be molded to this issue.*

3.3. ALTERNATIVE SOLUTIONS FOR SETTLEMENTS THAT HAVE TO BE DISPLACED

Not all settlements will be legalized and improved. Some of the solutions for settlements that cannot be improved and legalized, but that have to be displaced, can be:

- *Compensation to the families for agreeing to be displaced*
- *Assistance with the agreed return of the families to their birth place*
- *Temporary accommodation until permanent solutions are found*
- *Securing a location for the displacement if such can be found within the city*

- *The construction of a new settlement as a permanent solution*
- *Temporary improvement of the settlement with “easy” and humble resources so living conditions could be of higher quality.*

Generally speaking each of these solutions has some strengths and weaknesses. However, for concrete cases, it is not difficult to foresee which solution is the best one. In any case a solution should be found for the families that have to be dislocated.

Municipalities and investors need to be aware that this action can take a lot of time and that it needs to be implemented in a timely manner. It must be mentioned that regulations explicitly forbid forced displacement without the provision of alternative accommodation. Such dislocations (eviction from homes) can lead to serious national and even international condemnation.

4. COMMON TOPICS

There are a number of common topics that run through the entire previously described matter. For this occasion we found it necessary to select three topics. These are Roma inclusion and participation, financial issues and issues concerning the institutional and professional support necessary for the successful improvement and legalization of Roma settlements. Other topics of interest, and which should be of concern to the municipalities are the struggle against discrimination, gender equality and in connection to this the development of gender equality programs, and thirdly the position of children in Roma settlements. The Roma population is indeed very young, so Roma settlements can be understood as specific “children’s cities”.

4.1. THE INCLUSION AND PARTICIPATION OF THE ROMA

The Roma should be included, in the widest meaning of the word, from the very beginning, into the process of forging ideas, decisions, plans etc. for the improvement and legalization of Roma settlements.

With regard to the Roma side, citizens of informal settlements should be considered firstly, as well as their representatives. A good manner to include them is through the creation of local non-governmental organizations that can, in cooperation with the municipality and with other actors work toward the improvement and legalization.

A special role in this process must be awarded to municipal coordinators for Roma issues that exist nowadays in many municipalities. Municipalities that do not have coordinators, but have a large Roma population, should hire them. The role of the coordinator can be multiple. It stretches from explaining the need of improvement and legalization, from the municipal side, to a better understanding of the needs and aspirations of the citizens in this process, from the Roma side.

The municipality and the Roma should achieve such mutual cooperation and communication in which it is possible to define goals that are mutually beneficial. The

accomplishment of the full degree of understanding is not an easy task. In order to reach this understanding, numerous participative and related action techniques can be of assistance, including the following:

- *Analysis of the needs and aspirations of families with instruments that do not impose views or do not suggest answers a priori;*
- *The organization of focus groups with the aim of qualitatively ascertaining the type of breath of the problem, as well as solutions that certain actors in the process of improvement envisage;*
- *A good way to work is through discussion meetings for the creation or evaluation of specific solutions that are acceptable for both citizens and the municipality, if they are planned, have an acceptable rhythm, and if always after the meeting there are concrete results, conclusions on the activities performed, tasks, etc.*
- *Mass meetings of the citizens of the settlement represent very strong informative and mobilizing tools, as well as resources for obtaining majority for some solutions that do not necessarily have to be in the interest of each individual or family.*
- *Actions of learning about the life and customs of ethnic and socially different groups of citizens that can stretch from kindergarten institutions, schools until organizations on the level of the neighborhood or local community;*
- *The organized offering of assistance by neighbors to vulnerable individuals and families.*

The abovementioned techniques and those related to them, applied in a correct and willing manner, make for acceptable, rational, reasonable and economical solutions.

4.2. THE BUDGET AND FINANCING FOR THE IMPROVEMENT AND LEGALIZATION

This part of the text has been prepared mainly as part of the financial issue, but without doubt it is related to other points of the Guidelines. Those are: 3. The process of improvement and legalization (specially 3.1. Description of the working steps for the improvement and legalization, as well as a part of 3. The solution of ownership issues / right to make use of the property, from the Annex), as well as to parts of the text that are related to standards, furthermore to point 4.1. Inclusion and participation of the Roma and, finally, to point 4.3. Institutional tasks and professional assistance (mainly the part concerning the monitoring of the process of legalization and improvement).

The problems of Roma housing have been forged during a long period of time as a consequence - seen from the financial point of view - of limited material resources of the Roma population as well as the economic situation of the wider community. The issue of

legalization and improvement of Roma housing is mainly the concern and in the mandate of the local community, and its solution is of greatest interest to the local community and its population, both Roma and other. Having this in mind, finding a solution to the issue of improvement and legalization of Roma housing should be approached in an organized manner.

- *In the “null” step of the process of improvement and legalization - where the evidencing of the conditions is being performed and the analysis of the problem undertaken - attention must be focused to the material aspect of the solution of the evidenced problems, to the determination of the cost of the measures that will be undertaken and on their sustaining.*

- *The assortment of the problems should be done in accordance with dominant factors, of which the main are:*

- the ownership of the property on which the structures are located;

- solvency of residential structures;

- The degree of equipping with public utilities necessary for the functioning of the settlement and

- Individual economic standard.

- *Based on the results of the procedure, it is necessary to establish the dynamic and to secure gradation in the process of solving concrete cases – delimiting obligations that can be accomplished in a short or in long period, starting from the simple and cheaper ones to the more complicated and expensive ones.*

- *To secure the success of the realization of the project it is necessary to form local housing funds for the Roma population. Possible sources of financing these needs are:*

- resources of the local self-government, which includes a partial restructuring of local budgets;

- supporting resources from the republic budget;

- funds from international credit organizations;

- resources of donor organizations;

- resources of the Roma

- *Resources from the local budget can be secured from the imbursement of land development including the resources achieved on the basis of the legalization of*

illegally constructed structures. Local communities that estimate that their population is in possession of material resources should consider the possibility of the introduction of municipal loans, as well as the organization of goal-oriented humanitarian actions.

- *In order to fundraise from credit and donor funds, mainly international institutions, as well as for the inclusion into the program of support to the resolution of Roma housing issues within the scope of the realization of “the Roma Decade” it is necessary to prepare suitable programs and feasibility studies.*
- *To foresee, in the programs of the improvement and legalization of Roma housing, manners of direct participation of the Roma, because of which it is necessary to define criteria which would be based on their capabilities, both material as well as through their direct engagement through public works.*
- *Secure, in the annual programs of the improvement of local communities, adequate funds for the egalitarian treatment of Roma settlements as other settlements.*
- *To foresee, for the legalization of Roma settlements built on somebody else’s property, modalities of leasing the territory or for buying it out. In the first case we refer to all land owners, but specific obligations should be foreseen in case of land ownership by the local community, if this does not endanger public interests or previously contracted commitments. In the case of buying out land from other owners it is necessary that the local community, in cooperation with the land owners, secures credit support for the realization of this goal.*
- *In the case of attractive locations that have caught the attention of interested potential investors, include the obligation of active participation for future investors in the solution of dislocation or the securing of adequate homes for Roma inhabitants from these locations, especially if they are the native inhabitants or persons with longer residence on those locations.*
- *For the population that needs to leave their homes due to the realization of the plans, i.e. due to the proper use of the land, it is necessary to secure adequate housing either as a permanent or temporary solution, until the final solution of their housing status. For this purposes it would be desirable to create a fund of housing units.*
- *Within the scope of the realization of social housing policies, especially for socially vulnerable individuals, it is necessary to secure an adequate amount of housing units with the purpose of solving Roma housing issues. In that sense, the following criteria should be considered: their population numbers within the overall population, numbers within the category of socially vulnerable*

population, and other criteria that are also valid for all other potential participants that use this approach in order to solve their housing issues.

- *With the aim of forging preconditions for the active inclusion of Roma in the solution of their own housing issues and a speedier and easier integration into the environment, it is of special relevance to revise the criteria for housing security and to ascertain housing regulations adequate to the local situation and capacities of Roma credit users. It is necessary to ascertain the basic dimensions of the residential area in line with the number of family members, and the basic standards of the equipment of the residence.*
- *In the context of the complete solution of Roma housing needs is necessary to determine their obligations with view of the alienation, upkeep and maintenance of residences and the environment, that has been secured through communal engagement, either through land, material or credit support.*
- *With the aim of faster, more efficient and most cost-effective manners for the integration of Roma into the totality of the process of solving their housing issues, special attention should be given to the elaboration and implementation of employment programs for this population and building their capacities in order to involve them into an acceptable working process.*
- *To initiate the process of articulating the general public interest toward the area of solving Roma housing issues so that conditions could be created that in specific circumstances expropriation can be performed.*
- *Stipulate the obligation of monitoring the implementation of adopted modalities of solving the Roma housing issues a periodical analysis of achieved results, in order to improve them and forge a common model - etalon for the permanent solution to the housing issues of this category of population.*

4.3. INSTITUTIONAL TASKS AND PROFESSIONAL ASSISTANCE

The legalization and improvement of Roma settlements should be solved in the same manner as local-level problems are being solved in other parts of the city. In order for this activities to be efficient on the Republic level, it is necessary to create an institution that will be in charge for the definition of the program and criteria, steering of the activities, education and capacity building at the local level, as well as being in charge of other tasks will make the local and municipal engagement more efficient. The main actors in the process of legalization and improvement are:

- *The municipality, i.e. the high management of the local self-government, has a bearing role in all phases of the process of legalization and improvement of a Roma settlement.*

- *Other municipal agencies, public services and other institutions have special duties in specific phases of the process of legalization and improvement. For all the activities that must be performed during this process implementing agents should be clearly defined.*
- *The Roma have the right, just as other citizens, do channel the improvement of the settlements and areas in which they live. They should be involved in the process of the legalization and improvement from the very start through their representatives.*
- *The municipal housing agency, or any other equivalent body in the case of the inexistence of such an agency, in cooperation with other actors, can develop and implement programs of legalization and improvement of Roma settlements and housing.*
- *The public opinion and citizens from neighborhoods of existing or new Roma settlements and localities can, through their behavior, activity or inactivity, assist or make more difficult the process of legalization and improvement of Roma settlements. They require appropriate activities.*
- *The media must have a special role in the process of legalization and improvement, particularly in timely and accurate informing during the process. The preparation of a media campaign before the process begins is very important. It is expected that the media participate and contribute to the positive environment during all phases of the process.*

The management group, or the managing board, formed by representatives of all the actors - the municipal authorities, municipal agencies, public services, institutes and directorates, Roma and other NVO, construction workers and others - should be on the apices of every improvement and legalization project for Roma settlements. The municipal assembly should constitute this board at the beginning of the process. The main tasks of the board are:

- *The adoption of draft plans, programs, individual actions and their forwarding to certain municipal bodies for adoption and implementation;*
- *Decisions on the agents executing certain activities within the implementation of plans and programs, be they municipal bodies, public services or other organizations;*
- *Announcement of tender procedure, management of the procedure and choosing the best offer for activities stipulated by the plans and programs,*
- *Analysis of achieved results, reaching conclusions and directing further activities within the improvement and legalization of settlements;*

- *Elaborating periodic and final reports about the progress and finalization of certain actions or phases of the improvement and delivering them to the municipal assembly for adoption.*

The functioning of the board requires the existence of an adequate department that will deal in an operational and day-to-day manner with the issue of the improvement and legalization of Roma settlements. This department should be established within the scope of an already existing organ or organizations that will be delegated the mandate to deal with these activities. Municipalities that have established housing agencies, or that have previously established housing enterprises, can for this department within such organs, with an adequate broadening of their administration and legal acts, if this is necessary.

Building of human resources will be necessary in any case. This implies also a certain broadening of the staff to adequate profiles. It is also necessary to carry out initial and relevant further education, as well as adequate trainings.

4.4. ADDITIONS AND FURTHER DEVELOPMENT OF THE GUIDELINES

These Guidelines should be systematically added with special Annexes that provide details for the development and assistance in the solving of special questions / matters, and which appear during the improvement and legalization of Roma settlements.

Municipalities or specialized areas can have their specific Annexes in order to provide further detailed directions for users.

ANNEX:

DETAILED GUIDELINES FOR SPECIFIC STEPS

1. INITIAL COMPLETE ANALYSIS AND CRITERIA FOR IMPROVEMENT AND LEGALIZATION

The decision of the municipal assembly is the first step towards the improvement of Roma settlements in one municipality. The decision of the municipal assembly needs to be taken on the basis of the previous complete analysis that would point out the position of Roma settlements in the municipality and perspectives for their development. The amplitude of this analysis will depend on the complexity of the Roma issues within the municipality, so that in some cases it can be very short. This analysis would be performed on available panels and on the basis of information received from the visitation of the areas concerned. The goal of the analysis is to evaluate which Roma settlements should be further improved on their current location, and which should be displaced.

Many municipalities already have this kind of analysis (for example in the context of municipal or city housing strategies) or some parts (for example analysis performed for the elaboration of some spatial plans). Some of the municipalities already have elaborated Action Plans for the inclusion of the Roma, elaborated on the basis of Republic documents, and are as such a very valuable ground for the improvement and legalization of Roma settlements.

The question of which kind of Roma settlements can be improved, and which cannot, is very important. There are two basic criteria that should be taken into consideration in such deliberations; and those are the sustainability of the settlement and the ownership status of the land on which the settlement is located. The analysis of the possibility of legalization and improvement, besides the abovementioned criteria - which are actually the main ones - should also have in mind other criteria, like the age of the settlement, its positions within the city, in other words the geographic position of the settlement with regard to the city center, the closeness to infrastructures, the closeness to public transportation, environmental conditions, and these can be some of the important criteria for the decision of whether a Roma settlement can be legalized or not, furthermore the status of the land on which the Roma settlement is situated in the spatial plans, etc.

The typology of the settlements, based on the criteria of sustainability and ownership of the land, is the following:

- *A quality settlement. This is a settlement that is sustainable, meaning that it has a quality construction fund, and which is built on land that belongs to the inhabitants themselves;*

- *Conditional quality settlement. A settlement that has a quality fund, but that is built on land that belongs to other owners, and not to the families that built illegally their residences on that location;*
- *A poor settlement. A settlement that is built on land that belongs to the families, but whose fund is of poor quality or ruined by poor maintenance (the case of Marinkova bara in Belgrade, or parts of settlements Mali London in Pancevo);*
- *Slum settlement with poor quality fund and built illegally on land that belongs to other owners and not to the families (the case of the settlement Gazela in Belgrade, or the settlement Veliki rit in Novi Sad).*

Speaking from a principles point of view, the first three types of settlements can and should be legalized with the solution of their existing problems. The fourth type deserves to be carefully analyzed so that the right decision could be taken.

2. THE DECISION OF THE MUNICIPAL ASSEMBLY

The adoption of the decision to improve and legalize informal Roma settlements located on the municipality territory is the first step in the process of improvement of the living conditions of the Roma on the area of one local community.

With the decision of the municipal assembly, the political will that one Roma settlement needs to be improved as a whole is expressed. This decision, from the managerial point of view, makes possible the realization of all other actions on the improvement and legalization of a Roma settlement. Finally, the decision also represents the commitment to execute the improvement of the settlements that sometimes can last a decade.

It is necessary to mention that this decision is not the decision on the legalization of each and every property, home or land plot. It is the decision to approach the improvement of the Roma settlement as a whole, and that, within this process, the legalization of private property, streets, infrastructures, etc. will be performed. As it has already been said, the idea is that a resolved land ownership status and the delimitation of the territory should be enough for the confirmation of legality of the property and that no other kind of procedure is made necessary.

The decision of the municipal assembly should contain:

- *The name of the settlement, one or more of them, depending on the case existent in the municipality;*
- *Border of the settlement/area that is being legalized and improved;*
- *Program of landscape planning and management;*

- *Program of leasing of land developments;*
- *Financial plan for improvement and legalization*
- *Implementing partners on behalf of the municipality, public services, Roma settlements, etc.*
- *Deadlines of specific activities and milestones.*

The decision of the municipal assembly must include the borders of the Roma settlement that needs to be improved and legalized. The following has to be taken into consideration:

- The border encompasses the area that is equal to the Roma settlement. The border is determined in this manner in the case that outstanding broadening of the settlement or displacement are not being planned;
- The border is larger than the settlement itself. A border that determined in this manner provides the possibility for other families to move into the settlement zone, which makes possible social and ethnic intermingling of the population;
- *The boarder is smaller than the settlement itself. This is the case when a part of the settlement must move out for some kind of a reason, and the other part stays. In this case it is necessary to solve correctly the problem of those families that are being displaced.*

The decision of the municipal assembly with regard to the improvement and legalization of one or more informal Roma settlements on its territory must contain the program of landscape and site planning and management as well as the program of leasing land development with a determined procedure for leasing land development, the time-line of the lease and the amount and manner of payment of the lease. The decision must also contain the bearers of each individual activity, as well as the financial plan (long-term and short-term).

THE PROGRAM OF PLANNING AND MANAGING AND LEASING OF LAND DEVELOPMENTS SHOULD CONTAIN:

- *The program of planning and the land development (contains the list and description of activities and their results. These are spatial plans and projects, geodetic foundations, geological analysis, the solution of legal and land-ownership issues, the elaboration of technical documentation for transport routes, infrastructure and adjacent public objects, including the confirmation for the construction and registry of the work), it should be realized by the competent municipal institutions and other organizations (agencies, public services and other companies), and from budget funds.*

- *The program of the equipment of publicly owned land (contains the inventory for the performing of necessary work on the construction of the publicly owned land-transport routes, infrastructure and public objects) and should realized by a public company (agency) from the budget funds.*
- *The program of locations (land plots) which are being prepared for leasing.*
- *The dynamics of land leasing.*

3. THE SOLUTION OF ISSUES OF OWNERSHIP, RIGHT TO USE AND LEASE OF LAND

Spatial and construction issues will relatively easily be solved when the question of land ownership or right to land use or lease is solved. If the Roma are settled on somebody else's territory for a long period of time, sometimes for several generations - which is the case for some informal Roma settlements, then an adequate solution needs to be found so that they can legally remain on this location.

A precondition for the legalization is the resolution of land ownership and legal status of the land on which the structure has been illegally built. The biggest problem arises if the land does not belong to the municipality. The municipality or the owner must solve the issue of ownership on every plot of land on which the legalization is being performed. The solution of ownership issues is long and expensive, so priority should be given to settlements on municipal land. It is necessary to differentiate a few different situations and a few solutions:

- *The case were the owner of the territory is the municipality - the solution in this case can be for the municipality to lease the land to the families;*
- *The case when the owner of the territory is a large-scale system (a large economic or transport system, agricultural cooperative, forest management enterprise, public service, etc.) - the solution can be that the municipality purchases the land and then lease it to the families;*
- *The case when the territory belongs to small owners (for example to citizens or small companies, etc) - the solution is also that the municipality purchases the land and leases it. This is the most complicated case and it must be considered if the best solution could be to displace the families to another location;*
- *The solution in the case that the property belongs to the inhabitants, i.e. when it belongs to Roma families that live on it - the solution is that this situation remains, and that the legal and ownership issues are "cleared up".*

The basic postulates for the solution of ownership, legal and user matters are the following:

- The Roma should be legal users/owners of the lands on which their homes are built;
- After solving the status of the land, the living condition of the Roma should be improved. Solving land issues and legalization are not a goal unto themselves, but a means for the improvement of living conditions;
- *The municipality has to be an active intermediate, the main mediator in a peaceful, out-of-court conflict solution of land ownership issues in settlements that predominantly belong to families that live there or in settlements that are constructed on the lands of large-scale systems, and which are not for sale.*
- *The municipality should buy out the lands on which the Roma settlement is located, if this land is not the property of the families that live there and if the current owners are willing to sell it.*
- *The municipality should be the permanent owner of the purchased land, and should manage it in the interest of the Roma settlements and the entire micro-local community that lives on that land;*
- *The municipality should lease its land to a determined Secretariat (for finances, social welfare, etc) or to another executive organ that will finance and monitor the reconstruction and the new construction on the location;*
- *The executive organ should lease this territory to the Roma families that live on it. The duration of the lease can differ, but a permanent lease usually is one that endures 99 years.*
- *In special cases, ordained by financial reasons, the possibility that the land becomes the possession of the Roma families and individuals should be considered, through the manner of their buying it out from the current owners. This solution decreases expenses for the municipality budget.*

There are two basic possibilities for lease of land, which can be combined:

- *The municipal land in the zone that is being legalized can be leased to the families that are located there for the purposes of the legalization of the structures only, and not of the land plot. Here, the area under the existing structures that are being legalized is leased. In this case the process of legalization of residential and other structures is faster, but the legalization of the land plot on which they are located is not performed. The weakness of this solution is that it does not render possible a further legal process of the development, reconstruction and substitution etc. of the existing structure.*

- *The municipal land in the zone that is being legalized can be leased to families that inhabit it for the purposes of the legalization of the structures and the land plot, after the elaboration of the spatial project that sets new land development plots adjoining the structures that are being legalized and create conditions necessary for their reconstruction and the development of these structures.*
- *The municipal land can be leased through a two-step procedure. This considers that firstly a part of the land plot under the structure has to be leased, with which the possibility for the legalization of just the structure is created, and then, after the spatial project is designed, the remaining part of the land plot is leased, in other words, the legalization of the entire land plot is performed.*
- *The duration of the lease can also regulate the matter of those Roma settlements that can temporarily be on another location, i.e. that are located on land that in accordance to spatial plans are scheduled for displacement, because the land is foresees for some significant purpose, transport routes, infrastructure, etc.*
- *Large scale systems should lease their lands, on which Roma settlements are located, to the families that live there. With the lease, the legality of the residence of these families is regulated, and conditions are created for the improvement of the living conditions. The duration of the lease can be different. The municipality should be engaged in solving the relations between the large scale systems and the Roma community located on its land.*

The procedure of the verification and solving of land ownership issues on a land plot is a standard legal land ownership procedure that includes the following activities:

- *Obtaining copies of the plan from the authorized real-estate cadastre center;*
- *Obtaining a copy from the land registry, i.e. a copy from the real estate registry, if it has become valid;*
- *Land ownership verification at the authorized municipality;*
- *Stipulation of the market value of the land with basis on the findings of the verification institution;*
- *Elaboration of the report about the land ownership status of the location, which is a very important document because it points to measures that are necessary in order to solve the ownership issues;*
- *Undertaking relevant measures with the aim of solving the ownership issue where it has not been solved. This implies the expropriations for the publicly owned lands or the creation of a contract for the remaining land development.*

4. ELABORATION OF THE LOCAL ACTION PLAN AND SPATIAL PLAN

One of the initial measures for the improvement and legalization of Roma settlements in the domain of commitments of the local self-government (municipality) is the preparation and implementation of the Action Plan for the improvement of Roma settlements in the municipality. (In the further text: “Action Plan”).

This plan mainly refers to the improvement of the living conditions of the Roma population in the municipality and its settlements, but it also contains an overview on matters of education, employment, health care (for which there are Action Plans on the level of the Republic) and other important matters that are related to the improvement of the living conditions of the Roma within the scope of the “Roma decade”, (for which Action Plans on the level for the Republic still have not been adopted).

The steps in the elaboration of the Action Plan are:

- *The municipal assembly nominates a body or a special municipal managing board (further on “board”), that will be in charge of the preparation and implementation of the Action Plan for the improvement of Roma settlements, and secures technical support and resources for the board, for the execution of its tasks (the municipality will be assisted by adequate programs at the level of the Republic, that are the competency of line ministries).*
- *The board designs the manner of realization of the task of preparing the Action Plan, measures that pre-date it (eventual previous studies, analyses or consultations on the field and in relevant institutions), the manner and scope of the preparation of the Action Plan;*
- *An expert team or organization that can prepare the necessary basis for the elaboration of the draft of the Action Plan, pre-known measures that follow the adopted Action Plan (terrain mappings, spatial plans, preliminary steps for securing the land, the preparation of assistance for legalization, etc.);*
- *The selected expert team, on the basis of the working program (or contract) for the preparation of the Action Plan, new findings, research and geodetic basis, field research and record, past experiences and methods asserted in national and international practice, with consultations with the board and with recommended organs of the local self-government, the preparation and submission of the Draft Action Plan to the executive organ of the municipal assembly;*
- *The municipal assembly adopts the Action Plan for the improvement of Roma settlements in the municipality;*
- *The Action Plan for the improvement of Roma settlements in the municipality should contain:*

- *Evidencing and analysis of the conditions in the Roma settlement;*
- *The denomination, classification and determining of the spatial location and scope of individual settlements in the municipality area (quality, conditional quality, poor or slum settlement);*
- *Preliminary validation of quantitative and qualitative characteristics of the structures and infrastructure in the Roma settlement (number of houses, yards, residential areas, homes, families, children of school and pre-school age, employment and education levels, characteristic sources of income for survival, manner of use of the space, basic hygiene conditions, and communal infrastructure, the greatest problems concerning the residential organization of the settlement and the homes, needs for institutions and structures for child-care, regular education, adult education, health care, parks and common areas for residential, recreational or other functions, etc.);*
- *A previous review of available resources which should be secured for the improvement of individual Roma settlements;*
- *Defining the future approach to the improvement and legalization of previously nominated, classified, spatially defined and quantitatively and qualitatively analyzed Roma settlements in the municipality, through: steering toward the selected kind of basic or spatial plan, manner of obtaining and treatment of the land within the land ownership sense (transmitting the land to public ownership for the use in the municipality, the duration of the long-term lease and conditions for the Roma families, and other general adopted land relations), special conditions for the case of displacement;*
- *Proposal of priorities and of the sequence of steps, measures and actions defined by the Action Plan;*
- *Initiating the organization of institutions and boards of citizens at settlements for the purposes of the improvement of the implementation of the Action Plan, and for obtaining expert assistance from different nongovernmental organizations.*

The next important process after the adoption of the Action Plan for the improvement of the Roma settlements in the municipality is the preparation of relevant spatial plans for the planning and management of the settlements, which need to precede the legalization process, since without such plans land ownership issues cannot be regulated, nor financial or construction steps that follow it.

Planning regulations in the Republic of Serbia define different types of spatial plans, from which the most adequate should be chosen for the specific conditions. Likewise, the

settlements should be planned as a whole, without fragmentation on individual houses and land plots as individual initiatives.

**PLANS THAT CAN BE TAKEN INTO CONSIDERATION
FOR THIS PURPOSE ARE:**

- *The spatial plan of the municipality, if it is by chance being elaborated at that point of time, for the territory of the municipality, or if a quality plan has recently been adopted that can be altered for the purposes of defining conditions for the improvement of Roma settlements. The settlements can then be singled out into a special separate plan and analyzed in the following spatial plans.*
- *The plan of general management of the settlement is the second suitable alternative to the spatial plan, because it allows for elaboration of the existent foundations, and demands of the expertise are within available borders of financial and time costs available for its preparation, and can be adjusted to the needs of the management of the Roma settlements. It is especially suitable for suburban and settlements outside of city limits and for small municipality centers.*
- *The plan of general regulation is the next alternative plan for the solution of issues within the settlements that have a master plan, and through this type of plan, the basic division of space into public and private can be efficiently performed, which is the prerequisite for the further solving of all issues. It can be performed based on available foundations.*
- *The plan of detailed regulation is, for these purposes, the best frame for the management of settlement, construction conditions, division into land plots and equipment with infrastructure, but its weakness is the lack of obligatory up-to-date cadastre and topographical foundations, which is too expensive and time consuming for Roma settlements.*
- *Previous plans that set the conditions for the management and equipment of public areas and infrastructure for the entire settlement (but not for the purposes of the cadastre as far as the delimitation of plots of land or the pre-delimitation of parts of the plot of land used by individual families is concerned) can at this stage be finalized, and the leasing contracts for parts of municipal plots of land (and through this, for the legalization of the structures) be sufficient for those parts.*
- *In the case when the land plots of the Roma households and their structures located on private cadastre plots of land (in their own but non-regulated ownership), one of the previous plans will be necessary and the spatial projects for the definitive registering of individual plots of land into the cadastre.*

- *Is necessary to predict locations, within the plans, for essential communal functions, just like for all residential settlements.*
- *It is necessary to keep in mind, in all plans, the need for additional areas, increasing the existing groups of structures through new plots of land, so that the needs of the separation of large families and households can be satisfied, or so that other families form different parts of the city could successfully be settled there.*
- *In spatial plans such as the spatial plan of the municipality or the master plan of the settlement, it is necessary to highlight and secure the adequate purpose of the space of the existing Roma settlements, as housing with improvement of general and hygienic conditions.*

With respect to the planning of transport routes and infrastructure in the frame of the spatial plans, the following should be taken into consideration:

- *Generally speaking, in the process of planning, the existent transport routes should be kept as the basis for future ones, and it should be improved. It is not desirable to change the existing system because a great deal of damage is caused to private yards and homes. The entire process of the improvement of the settlement should be accelerated by using the existing transport route and upgrading it.*
- *If the area of the Roma settlement is being considered by a higher order plan, it is necessary to make a more detailed plan that will confirm the relation between public and other land and define precisely the transport routes and the technical infrastructure.*
- *It is possible to elaborate, for a certain part of a Roma settlement, or for an entire Roma settlement, the plan of transport routes and technical infrastructure. This creates the possibility that such structures within the settlement are developed independently from the issues of private yards and houses on the remaining part of the land development.*
- *These plans would be elaborated on legally-defined foundations for this type of planning documentation*
- *During the planning of the transport routes of Roma settlements, the principle of the separation of transport routes by hierarchy should be administered. The street network should be planned with primary (main streets), secondary streets and foot-paths.*
- *It is necessary to determine which of the existing (or newly made) transport routes will have the role of main streets. They would be positioned centrally in*

relation to the settlement, and all types of motor traffic would circulate there (cars, cargo vehicles, buses, etc.). The main streets must be open in all their longitude and must not have dead ends.

- *Secondary streets connect parts of the settlement with the main streets and are the main form of communication in the settlement. Mostly they have irregular geometry and more narrow, considering that their planning was stipulated by keeping the maximum amount of existing houses.*
- *The foot-paths are, along with the secondary streets, the main form of communication inside the settlements. Frequently they are the only approach to the plots of land. Because of this, it is necessary to keep the existing foot-paths and perform their widening wherever spatial conditions allow, so in the case of emergency, motor vehicles could pass.*
- *In the planning process for Roma settlements, special attention should be given to solving the problem of vehicle parking. Parking of vehicles should be planned on the plot of land (on an empty part of the plot of land or within the structure) or within the regulation of transport routes.*
- *In the process of planning of Roma settlements, one of the ways of improving should be the availability of public transportation, whether it would pass through the settlement, or its stops are located less than five minutes by foot from the border of the zone.*
- *During the elaboration planning documentation for the Roma settlement, it is important to foresee the possibility of a phased construction of transport routes. This means the widening, by gradation, of the existing regulation of streets until the reaching the profile of the streets defined by the plan.*

5. THE DIVISION OF THE TERRITORY ON PUBLIC AND THE REST OF THE TERRITORIES

One of the main goals of the elaboration of planning documentation for existing informal Roma settlements is to ensure the foundation for the delimitation of the development land that has a public purpose, from the rest of the land on which private yards and houses are located. This is necessary for two main reasons:

- *In some Roma settlements the division between public and other land plots is not quite clear. The borders of yard sometimes do not exist and a mixture of private and public functions is present. (In settlements that are well developed and older this problem is rarely present). Because of this it is necessary to establish the position of public areas through the planning documentation, including the position of streets.*

- *Roma settlements are usually dense and the transport routes are not sufficiently wide for the vehicles that have to access every part of the settlement. Some of the existing streets will certainly have to be widened and the basis for this is the spatial plan.*

To divide the public from the rest of the land, on the field, it is necessary for the municipality to create a working group with representatives of the municipality, geometers and representatives of the Roma settlement that will delimit, on the field, the public from the remaining land plots.

It is expected that the spatial plan is so devised that, in the least possible manner, damages the existing yards and structures. It is also expected that the citizens are previously familiarized with this plan and that they agree with the intersecting that has to be performed on the field. All of this is an integral part of the procedure of the elaboration of the plan.

As far as the structures located around the corridor of the future transport routes, their dislocation will be performed through the removal of the future construction line toward the interior of the land plot, and thus create conditions for the future enlargement of the transport routes. In cases such as this, it is necessary to, prior to any action, resolve the type and manner of compensation which will be allocated for structures that are demolished.

6. LEGALIZATION AND CONSTRUCTION OF PUBLIC TRANSPORT ROUTES, INFRASTRUCTURE AND STRUCTURES

When public areas and transport routes are demarked, their legalization and improvement can be initiated. Initially, it is necessary that communal infrastructure services assume the management and maintenance of the transport routes and of certain types of infrastructure. Through such assumption of duties, the possibility is created for the reconstruction of the current transport routes, infrastructure, reconstruction, addition of new systems of infrastructure, and the like. Through such assumption of duties, de facto legalization of transport routes and infrastructure is performed.

The improvement and development of transport routes and technical infrastructure supports the quality of life in Roma settlements. Building a functional and quality traffic lines within such settlements allows the entry of intervention, infrastructure and communal vehicles closer to the users.

During the improvement of the transport routes and infrastructure lines, be aware of the following:

- *The finalization of the transport routes in the area of Roma settlements needs to be performed with contemporary materials (asphalt, concrete, concrete blocks, CT elements);*

- *All forms of technical infrastructure need to be planned for Roma settlements, just as for any other urban settlement. This means that the water supply, sewage, electrical and telecommunication installation and other urban infrastructure needs to be planned.*
- *Parallel to the process of transport routes construction, foresee the construction of above-ground and underground technical infrastructure lines. It is best to plan the infrastructure lines as underground lines in the transport routes corridor. If this is not an acceptable option, above ground solutions are acceptable, under the condition of safety.*

7. LEGALIZATION OF HOUSES AND LAND PLOTS, PUBLIC SPACES AND STRUCTURES

The legalization of particular private houses and land plots on other types of land development, and the legalization of public spaces and structures located on public land development plots is one of the last steps in the process of the improvement and legalization of a Roma settlement.

The fact that the Municipal Assembly adopted the decision on the legalization and improvement of the totality of the settlement does not render each and every particular structure within that settlement automatically legalized. In fact, the adoption of the decision on the legalization and improvement of the Roma settlement only opens the path toward the legalization of a particular structure, it does not in fact perform the legalization itself.

It is necessary to draw attention to the fact that in many Roma settlements only residences and other private structures have not been constructed illegally. The overall structure of the settlement – including streets and smaller passageways and paths, diverse types of infrastructure which have a de facto public function, some public spaces, but also some public structures - are rarely created with a construction license, a plan and regard to standards.

In such cases there is need for greater usage of ready-made structures, at least in circumstances of the existence of structures without working conditions, which should be removed and replaced with structures of better quality within a certain (often short) timeframe.

The aim of the legalization process is not only to legalize particular houses, but also all other parts of the settlement, mainly roads and infrastructure. The reason for this is that infrastructure and roads, after legalization, need to be passed on to adequate public services in charge of their management and maintenance, which requires them to have the status of legal structures.

The legalization of a particular structure initiates from the previous steps, including a) resolved property issues as well as issues concerning leased land and b) the delimitation

of land plots of the settlement into public land development and other land development is performed. This fulfills two basic conditions for the legalization – which are that the user must have right to use the land plot and that the previously constructed structure is in line with the spatial plan. Having all this in mind the following is required:

- *Strive toward the legalization of as many structures as possible, both residential as well as adjacent structures and economic structures.*
- *Buildings which do not satisfy construction standards – whether they have not been completed and yet they are inhabited, or if they have been constructed from non-building materials and due to this cannot be legalized, should be treated as adjacent structures in a phase of construction which need to be demolished within a certain time-frame.*
- *Depending on the situation at the locality, the municipality should set the timeframe within which families should erect novel up-to-standard objects or adapt the existing ones.*
- *The municipality should use all resources available for the assistance of these families, since if they had been capable of constructing up-to-standard structures they would have done so. Programs of build-it-yourself construction, income-improvement, but also of credits for the poor should assist in the formation of a standard construction zone.*

Having all this in mind, it is clear that a number of structures will not meet the conditions necessary for legalization. Here we draw attention to the following:

- *Structures constructed on streets, infrastructure corridors and on public spaces that are in accordance with the spatial plan of the Roma settlement and which are marked out within the settlement land, cannot be legalized;*
- *In the process of legalization, structures constructed on corridors of primary transport routes and infrastructure lines that are in accordance with higher order plans and that have been under construction for a longer period of time, cannot be legalized;*
- *Structures constructed on communal land, public spaces such as protected cultural or historic heritage sites, protected wildlife sites, on sites of drinking water springs, in public complexes such as hospitals, schools, institutions for children and the like, cannot be legalized;*
- *Structures constructed in unhygienic terrains, landslides, flood regions and others, or on any other site dangerous to human health or safety, cannot be legalized.*

8. THE IMPROVEMENT OF THE ENTIRETY OF THE SETTLEMENT AND COMMUNITY

The improvement and legalization of Roma settlements and their transformation from informal to formal parts of the city is also a good opportunity to settle some other urban requirements. In that sense, it is advisable to plan out, in line with the existent settlements, other spaces which could help resolve housing needs of other marginalized families from different parts of the city, or to construct capacities which would assist in faster and more efficient social and ethnic mingling, tolerance-building and so forth.

During novel construction it is necessary to pay attention to the requirement that new housing construction must be in line with the needs and the capabilities of the families which will inhabit it, i.e. to be in line with the definition of adequate housing. Standards of adequate housing should be set not only vis-à-vis the needs of the families, but also the capacity of the national and local economy to uphold certain standards.

During the planning of the development of the settlement, it must be kept in mind that the individual type of residence is the most acceptable for the Roma family. Diverse options of individual or individualized living – from single-family houses to rows of smaller buildings – provide options for achieving economically viable density and relatively cheap construction. Multiple-family housing in apartment buildings such as skyscrapers or solitaires should be recommended very warily. Collective types of residence which foresee collective bathrooms, sanitary and other facilities, kitchens and the like are not an option.

Many Roma settlements, due to their informal status, have never been the object of analysis of municipal organs as potential construction sites for social, health, recreational, sport or other cultural structures or facilities. The process of the improvement and legalization will open the doors to such options. The creation of local urban centers, even if they are very small, but that are at juncture points and that can meet the needs of small Roma settlements is required in this process. The same applies to open spaces such as children's playgrounds, green areas and others.