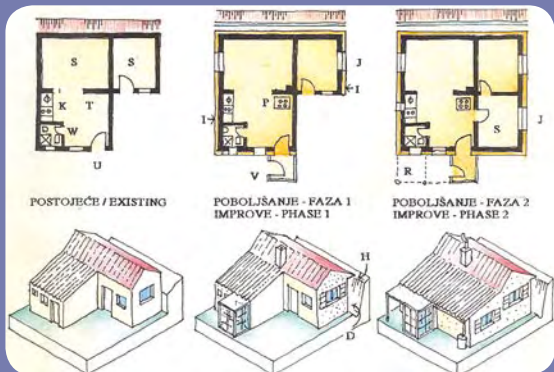
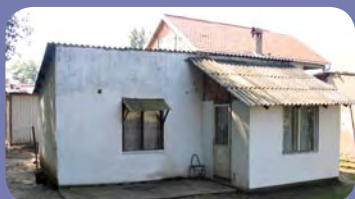


# Roma Housing and Settlements in South-Eastern Europe



Profile and Achievements in Serbia  
in a Comparative Framework

*Summary and Recommendations*



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IN A COMPARATIVE FRAMEWORK

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# Introduction

Throughout the OSCE region, particularly in South-Eastern Europe, Roma communities live in conditions of extreme poverty and social marginalization. Alongside education, employment, and health care, housing and settlement issues are some of the most pressing concerns identified in the 2003 OSCE *Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area*. These areas are all inter-related, as substandard living conditions impact on health, while having a legal residence with secure living conditions is a prerequisite to the recognition and fulfillment of other rights. Without an address, it is often impossible to register for public services or engage in lawful income-generating activities. Problems that can result from insecure residence include: forced evictions, lack of secure land tenure, inadequate alternative housing, lack of civil registration, and the inability of Roma and Sinti children to attend school. Resolving housing and settlement issues helps break the vicious cycle of exclusion.



This report presents the conclusions and recommendations of the Serbian-language book *Stanovanje i naselja roma u jugoistočnoj Evropi: prikaz stanja i napretka u Srbiji* (Roma Housing and Settlements in South-Eastern Europe: Profile and Achievements in Serbia in a Comparative Framework) by Vladimir Macura and Zlata Vuksanovic, published in 2006 with the support of the ODIHR. The work of two architects/town-planners, the book is an in-depth study of the issue of Roma settlements and housing in urban areas.<sup>1</sup> It aims to promote positive experiences and practices in Serbia and to suggest ways of building upon such examples both in Serbia and in other areas of South-Eastern Europe.

<sup>1</sup> The book builds on the recommendations of international organizations such as the OSCE, Council of Europe, European Union, and the United Nations; documents issued by the countries that launched the Decade for Roma Inclusion 2005-2015; national strategies and action plans; and NGOs working on Roma housing issues.

The Roma population of Serbian cities and municipalities is not homogeneous. There are long-established residents, refugees or internally displaced persons (IDPs) from recent conflicts, returnees from Western countries, seasonal workers who spend part of the year living away from their main place of residence, and a very small number of travellers. What all these groups have in common is extreme deprivation in economic and social terms, and daily lives marked by discrimination.

The areas in which problems related to housing arise include the informal character of most Roma settlements and localities, unclear ownership, poor living conditions, land-use issues, lack of infrastructure, and exclusion from the urban structure and public services.

There are three key models that can serve to improve Roma settlements:

1. **Legalization** of settlements that were built without the authorization of state/municipal authorities. This should be followed by the cancellation of urban development plans that do not take into consideration the existence of Roma settlements;
2. **Improvement** of legal settlements to raise the level of housing conditions; and
3. **Construction** of new apartments, and in some cases, entire settlements in order to meet the needs that arise from natural population growth, immigration, readmission of returnees, or changes in the city parameters that can lead to the exclusion or displacement of Roma settlements.

In these three models of urban planning, municipalities and Roma are seen as the main participants in the process of improvement. Municipalities that offer basic services such as access to running water, education, and housing are the focal point in the process of improving the conditions in Roma settlements. However, the Roma community must also be involved in any decisions affecting their lives.

The following **five basic implementation processes** are discussed in detail below:

- + Legalization of settlements;
- + Legalization of parcels and houses;
- + Improving existing legal settlements;
- + Ways to resolve the housing issue; and
- + Processes of settlement development.

All involve complex legal procedures, which often meet the needs of neither the majority population nor the Roma communities. Legal provisions are often outdated and contain vague and incoherent policies implemented at various levels. Therefore, it is necessary to emphasize that the following recommendations do not represent a formal or legal interpretation of the regulations of a specific country or region. These recommendations could serve as foundations for a better policy toward improving the housing conditions of Roma.



# 1. The Legalization of Roma Settlements

An informal settlement is any human settlement where housing has been constructed without the requisite permits or legal title for use of the land. As the *Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area* states, it is necessary to implement institutional procedures “to regularize the legal status of Roma and Sinti people living in circumstances of unsettled legality.”

The report *Caring for the Earth: A Strategy for Sustainable Living*<sup>2</sup> lists legalization as the first step in improving the conditions in settlements. The four main phases referred to in the report constitute “a successful strategy for dealing with illegal urban settlements.” The following recommendations are made with regard to illegal settlements:

- (a) Legalize them, arranging fair reimbursement for owners;
- (b) Accept the inhabitants’ way of building; don’t try to improve their houses: they will do that once their land is secure and they have basic services;
- (c) Provide water supply, sanitation, roads, and other basic infrastructure and community facilities: this often motivates people to improve their own homes;
- (d) Identify “barefoot architects,” individuals with get-up-and-go in the community who can organize maintenance; help install water, electricity, and a sewerage system; advise on laying foundations, etc.

These recommendations provide inspiration in defining the steps necessary to improve the situation of Roma settlements in Serbia and in countries that have suffered similar social and economic disruption.

## **OSCE WORKING DEFINITION OF AN ILLEGALLY BUILT SETTLEMENT**

“An informal settlement is any human settlement where housing has been constructed without the requisite permits or legal title for use of the land.”<sup>3</sup>

The following measures are necessary in order to observe the above-mentioned recommendations:

- *Reaching a political decision* for the legalization of any Roma settlements within a given community based on a *comprehensive study*;
- *Solving the problem of land ownership* for the legalization of individual houses, by means of negotiations and agreements with the *owners and the users of the land*;

2 *Caring for the Earth: A Strategy for Sustainable Living* (Gland, Switzerland; IUCN/UNEP/WWF; 1991).

3 “Report on Roma Informal Settlements in Bosnia and Herzegovina” (OSCE Mission to Bosnia and Herzegovina, 2003), p. 3.

- *Adopting an urban plan* for the improvement and further development of Roma settlements while enabling legalization of existing individual houses, *taking into consideration the reality in the field*;
- *Division of public from private land*;
- *Issuing a decision on the legality of individual houses* based on *determined ownership of the land and the urban plan*.

### 1.1 Reaching a Political Decision for Legalization

The current Law on Planning and Construction in Serbia defines the construction of an individual building (or part of a building) without a building permit as illegal construction, which requires subsequent legalization. A series of legal proceedings could lead to the legalization of all Roma houses. From a strictly legal point of view, however, the real issue is whether such a type of settlement could function. The answer is probably no, since the legalization process would not cover the numerous urban structures within such a settlement. These include the common and public areas such as streets, infrastructure, and so on, which cannot legally be used since they are not part of the legalization process and there is no appropriate permit for their being used in this way. A settlement is not simply a group of independent houses, but a number of public structures and facilities that form an integral part of a city.

Many countries and international organizations have recognized the need to legalize entire Roma settlements – and not only individual houses within them.<sup>4</sup> A recommendation from the recently held UN High Commissioner for Refugees and Council of Europe conference on the implementation of action plans in Serbia states: “One of the pressing problems of Roma community, including the Roma IDPs, is the unresolved status of settlements. We therefore propose legalization of the mentioned settlements, based on adequate urban plans and in accordance with the housing action plan, after which the legalization of individual buildings could commence.”<sup>5</sup>

These political decisions reflect the willingness of states to accept Roma settlements as an integral part of a city. Such decisions should be interpreted as a way to facilitate the improvement of Roma settlements by local governments and the community. The decision to improve Roma settlements should not, however, be used as an excuse for further discrimination towards Roma in housing or communal matters. The decisions should allow for anti-discriminatory, democratic, and transparent development of Roma settlements. It should mean that all the stakeholders, including Roma, agree on, and participate equally in, making decisions on the goals and plans of development of Roma settlements and housing, based on specific priorities.

#### CRITERIA FOR LEGALIZATION OF SETTLEMENTS

Many contemporary Roma settlements have a structure and a system that are either a consequence of spontaneous or illegal construction, or a combination of the two. Since local governments fail to differentiate between spontaneously built settlements (the majority of which are up to one hundred years old) and illegal settlements built in the past few decades, it is essential to

4 See Chapter V, Section 24, Set of documents from the Council of Europe and Decade countries meeting in Budapest, 2004; Vienna Declaration on Informal Settlements in SEE, Stability Pact 2004; Joint Statement of Roma Organizations at the conference “Roma in Expanding Europe”, 2003.

5 UNHCR and CoE conclusions from the Belgrade Conference, October 2005.

include all settlements that were not built according to a proper urban plan in a political decision on legalization.

Many settlements are developed on land that, at the time of their formation, was not of any particular interest for the development of the urban structure: urban planning, property, environmental protection, transportation, etc. Many settlements have an unresolved property status, regardless of whether they were built on previously occupied Roma property. Moreover, Roma settlements have been built in a variety of ways, with materials that are not always adequate for construction. This results in heterogeneous houses, which range from shack-shelters, to basic houses, to well-equipped ones. Before an appropriate political decision is made, an analysis should be made to assess which settlements are appropriate for legalization. In other words, the study should be used as a basis for the decisions made by politicians and local governments on Roma settlements. At the same time, the study would explain to Roma inhabitants why some settlements may or may not be legalized.



There are five main criteria regarding urban planning and the legalization of Roma settlements. These criteria are discussed in detail below together with some others to be considered when trying to legalize Roma settlements:

- **Planned status** of the land occupied by the Roma settlement. It is easier to legalize a settlement built on grounds already planned for individual housing rather than on land planned for multifamily housing in apartment blocks. Even more complicated is the situation where the settlement is constructed on land intended for economic activities, commerce, etc. It is most difficult to legalize a settlement built on grounds intended for public buildings, large transportation, or infrastructure networks.
- **Land ownership** or the right to use land on which a Roma settlement has been built. It is easier to legalize a settlement built on land that is predominantly owned or used by Roma families. It is also easier to legalize settlements built on the land of wealthy landowners compared to land owned by average people.
- **Position in the city**, that is, the geographic location of the Roma settlement relative to the city centre. It is easier to legalize settlements located on the city outskirts or in the urban-rural fringe than in the centre. Settlements located in the centre of a city are the most difficult to legalize, not only because of societal prejudice but also because of the high fees for urban land use.
- If buildings are located on **public urban land**, this may cause serious difficulties for the legalization process. It is easier to legalize a settlement built on “non-public” land than one built over a public structure, whether it be a cultural monument, hospital, national park, etc.

- **Environmental conditions** also constitute an important criterion in deciding whether or not a Roma settlement should be legalized. It is always easier to legalize settlements built on terrain suitable for construction than those built on terrain with problems. If there is a source of contamination nearby, or a landslide or flooding danger, then the settlement may not be legalized for reasons of public health and safety.
- **Conditions of transport**, that is, accessibility to different social services, is a factor that can influence the process of legalization of a settlement. Settlements near schools, children's institutes, health centres, and so on will be legalized more easily than ones that are far from such basic social services. It is hard to argue for the legalization of a settlement far from facilities that are necessary for the inclusion of Roma in society.
- **Proximity of public transportation.** Settlements built in the vicinity of the public transportation network are in a better position since this provides for easier access to places of work. Being located outside the city hampers economic development.

A comprehensive study covering these criteria should produce a clear conclusion as to which Roma settlements would be appropriate for future legalization.

#### A SOLUTION FOR SETTLEMENTS THAT CANNOT BE LEGALIZED

Analysing the possibility of legalization may reveal that some Roma settlements cannot be legalized for a variety of reasons. A present owner or user of the land may deny permission, some exceptionally valuable cultural or natural site may be endangered, or the settlement may have been erected on a site intended for the construction of some key infrastructure. All these factors can contribute to refusing a request for legalization. The fact that legalization is impossible under these circumstances does not mean that the Roma community should be left alone or simply evicted from the area they are no longer allowed to occupy. It is necessary to conduct further interviews and negotiations until both sides reach a satisfactory solution. Some of the possible alternatives are listed below:

- **Reimbursement for voluntary evacuation** is an option that has not been thoroughly studied or legally regulated in Serbia. Reimbursement for legally owned property scheduled for demolition is legally regulated. There have been cases of wealthy landowners paying the Roma community to leave the premises, but the Roma settled in other areas illegally because the money was not enough to provide a lasting solution to the problem. This solution often creates suspicion; however, it can represent a new way of solving this problem, on a partnership basis, where private investors also take part in the process.<sup>6</sup>
- **Temporary accommodation** can be used until a permanent solution is found, but it is not very popular among the Roma since it only brings more uncertainty.<sup>7</sup> This measure is taken when there are no other alternatives. In such cases, there are four criteria that should be met. First, the housing conditions should be better in the new settlement; second, basic social services need to

6 Such a solution would be in accordance with the provisions of the Serbian Resolution on Social Responsibility of Businesses.

7 As in the case of the reallocation of the inhabitants of the Betonjerka neighbourhood to a settlement with asbestos problems.

be located within a reasonable distance: primarily a school and health-care institutions; third, the new accommodation should provide the residents with possibilities for economic development, in terms of its location and transportation options; and finally, there should not be any further limitations that would challenge the sustainability of the settlement.

- **Providing new apartments** in different locations in a city is a standard procedure in large urban areas where individual solutions are reached through negotiations with all residents. Such a model may be applied in relocating an entire Roma settlement that cannot be legalized. Families relocated in such a way can encounter a variety of problems that range from new and even stronger discrimination to difficulties in accessing adequate support programmes. Instead of the anticipated integration and socialization, the new environment may prove unfriendly and further marginalize and isolate the new residents.
- **Construction of a new settlement** in a single location, with all the necessary structures, or construction of new housing in several new locations may be an acceptable solution. In such cases, it would be beneficial to build apartments for other social groups and not only for Roma. An ethnic and social mix may contribute to better integration. A possible threat posed by this option is that the authorities might build this new accommodation in an unfavorable area, which is common in practice.
- **Temporary improvement of settlements** may be one of the solutions if appropriately planned according to the length of stay in a particular location. Necessary works include the construction of infrastructure, additional rooms, and so on. Collective constructions and mobile structures are also to be considered.
- **Housing for seasonal workers and their families** is necessary, as they often live in illegally built settlements. These families spend half a year in one city and half in another city. It is necessary to build well-constructed, affordable housing. It is important for the municipality to provide basic services such as education and health care.

## 1.2 Solving the Problem of Property/Right to Use Land

The process of legalization and improvement of Roma settlements is complex from numerous points of view. The most prominent are the issues of property financing because they are equally related to the economic empowerment of Roma families and the financial situation of local governments. Considering both these aspects, the local community will have to renounce ownership of the land regarded as their own where Roma settlements are illegally located. The future status of the land needs to be negotiated between the owner and the Roma community that built its homes on his/her property. Thus, the first question is about who should own the land.

### OWNERSHIP AND USE OF URBAN CONSTRUCTION LAND

In Serbia, the state owns land for urban construction, which, during the era of socialism, was considered public property. At that time, all cities had defined construction areas, and public property was the only possible form of ownership. Public land became the property of the state after the 2003 Law was passed. State land that is not intended for public use may be rented for construction for a limited time period but cannot be sold. Residents who occupy buildings or wish to build

on public land do not own this property but are land users. In the event that they intend to build or own buildings on land that was not public property prior to the Law of 2003, then they can also be owners.

#### TYPES OF CURRENT LANDOWNERS

Cities and municipalities, various economic entities, and organizations that usually own large tracts of land are the main owners/users of land on which Roma settlements have been illegally built, but citizens as well as small companies that have little lots can also be owners/users of land. When approaching a solution to the problem of land status in illegally built Roma settlements, a distinction between these cases needs to be made. Municipalities and large landowners have tolerated illegal construction on their property but are reluctant to pass on their property to the Roma community. Often, only when the question of land transaction is raised will the present owners claim that it is indispensable to them and is part of some development plan, etc. Cases where an illegal Roma settlement is built on a number of different lots that belong to small landowners or citizens are very rare in Serbia.<sup>8</sup> The reason for this is that the majority of citizens feel strongly about their land. In such cases, compensation to the owners should be considered by the municipality. If local or international authorities insisted that the land become the property of illegal builders, the owners might interpret this as a forceful expropriation of land, leading to stronger intolerance toward Roma. In this way, both the municipality and the Roma might entangle themselves in lengthy court disputes that can arise in such situations. Finally, it would be detrimental if illegal builders believed they could settle on property that is occupied by others.

#### OSCE WORKING DEFINITION OF RIGHT TO USE LAND/RESIDENTIAL SPACE

"Tenure is an agreement between an individual or group and a private or public land owner on the use of land or residential property. Security of tenure exists when a right to access and land use are underwritten by a known set of rules and this right is justiciable."<sup>9</sup>

#### BASIC PROVISIONS IN LAND NEGOTIATIONS

The Planning and Construction Law in Serbia, which deals with urban construction land, will undergo some changes in the near future. This will also influence details in relation to land transactions. It is possible that the rights to own or use land will become more rigid, that the question of restitution of nationalized property will be taken into consideration. Thus, the state will play a greater role in regulating the social housing sector.

The following is a list of several provisions that need to be considered when solving the problem of land status in illegal Roma settlements, regardless of the specific legal solution.

- **Roma should own/use the land on which their houses are built.** If there is a decision to legalize a settlement, the next step would be to ensure that the families living there become owners/users of the land. This would ensure that settlements remain legal in the future.
- **Housing conditions for Roma need to be improved along with solving the issue of land status.** This should be the foremost and ultimate goal of legalization. It is not enough for the Roma community to only become owners/users of the land if the need to improve their living standard

8 There are some cases of settlements illegally built on lots owned by citizens both in Bulgaria and Romania.

9 *Op. cit.*, note 3, OSCE Mission to Bosnia and Herzegovina, p. 4.

is neglected. Solving the issue of land status may deplete the financial resources of both Roma and other participants in this process with no change in the overall situation.

- **A fair agreement between present owners/users and Roma** must be the basis for acquisition of rights to own/use land. This means that the owners need to receive compensation for the land on which Roma settlements are located, bearing in mind that the amount of compensation should not correspond to that for improved and fully serviced construction land.
- **The municipality should lead negotiations** and be the chief mediator between Roma and the owner/user of the land because the municipality initiates the legalization process by issuing a decision. Roma are generally not experienced in long and complex legal procedures. Therefore, they must find support in the municipal government and state their interests clearly.
- **The entire process should be monitored** by an independent team of observers. Representatives of the Roma community should be part of this team, along with members of the Ministry for Human and Minority Rights, the Ministry of Finance, the Ministry of Planning and Construction, and so on. The purpose of this team would be to ensure that there is no discrimination and that legal regulations are followed. It is important that the entire process be transparent and fair to all parties concerned.

#### **FOUR WAYS TO SOLVE THE PROBLEM OF A SETTLEMENT ON PRIVATE LAND IN BOSNIA AND HERZEGOVINA<sup>10</sup>**

The legal regulation of settlements located on private land pose various problems that require solutions. In order to identify the best solution in a specific case, it is necessary to consult the municipality, the owners, and the Roma community. Possible ways are as follows:

- The municipality or residents of an informal settlement purchase the land from the private owner on behalf of the whole settlement;
- The residents obtain permission from the owner to reside on the land through lawful rental or leasehold agreements;
- The residents may in some cases acquire ownership of the land through court procedures, provided that they constructed the buildings in good faith and that the land owner knew they were using the land, as well as meeting additional criteria defined in the law;
- Residents may also seek the expropriation of the private property they reside on through the Municipal Assembly, on the basis of public interest, and then request that it be reallocated under public competition. However, the reallocation process cannot guarantee that the land would then be allocated to the Roma currently residing on it.

#### **SOLUTIONS IN CASES OF MUNICIPAL LAND**

In the case of Bulgaria, the World Bank developed the idea of resolving the legal status of land by reconstructing the settlements on which homes are poorly constructed. With the support of professional staff, a construction project was implemented with the participation of the Roma community. This work by the Roma community should be recognized in any future application for a loan for new housing and for the land that will be used for housing construction.<sup>11</sup> This solution improves housing conditions while concomitantly solving the problem of land status.

<sup>10</sup> *Ibid.*, pp. 5-6.

<sup>11</sup> World Bank, "Sociological and Beneficiary Assessment of Potential Low-Income Housing Micro-Projects in Sofia," 2001.

Since many Roma families are poor and have no property, it is often questionable whether a loan will be paid back. One possible solution would be to grant loans to an NGO that would redistribute the money to the families, collect the installments, return the installments to the bank, and, most importantly, use the property as a guarantee that the loan will be returned.<sup>12</sup>

Another alternative would be to construct municipal housing on land where the Roma community has built illegal settlements. The municipality could rent the buildings to Roma, for a certain period of time, at the end of which the Roma could purchase the homes and the land. This option allays fears that the Roma would sell the homes and build an illegal settlement in a different location if the property were to be sold to them immediately.<sup>13</sup> This model was proposed when apartments were constructed for Belgrade citizens in 2002-2003. The World Bank proposed the same solution when addressing the problems of Roma families living in the *Fakulteti* settlement in Sofia and in *Lozenets* town.<sup>14</sup>

#### SOLUTIONS IN CASES WHERE ROMA OWN THE LAND

Roma families are, in some cases, the actual owners or users of the lots on which their houses are built. They either bought or inherited the property. For various reasons, some families lack proof of ownership/rights of use. Some of these cases are easy to resolve, while other cases are more difficult to prove in court. The municipality should provide adequate legal assistance for simple cases in order to solve the matter of property certification. Others will have to seek a solution through long court proceedings.

### 1.3 Issuing an Urban Plan as an Instrument of Legalization

A legal document validating a Roma settlement has to be reconciled with the Law on Planning and Construction through the urban plan, as an instrument recognized by this Law. The urban plan is therefore an instrument used for developing legal urban areas and for solving the status of settlements built spontaneously, illegally, or a combination of the two. **The legalization of a settlement by means of an urban plan is a political process, unlike the legalization of individual houses, which is an administrative process.**

Many Roma settlements are a result of spontaneous construction, not carried out according to a specific urban plan and at odds with urban-planning regulations. The discrepancy between the present situation and the **regulatory framework for urban planning** — expressed through different construction rules, etc — poses the following question: How can Roma settlements be legalized when the urban plan does not comply with the regulatory framework? The answer is very simple: the regulatory framework needs to be changed and, with it, technical and urban solutions, design principles, and the like.

12 G. Payne and M. Majale, *The Urban Housing Manual: Making Regulatory Frameworks for the Poor* (Earthscan, 2004), p. 52.

13 There have already been such cases, primarily with apartments in high-rise buildings that are completely unsuitable for a Roma family. Similar cases occurred with Roma from Mali Rit in Pancevo, Roma from several settlements in Nis, as well as in other countries, such as Bulgaria and Romania.

14 *Op. cit.*, note 11, World Bank, p. 24.



### ROMA HOUSING UPGRADING IS NOT POSSIBLE USING CURRENT LEGISLATION

The Inter-Ethnic Initiative for Human Rights Foundation stressed in October 2003 the following: "A rights-based approach to solving housing problems and improving living conditions in Roma neighbourhoods is impossible on the basis of current territorial planning legislation."<sup>15</sup> This statement is true for many countries because legislation was developed without awareness of the necessity for an inclusive approach.

### INCLUSIVE URBANISM FOR ROMA SETTLEMENTS

The new doctrinal framework that is supported here is inclusive urbanism, favourable not only to Roma settlements but to other informal settlements as well. This section will define the main features of a model we consider adequate for the development of Roma settlements in Serbia. It relates to those settlements that consist of family houses, since they make up the majority of settlements in this country — there are not many settlements with multi-storey blocks inhabited solely by Roma.

- ♦ **New urbanism.** This architectural movement originated in the United States in the 1980s with the goal of turning alienated suburbs made of "sleeping settlements" scattered in the outskirts of big cities into real urban communities with a life of their own — an integrated part of the urban system. The goal here is similar. Instead of marginalized Roma settlements with no internal structure, there is a need for settlements that have their own essence yet maintain a strong relation with the whole city. In a structural, functional, and visual sense, new urbanism promotes the formation of "urban villages" and "neighbourhoods."

"New urbanism promotes the creation and restoration of diverse, walkable, compact, vibrant, mixed-use communities composed of the same components as conventional development, but assembled in a more integrated fashion, in the form of complete communities. These contain housing, work places, shops, entertainment, schools, parks, and civic facilities essential to the daily lives of the residents, all within easy walking distance of each other."<sup>16</sup>

Many Roma settlements, especially *mahalas* (old Roma settlements), share a number of these characteristics. The development of these settlements in the direction described in the quote above may contribute to the creation of a decent living framework.

- ♦ **Urban upgrading.** The World Bank has made important recommendations in its definition of urban upgrading. "Upgrading (...) in low-income urban communities is many things, but at its simplest it has come to mean a package of basic services: clean water supply and adequate sewage disposal to improve the well being of the community. (...) Upgrading customarily provides a package of improvements in streets, footpaths and drainage as well. Solid waste collection is frequently included with its positive impact on health, along with street lights for security and night activity. Electricity to homes is often initiated later — although sometimes even before — by private companies. But this physical improvement is only the beginning; health issues need to be addressed by providing clinics and health education programs, school facilities and

15 Inter-Ethnic Initiative for Human Rights Foundation, "Alternative Report to the Bulgarian State Report Pursuant to Article 25 Paragraph 1 of the Framework Convention for the Protection of National Minorities", (2003), [www.minelres.lv/reports/bulgaria/Bulgaria\\_FCNM\\_NGO\\_2004.doc](http://www.minelres.lv/reports/bulgaria/Bulgaria_FCNM_NGO_2004.doc).

16 Available at: [www.newurbanism.org/pages/416429/index.htm](http://www.newurbanism.org/pages/416429/index.htm).

teacher training are needed to attack the lack of basic education, and lastly programs are offered to increase income earning opportunities and the general economic health of a community.”<sup>17</sup>

- **The balanced city concept.** The balanced city concept is based on numerous urban and architectural texts, as well as urban plans at different levels. In Serbia, two architects groups, the Society for Improvement of Local Roma Communities (SIRLC) and the Center for Urban Development (CEP), have utilized the inclusive city approach. Some of the most important provisions of this approach are acceptance of reality; respecting the spirit of the place; acknowledging social, economic, environmental, and structural connections; and insisting on a participatory approach. Although the CEP did not deal with Roma settlements directly, its approach and experience in the adaptation of urban structures to the needs of the local community — and not the other way around — are applicable to the problems of Roma settlements.

The following sections discuss the size of the space to be included by an urban plan, types of plans to be developed, the type of cadastre and topographical plans required by an urban plan, and finally, the process of its development.

#### HOW MUCH SPACE SHOULD AN URBAN PLAN INCLUDE?

One of the primary questions in relation to the development of an urban plan concerns the territory subject to planning. Here are some of the criteria that may help in deciding the total area of an urban plan.

- **Taking a Roma settlement in its entirety** should be the first criterion. The reasons for this are straightforward, and the point is to treat all the residents of a settlement equally. There are some urban<sup>18</sup> and financial<sup>19</sup> reasons for considering only part of a settlement in an urban plan, but this is an option that should be avoided. Taking account of the natural and man-made borders of a settlement — i.e., recognizing the margins that separate various urban and natural forms — is probably the best approach.

**Borders should include not only the Roma settlement but non-Roma areas as well** if it is to be a logical plan. Although Roma settlements are marginalized, they should be connected to the city, and these connections need to be studied and improved. Second, the development of a single plan that would include both Roma and non-Roma settlements reduces ethnic tensions. Neighbouring towns that border Roma settlements are often also in need of improvement. In such cases, a single urban plan can benefit the non-Roma population as well.

Additional criteria can be applicable, depending on the situation. For example, both advantages and disadvantages resulting from **cadastral registration** (the public record of the value, extent, and ownership of land as a basis of taxation) may be taken into consideration when defining the borders of a settlement.

17 Available at: <http://web.mit.edu/urbanupgrading/upgrading/whatis/what-is.html>.

18 As in the case of Lojanica, according to the plan for a part of the city of Mirijevo, where a higher-priority urban plan determined that only part of the settlement should be used for housing, while the other part would have a different purpose, the perimeter of the settlement could not be included in the plan beyond that second purpose.

19 Some municipalities tend to solve the matter only partially due to lack of funds. Such was the case of Mali Rit in Pancevo, or a settlement in Vrnjacka Banja.

### WHAT TYPE OF PLAN SHOULD BE DEvised FOR ROMA SETTLEMENTS?

The Law on Planning and Construction allows for various urban plans that can serve as a basis for development of Roma settlements. This includes general regulation plans, detailed regulation plans, general development plans, and urban projects. The type of plan used is influenced by the status of land ownership (or use), terrain conditions, and intended intervention (parceling or reparceling, introduction of new infrastructure in a settlement, construction of new facilities, and so on). Keeping in mind the average situation of Roma settlements in a municipality or city, it is possible to propose one of the two following documents to devise a plan:

- A *plan of detailed regulation (PDR)* (also known as a detailed urban plan) is one possibility. A PDR must be devised on the basis of an adequately updated land registry. The plan offers information required for street planning, infrastructure, financing construction, and the legalization of certain residences. This is a relatively expensive document that would be inaccessible for the residents of the majority of Roma settlements.
- A *plan of principal development (PPD)* is another possibility, which might be more accessible to poor municipalities and their Roma settlements. The general regulation plan determines long-term projections for growth and spatial development of settlements, general regulation and construction rules, all according to the Law.<sup>20</sup> The PPD is devised for smaller settlements and villages. The general regulation plan specifically determines: a) the intended use for lots; b) directions and corridors for transportation, electricity, water regulation, utilities, and other infrastructure; and c) zones or whole areas with identical construction rules. According to the regulations for the creation of an urban plan,<sup>21</sup> a PPD may also be devised for “parts of settlements invaded by unplanned construction”, and for “parts of settlements with no updated (cadastre and topographical) plans.” Roma settlements fit into both criteria, although the final results of a PPD are less impressive than those of a PDR.

### PROBLEMS WITH THE CADASTRE AND TOPOGRAPHIC MAPS AS A BASIS FOR URBAN PLANS

The cadastre and topographic maps are the basis for devising an urban plan. If they are not updated, this is one of the biggest problems in the process of devising an urban plan. This difficulty is encountered in almost all communities and not only Roma settlements, although it may be harder to resolve in Roma settlements than in other parts of the city. The main difficulty is that existing user lots<sup>22</sup> do not correspond to the cadastre lots. Cadastre entries for some parts of a city may be several decades old, without having been updated. Another difficulty is that user lots cannot always be easily recognized in the field, although neighbouring families know who is using which sections of the land. The following mapping solutions can be used as a basis for an urban plan:

*Mapping the existing situation.* With the help of ortophotos,<sup>23</sup> GPS technology, geodetic works,<sup>24</sup> topographic plans, and existing cadastral plans, *maps can be made that correspond to the actual situ-*

20 Serbian Law on Planning and Construction, Article 37.

21 The regulations on content, methods of devising and modes of performing expert supervision of an urban plan, together with terms and conditions of presenting such a plan to the public.

22 Miodrag Ferencak coined this term in 1996 in order to differentiate between a lot in the cadastral register and the one that a family actually uses.

23 An ortophoto is an aerial photograph that has been geometrically corrected so that it can be accurately used as a map.

24 Geodesy is the branch of applied mathematics that deals with the measurement of land, the exact position of geographical points, and the curvature, shape, and dimensions of the earth.

*ation in the field.* This procedure is often used in small municipalities of Serbia as a legitimate way of providing a basis for devising an urban plan.

**Direct use of ortophoto materials.** This is the second possible solution, based on the Regulations of Procedures for Devising an Urban Plan, where ortophotos, instead of updated topographical and cadastral plans, can depict the existing situation.

Arguments against the aforementioned methods on the grounds that they lack a sufficient degree of professional correctness do not take into account the significant costs and time involved in producing new cadastre and topographical plans in the standard way. Insisting on using such a basis would serve only to discourage municipal administrations.

#### THE PROCESS OF DEVISING OR CHANGING A PLAN

The Law on Planning and Construction provides a standard procedure for introducing changes and additional provisions to a plan.<sup>25</sup> The municipality or city is in charge of inspecting the planned solution, as well as determining the need to introduce changes and new provisions to the urban plan in accordance with the mid-term programme for development of urban construction land, that is, at least once every four years. The Belgrade Master Plan states that new provisions and changes are to be introduced once a year. This is a very important legal provision since numerous Roma settlements have been built on land where there are planned alterations.

### 1.4 The Division of Public and Private Land

The division of land into public and private is the basis for settlement development, and in particular of residential micro-areas. In some Roma settlements, this division is not so clear. The purpose of the division between public and private land ensures the correct construction of infrastructure, streets, etc. It also enables the legal regulation of private lots and houses. It is necessary to have clear lot borders for residential parts of the settlement. Referring to the procedures of developing an urban plan, it is suggested that the use of either newly developed maps of the existing situation or ortophoto material on a cadastre and topographical basis be employed. Generally, both are insufficient from a mathematical and geodetic point of view, so an urban plan developed from these maps is also imprecise. In order to determine the street boundary that separates public from private land in the settlement, it is necessary to make decisions on the site itself. In order to minimize conflict, therefore, the process of dividing public and private land should occur in the following steps:

- **The establishment of a committee to divide the land into public and private** should be the first step in the process. The committee should consist of Roma representatives from the settlement, municipal representatives, as well as land surveyors. The committee's task would be to issue decisions that respect the family's property and the central goals in the urban plan, while also providing the largest possible surface area for public land and use.
- **Each member's contribution to the committee is important.** Representatives of the Roma community must be involved in the committee's work because of their knowledge and understanding of the local situation. The representatives can negotiate with Roma families in case of mis-

25 The Law on Planning and Construction, Article 55.

understandings. Municipal representatives can assist with the interpretation of the urban plan and its purpose to ensure clarity. If solutions proposed by the plan are not realistic, changes can be proposed, to be negotiated with the Roma community. Land surveyors can contribute to the solution as agreed upon by the Roma settlement and municipal representatives.

- **Settlement leaders and Roma representatives in the committee should organize public meetings with all the inhabitants** to explain public and private land division, referring to the fact that this process is based on the urban plan, which the community will have discussed during its public presentation. The committee members need to inform the Roma community about the details of the division process: the activities to be conducted, etc.



- **Provide a sketch with the position of street boundaries.** This would be the first task of the committee. The sketch should be presented to the community.
- **Mark the street boundary on the terrain.** After discussing the revised positions of the street boundaries, citizens should be prevented from removing the survey beacons. This is the task of the Roma representatives on the committee.
- **Removing fences or demolishing auxiliary facilities.** This activity should be done alongside the process of geodetic marking. Given that this activity is related to construction, the municipality should provide an adequate team (company, departments, etc.) that would remove and demolish relevant structures upon marking.
- **Families should not ask for reimbursement for removed and demolished property** because they will benefit from the public and private division of land.

- *The police should provide security during the removal and demolition process*, but only to ensure that public order and peace are maintained. They must not interfere with the division process in any way.
- *The provision of new housing for families whose homes must be demolished*. Temporary housing should be provided immediately after adoption of the urban plan.

The division of public and private land facilitates technical, architectural, construction, and environmental works in the settlement. The division of public and private land also helps to delineate public areas such as streets and buildings (settlement centres, children's facilities, etc.). Furthermore, the division of land into public and private is the main step in legalizing individual estates — lots and houses.

## 2. The Legalization of Individual Lots and Houses

Many Roma settlements and individual homes are not legal. There are numerous reasons as to why Roma homes and settlements remain illegal. A number of international organizations that deal with Roma issues, including housing, have a consistent stance when it comes to the issue of legalization of Roma houses. Roma activists issued a joint declaration at the conference “Roma in an Expanding Europe: Challenges for the Future”.<sup>26</sup> The declaration called upon “all countries to legalize Romany housing and ensure that owners are provided with ownership documents.” Here are some of the most important reasons why individual homes need to be legalized:

- Safety and security for Roma families;
- Registering property rights;
- Participation in the real-estate market;
- Access to bank loans for house maintenance;
- Access to social welfare funds to improve housing conditions.

### **TWO PREREQUISITES FOR LEGALIZATION**

Legalizing a settlement does not mean that each individual home is automatically legalized in the process. In fact, it is possible to legalize an entire settlement, but not all homes will be considered legal property. The legalization of settlements is primarily a politically motivated process, while the legalization of houses is primarily an administrative process.

Two conditions have to be met in order to legalize a home: it needs to be built *on its own land or on land that the owner has the right to use*, and second, *the structure must not endanger its surroundings* — either the private or the public environment. The legalization of individual homes is dependent on urban planning and regulations. An illegally constructed building must not endanger public or private interest in its surroundings. The issuing of a building permit guarantees the fulfillment of these two conditions.

### **LEGALIZATION PROCEDURE**

There have been numerous attempts to legalize buildings in Serbia. The problem was recognized as early as the 1970s and became more apparent in the 1990s with the migration of refugees, especially after the tragic events towards the end of the decade. The Law on Planning and Construction of 2003 was another attempt to solve the problem, but to no avail. The degree to which the

26 Romani activists' common statement at the International Conference “Roma in an Expanding Europe: Challenges for the Future”, 1 July 2003, p. 1.

legalization procedure for homes is inefficient is best demonstrated by the fact that, since the Law came into effect, out of 117,000 requests for legalization in Belgrade, only 2 per cent have been resolved. The chances of the Roma community successfully initiating a legalization procedure on their own are therefore low.

#### **SIMPLIFICATION OF THE LEGALIZATION PROCEDURE**

The state should find more-efficient solutions to legalize homes, so that housing cases are resolved more quickly. Some amendments to the legal procedure should be introduced for the most impoverished groups to access the system. The following is a list of some suggestions as to how the legislative procedure can be adapted:

- *An urban plan that depicts the current situation* to ensure the division between public and private property, i.e., the individual homes do not conflict with public buildings and facilities.
- *A procedure for dividing public and private land* to prove that an individual home does not endanger public areas. Thus, citizens do not need to provide additional evidence.
- *The transfer of rights to use/own land* carried out by the municipality should be accepted as proof of ownership/right to use the land or lot.
- *The statement of a witness should be accepted as valid proof* that a house belongs to an individual. Witness testimony, collected for the Roma settlement should be made available to the public. After public inquiry is complete, witness testimony may be accepted as evidence for ownership status if no valid objections have been made during the public inquiry.
- *A fee waiver* should be provided to those who cannot afford administrative costs during the legalization procedure.
- *Waiver of the urban land-use fee* is a considerable alleviation since these fees are quite expensive. Currently, high fees are a motivating factor in the illegal construction of homes.
- *Providing legal/technical assistance to citizens* during the legalization process is an obligation of the municipality.



**Table: Comparison between conventional town-planning and the new inclusive urbanism approaches**

	Conventional town-planning	New inclusive urbanism
<b>Doctrine base</b>	Various theories and approaches of the post-modern doctrines of the International Congress of Modern Architecture	Adequate Housing, Sustainable City Movement, New Urbanism and Settlements Upgrading theories.
<b>Actors and their roles</b>	Municipality and professionals. Roma have a passive role. They are included at the end of the planning process during the public presentation.	Municipality and Roma. Roma are active partners from the very beginning of the planning process. Professionals are assistants in the process.
<b>Type of urban plan</b>	Based on rigid town-planning standards, partially on official information and field data.	Based on official information, field data, safety standards and environmental requirements.
<b>Maps for planning process</b>	Updated cadastre and topographic maps.	Ortophoto and field survey maps, in addition to the available cadastral and topographic maps.
<b>Result</b>	Plans that are very far from reality and often an obstacle to settlement development.	Plans that support settlement development.



# 3. Improving Existing Legal Settlements

A number of suggestions are listed on how to improve existing Roma settlements and construct new Roma settlements. It is important to address the question of whether a new settlement should have a majority Roma population. This decision is closely related to the situation of the Roma community in general, the community's integration into the social system, and the degree of respect and tolerance of the majority toward the Roma in a particular region.

The findings do not digress by discussing in detail the pros and cons of new Roma settlements, since these vary according to the specific situation of a country or region. In a tolerant society, the construction of new Roma settlements may contribute to preserving the Romani language and cultural values, preventing assimilation, and increasing social diversity and integration in a community. In adverse conditions, the construction of Roma settlements may lead to increased ghettoization, limit accessibility to educational and employment systems, prevent integration, and increase the separation between ethnic groups. The suggestions listed below may serve to improve the situation on existing settlements and guide the establishment of new settlements.

The structural consolidation of a Roma settlement is dependent on its legal status and its integration in the community. The improvement and development of Roma settlements, i.e., the list of what constitutes structural consolidation, is the central topic of this section. The suggestions listed here are related to all types of settlements except for slums and part of the old city known as "partajas". Roma slums are relatively rare in Serbia. Municipalities and the Roma community should try to eradicate or transform slums into suitable housing. Partajas, on the other hand, are placed in inner urban parts and have unique morphological features. They are often subject to urban reconstruction when old urban material is replaced. The suggestions listed are related to dilapidated settlements, old villages, settlements located outside the city, and special forms of settlements characterized by resources aimed at growth.

## 3.1 The Structural Consolidation of Settlements

The problem of structural consolidation depends on the conditions of each Roma settlement. Examining the problems in the field will highlight the issues that need to be emphasized, problems encountered and tentative solutions. For many reasons, the process of establishing a programme for settlement consolidation is very sensitive. However, there is a common set of topics, which are addressed here.

**Table: The most important elements in settlement consolidation**

Topic	Problem	Solution
Settlement centre	Insufficient cohesion	A centre is needed
Residential zones	High residential density	Limit density
Work areas	Mixed with housing	Separation is necessary
Street networks	Lack of hierarchy	Introduce hierarchy of streets
Infrastructure	Insufficient or missing infrastructure	Introduce/improve it
Green areas	Absent green areas	Both private and public needed

### 3.2 Settlement Centre

At first glance, the majority of Roma settlements do not seem to have a central area with shops, children's playgrounds, cafés, or other structures that are common to a city. However, there are other locations for social gatherings, such as a specific area for washing carpets, where women gather,<sup>27</sup> or a monument to Bibija Zara.<sup>28</sup> A row of benches where adults meet for discussions,<sup>29</sup> or an enclosed common yard can serve as locations for socializing. Poverty is the primary reason that informal structures serve as a substitute for permanent social areas. The socio-cultural potential of Roma settlements can and should be used as a basis for constructing a formal settlement centre that would correspond to those found in the city. The value of such centres is explained below, along with recommendations:

- ♦ **A settlement centre and public facilities** are of vital importance for the integration of settlement inhabitants and for the development of a community. Roma settlements, as much as other parts of the city, need to have their own centres. Bigger communities, with populations ranging from 2,000 to over 5,000 residents, should have centres comparable to those found in small municipalities. Open public space should also be included.
- ♦ **The development of various inclusive programmes** is practically impossible without adequate space. In addition to increasing cohesion and social life among the inhabitants, the centre also serves as a location to implement educational and recreational programmes, including for women and children.
- ♦ **Well-equipped space for children** within a settlement. Some Roma families have many children. A recreational area for children can be provided in the community centre. Playgrounds, etc., can be placed elsewhere in the settlement as long as they do not cause a disturbance. In the process of constructing settlements, special attention needs to be paid to the safety of children.

27 As in the Deponija settlement in Belgrade.

28 As in the Orlovsko naselje settlement in Belgrade.

29 As in the Roma settlement in the city of Horgos, Serbia.

- ♦ **To increase a settlement's appeal** for residents, as well as for non-Roma neighbourhoods, is another function of the centre. The centre's facilities could attract not only Roma but the neighbours as well.<sup>30</sup>
- ♦ **A settlement centre is an expanding structure**, probably more dynamic than any of its counterparts in the city. Therefore, this expansion should be taken into consideration when determining the space required for the centre.



### 3.3 Residential Areas of Settlements

As the population in Roma settlements expands, new homes are built by dividing existing lots into smaller sections. Thus, the population density in a specific area increases. In addition, there are difficulties with infrastructure, streets, public facilities, and so on. The following suggestions may support the further development and improvement of residential areas:

- ♦ **Housing based on family planning** should be in accordance with the cultural customs of the Roma family. The organization of the household is based on relations with elderly persons, children, and companionship with neighbours.<sup>31</sup> The organization of the family unit does not vary between poor and wealthy Roma families but is significantly different from the family model of the majority population. High-rise collective residential buildings are not acceptable to the Roma and therefore should not be taken into consideration for the predominant type of housing.<sup>32</sup>
- ♦ **A family's home may be organized in a variety of ways**, all available to Roma communities, ranging from the improvement of existing homes to the construction of a new home. It can be single- or multi-storey, a loft, terraced, semidetached, etc.
- ♦ **Decreasing residential density** in overcrowded settlements is one of the major tasks of development planning. Decreasing residential density in an area entails creating conditions that would

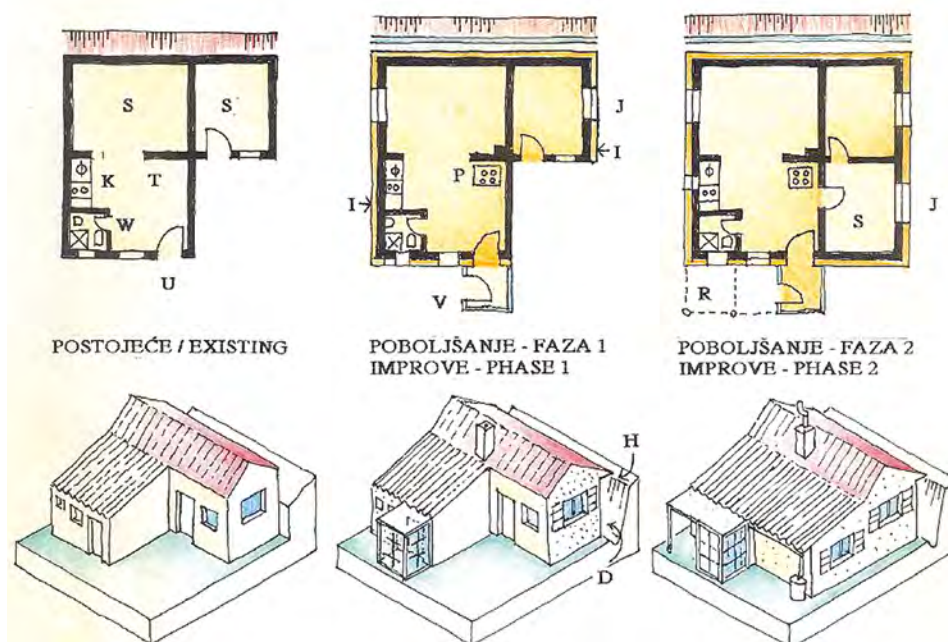
30 As in the Backi Ilovik settlement.

31 One of the prerequisites for adequate housing is respect for the cultural habits of families and individuals.

32 Failures of this housing strategy are obvious in Bulgaria, Slovakia, Serbia, and the Czech Republic, among others.

enable some families to leave the settlement and transfer their property to their neighbours.<sup>33</sup> Another alternative would be to search for free space in the settlement or its neighbourhood to provide lots to some of the families living in a more densely populated area. The third solution would be to temporarily move some families, while planning to reduce the residential density in a certain area.<sup>34</sup> These are long-term solutions. The choice of one or a combination of several options largely depends on local conditions and the decisions of the settlement residents.

- ♦ **Reduction of the construction index**, which means reducing the number of buildings on a lot. This is another important strategy for further development of Roma settlements and can be achieved by removing auxiliary buildings, such as open warehouses. Regulations regarding the demolition of buildings have frequently been passed in Serbia, thus the process is relatively quick.
- ♦ **Preserving yard space** as a way to expand living premises. This is an important feature found in Roma homes, and should be preserved as a cultural asset. Reducing the construction index can result in greater yard space where the residents can sit and relax, garden, etc.



- ♦ **Housing expansion** is sometimes inevitable, regardless of the need to reduce population density and the construction index. The general recommendation is to demolish existing auxiliary buildings before constructing additional homes. It is imperative that children be provided with their own space in a house, for successful growth and socialization. It is also necessary to take into consideration the possibility that, when a child marries, the extended family may occupy the home.

33 This process was observed in the Deponija settlement in Belgrade. Only wealthier families could buy property and thus enlarge their yard and their living space.

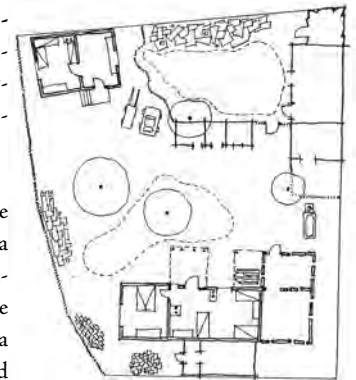
34 This solution is planned for the Jevrejsko Groblje settlement in Nis, which needs to be moved from its present location to another one, across the street.

- ♦ **Other models of residential construction** should be integrated within the Roma settlement if there is adequate space for them. In this case, the municipality should reach an agreement with the local Roma community and construct residences for other social groups, including families that are non-Roma. Social and ethnic mixing could strengthen social cohesion and minimize the risk of creating a Roma ghetto in the future.
- ♦ **Professional help in designing and constructing homes** is an important prerequisite to improving residential areas in settlements. Roma families should accept the professional advice of architects and engineers in order to avoid mistakes that can be seen today. Professional expertise is required to achieve the goals of reducing population density and the construction index, as well as maximizing the functionality of yards or deciding on home expansion.
- ♦ **The house and yard can be inexpensively constructed** and developed, but according to certain requirements. The construction of low-cost housing all over the world rests on four main techniques: 1) prefabricated homes, i.e., homes produced in factories; 2) homes made of foam materials; 3) homes constructed of wood and metal; and 4) homes made of stabilized and compressed earth blocks. The first two models of inexpensive housing require advanced technology, while the final two are sufficient in areas that lack advanced technology. The technology chosen must suit the requirements of constructing a Roma settlement.

### 3.4 The Settlement Work Zone

Roma often use their yard and part of their home for living and economic activities. Economic activities should be divided from the living area, as construction materials and the use of chemicals can be hazardous. Many Roma families are independent entrepreneurs; thus, settlement space should be allocated to undertake work-related activities.

- ♦ **The formation of a common area for work-related activities within a settlement** is important to separate it from residential areas. Families could reach an agreement about a common area and its use. It would be beneficial to construct a warehouse that could be equipped with paper presses, mills, etc.
- ♦ **A working area for women should be located within a settlement.** The municipality and Roma community should also consider mainstreaming Roma women into various areas of employment. The location of this employment should be near the settlement.
- ♦ **Forming a city farming zone** in a settlement improves hygiene and the health of livestock. A “farm” should be constructed in a specific area of the settlement that is adequate from an environmental point of view. All families in the settlement should be able to keep their livestock in the farming area.<sup>35</sup> The farming area should include barns, hen houses, cages, etc. The farm should have one or more permanently employed workers. Another op-



<sup>35</sup> Committee proposal for the sustainable reconstruction of Orlovsko naselje in 1995.

tion, when planning on settlement expansion, would be to decide which area belongs to families that have livestock or horses.<sup>36</sup>

### 3.5 Streets and Traffic Routes

Streets in Roma settlements have different features, depending on the type of settlement. If these settlements originate from former villages in city suburbs that gradually blended with the city, then the streets resemble those found in rural areas. On the other hand, streets found in densely populated settlements have urban features. However, regardless of the type of settlement, there are some common street features. First, they all belong to a secondary type of network made of street patterns used to access certain buildings and areas. Second, the streets lack of any transport and functional network hierarchy. Third, they are often irregularly shaped. Finally, the streets are quite narrow. Recommendations for improvement are the following:

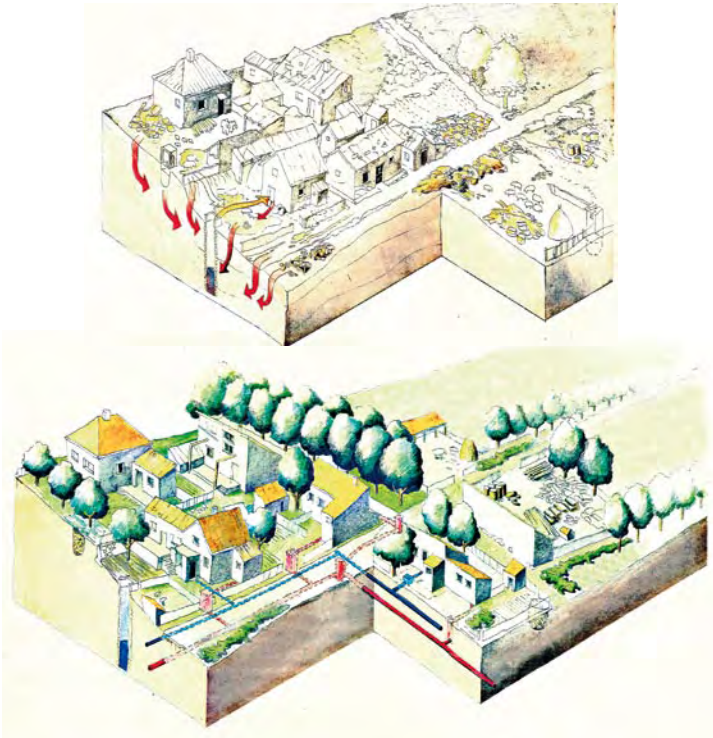
- ♦ **The existing street network should be accepted** and included in the improvement plans for settlements. Completely changing the street network should be avoided.
- ♦ **Reconstructing the street network and opening new streets** should be based on an adequate plan. Reconstruction of the street network sometimes means demolishing homes and cutting through existing lots. The best alternative would be to find a solution that causes the least amount of damage to homes and yards. The local Roma community should participate in devising this plan. The plans for street reconstruction are decided when dividing public from private land.
- ♦ **Streets defined as essential should be accepted.** When the master plan states that a certain street should be regarded as primary, the optimal architectural/traffic solution should be found.
- ♦ **Functional and traffic hierarchy of streets should be determined by a plan.** This hierarchy normally consists of access streets, which can accommodate all integrated modes of movement, then driveways, one-way roads for both cars and pedestrians, and pedestrian paths and pedestrian passages through lots. In any case, parts of the network should enable access of specialized vehicles (ambulance, fire brigade, police, etc).
- ♦ **A cross-section profile should be defined in such a way that it becomes possible to repair or build the appropriate infrastructure within it.** In some streets, a complete set of infrastructure will be built, whereas in some others only that infrastructure that requires less space will be built.
- ♦ **Horse-drawn wagons and tractors**, found in some Roma settlements, especially on the city outskirts, should be taken into account when planning the street network.
- ♦ **Introducing public green areas when planning a street network is recommended.** The destruction of existing green areas should be avoided in the development of an urban plan.

36 Proposal of the NGO working in the Mali Rit settlement in Pancevo, 2005.



### 3.6 Construction of Infrastructure and Utility Services

The construction of infrastructure is extremely costly, including for Roma settlements. Many Roma settlements lack the appropriate infrastructure primarily because the regulations are **indiscriminate, i.e., identical for all parts of a city**. New regulations need to be introduced: regulations that would provide for low-cost construction of conventional systems and at the same time construction of alternative and autonomous systems of infrastructure. The construction of infrastructure is a public matter and it cannot be passed on to economically powerless Roma families. Infrastructure and housing constitute a settlement, which in turn can become a city. Recommendations for improving infrastructure in Roma settlements are the following:



- ♦ **Overhead power-supply lines** are the cheapest method of supplying electricity to Roma families. If municipal regulations provide only underground power-supply lines, then these regulations need to be changed in order to reduce the price of construction. When planning the construction of streets and roads, enough space should be left in case electrical cables are required.
- ♦ **The heating of homes.** Solving the problem of heating depends on the dominant source of energy in a particular municipality. In some cases, wood and coal are the most popular heating resource (but they pollute the environment), and sometimes gas is used (but that is more expensive). With careful planning, the passive use of solar energy is also possible.
- ♦ **Using plastic instead of steel pipes can reduce the cost of supplying water.** Municipal authorities often order the construction of steel water pipes, which makes this infrastructure con-

siderably more expensive. However, it is possible to have separate systems for supplying drinking water and its use for other necessities. The water-supply system should be planned in such a way that there is a minimal amount of wastewater.

- ♦ **Sewage treatment is always a greater problem than the water-supply system.** This system is expensive and therefore avoided in poor urban settlements. The majority of Roma settlements have no sewers, causing considerable pollution beneath ground level. Septic tanks appropriately constructed are the best solution.
- ♦ **A reed-bed is an alternative solution for the treatment of wastewater.** This can be defined as processing wastewater with aquatic plants. This green technology still requires supply sewers but does not cause damage to the environment. Reed-bed technology is suitable outside the city area. If a settlement has adequate farm space, wastewater from the farm could be treated with this technology. The quality of water using this technology is sufficient to use for technical activities, but not for drinking purposes.
- ♦ **Problems of rainwater drainage on public surfaces,** or problems with the high level of underground water, can be solved with open drain channels. The construction of rainwater sewers, as a separate system, can be prohibitively expensive. Paved canals can also be used as pedestrian paths.
- ♦ **Public standpipes and sanitary units** will be the only solution for a number of poor Roma settlements. Families have good reason to dislike communal toilets. These can be built on the lot itself, and there is a technical solution that prevents pollution of underground water.
- ♦ **Cleaning** is one of the priorities in the majority of Roma settlements. Garbage does not come from households only, but from economic activities as well. Programmes regarding the development of Roma settlements should provide directions for taking out refuse that has been piling up over the years. This task can and should be done by both citizens and utility companies. Waste management such as recycling, composting, and the seasonal burning of waste should be become regular activities.



## 4. Ways to Resolve the Housing Issue

The methods of resolving Roma housing problems do not differ significantly from those that apply to the majority of families in Serbia. If the legal and planning status of the settlement is resolved and families have obtained legal housing permits, the table below presents ways to contribute to the improvement of the Roma housing situation, noting the primary actors in this process:

**Table: Direct responsibilities in different ways of resolving the housing issue**

WAYS FOR A FAMILY TO SOLVE THE HOUSING ISSUE	Housing agency, or related institution	Department for building permit	Department for land transactions	PC for construction, infrastructure and streets	Craftsmen	Family and collective group as assistance
<b>Self-help housing with professional assistance</b> The family builds their own home with a permit for the land. The family requests the assistance of workers from an organization.						
<b>Self-help housing on a given lot</b> The family builds their own home, with a permit for the land provided by an agency. Agency workers can assist the family voluntarily.						
<b>Co-operative construction</b> The housing agency or another institution builds one part of the structure, and the family completes the house.						
<b>Purchase of a low-cost apartment</b> Purchase of an apartment or house from the municipal housing agency or another institution at market price.						
<b>Renting an apartment</b> The family rents an apartment or house from a housing agency or other institution with adequate subsidies.						
<b>Use of a social apartment</b> The family is provided with an apartment for permanent use from low-cost housing funds provided by a housing agency or institution.						
<b>Use of emergency accommodation</b> The family is provided with additional space for emergency temporary accommodation by a housing agency or other institution.						

#### 4.1 Self-help Housing with Professional Assistance

Roma families, like many families in Serbia, often build houses on their own. According to the Law on Planning and Construction, and former laws in Serbia, a family has the right to build a house for its own use or to organize its construction. A number of problems are related to Roma housing because of ignorance regarding its construction. The self-help building method must be accompanied by assistance provided by trained craftsmen. The municipality, through its housing agency, should provide this type of service as a public service available to all poor families, including Roma.

#### 4.2 Self-help Housing on a Lot Provided Free of Charge

This is one of the forms of assistance provided to Roma families in finding a solution to their housing problem. For this support to be truly effective, the land must be accessible to vehicles and safe to provide electricity. The lot given to the Roma family must not be vacant, with no urban services or agricultural land unsuitable for construction. The lots may be allocated from the land-stock database available to all Serbian municipalities. The location of the lots must be in proximity to schools, shops, public transportation, etc. Considering that there are no ideal situations, it is necessary to identify the most favourable solution in each particular case – the solution that would satisfy the family and also be acceptable to the municipality.

#### 4.3 Co-operative Construction

The co-operative model of construction requires the participation of the municipal housing agency that builds part of the house or structure. Subsequently, the family completes construction. The municipal housing agency may only invest in the kitchen and bathroom, the skeletal structure or the basic foundations later extended by the family. Financial arrangements may vary from purchasing part of the structure constructed by the agency or giving it away as subsidized renting, etc.

#### 4.4 Purchase of a Low-Cost Apartment

The municipalities should develop a model of low-cost construction for small apartments that could be bought by the poor population, including Roma, on the market. Through adequate legal solutions and financial agreements with banks, the state should stimulate municipalities and families to solve their housing problem in this manner. This system can be organized in the form of collective residential buildings. Another form of low-cost housing could be a small home that the family could extend depending on their income and needs. Considering that the apartment price is related to the price of land and infrastructure, it is likely that such houses could be constructed in suburbs or less expensive sites. A large number of apartments can be built on a unit of land and collective residential buildings can be situated closer to the inner centre.

#### 4.5 Subsidized Renting

Subsidized renting remains one of the best models for resolving the housing problems of the poor. This system does exist in Serbia today, but only in its most rudimentary form. The number or quality of housing units available to municipalities is not satisfactory. The state should define sub-

sidized housing criteria and the number of subsidies that will be provided. Municipalities should increase the number of housing units available and improve their quality. It is necessary to create a balance between what is affordable for the family, available municipal funds, and the price of constructing such apartments. Subsidized housing must be affordable both for the municipal/agency and the family.

#### **4.6 Social Housing**

The municipalities need to gradually create a social-housing database. The apartments would remain under the permanent ownership of the municipality or municipal housing agency. The apartments would be available for vulnerable groups not capable of solving this problem on their own due to poverty. The Roma community should have access to such apartments under the same conditions as other vulnerable groups. The difference between this category and the rental-subsidy scheme lies primarily in location and architectural features. Apartments for the elderly and disabled will naturally differ from apartments for young families, or those intended for single parents with more than one child.

#### **4.7 Use of Emergency Accommodation**

Emergency accommodation is a category that will never cease to exist for many reasons. These homes would be available if there were imperfections in the system or a deviation from development plans. Roma families, IDPs and refugees are the most common users of emergency accommodation. Currently, there is a shortage of emergency accommodation and great demand. The solution lies in the construction of small housing units. The state will have to determine the criteria for accessing such accommodation, duration of residence, etc.

#### **4.8 Use of Buildings Originally Designed for Other Purposes**

Buildings originally intended for other purposes — containers, military barracks, workers' accommodations, etc. — that could resolve Roma housing issues may be acceptable only upon reconstruction. These buildings may be used for all housing types: apartments, subsidized housing, and emergency accommodation.



# 5. The Process of Settlement Development

Improving Roma settlements is possible through the joint action of three main stakeholders: municipalities and related departments; public companies; and Roma settlements and families.

## 5.1 Municipal Involvement in Settlement Construction and Development

An integrated approach is one where all efforts and activities from various fields are directed at achieving a simple goal: upgrading Roma settlements, living conditions, and the housing situation in general. Residential construction should be combined with other programmes. It would be feasible to combine educational programmes with planning, work programmes with construction, programmes for acquiring skills with settlement maintenance and housing-stock actions. This opens up the possibility of breaking the vicious circle that affects the lives of Roma. From this perspective, the construction of apartments for Roma is also one of the vital prerequisites for Roma social inclusion. To achieve this, the municipality and/or city should consider:

- ♦ **Providing assets** for further settlement development. These are resources that neither a Roma family nor the local community can provide on their own such as documents, land, and urban services.
- ♦ **Set up a co-ordination centre** as part of the municipal administration in charge of co-ordinating the implementation of various inclusive programmes with a view to generating coherent projects.
- ♦ **Formulate a unique strategy** for Roma inclusion at the local level. Action and contingency plans should be a part of this document.
- ♦ **Work on promoting concepts that lead to the implementation of an ethnic and social mix** as a basis for renewal, construction, and development of Roma settlements and localities.
- ♦ **Create “community centres”** in Roma settlements as an efficient form of local self-government in all localities with a significant number of Roma.
- ♦ **Open the budget line** for the implementation of action plans and contingency plans.
- ♦ **Execute construction** of infrastructure, roads, public areas and buildings as key structures for the improvement of the conditions in Roma settlements.

- ♦ **Support the implementation** of the “1+1+1+1” principle, which means one family, one housing unit, one member formally employed, and one educated, by providing assistance in solving the housing problem.

## 5.2 Involvement of the Local Roma Community in the Settlement

It is necessary to examine the deprivation factors accounting for the poverty in a specific community. Sometimes, apart from material poverty, there may be poor health conditions, conflict with neighbours with regard to property, pressure from developers to move out, or unacceptable environmental conditions in the location. These problems are all related to the housing issue. The Roma community needs to address socio-economic problems to build a successful community. Leadership potential within Roma settlements should be encouraged. This potential should be used for creating “community centres” as a form of local self-government. Some goals of the community centre in the Roma settlement would be to:



- ♦ **Initiate programme implementation** that would, in their view, reduce Roma poverty and facilitate integration. The Roma settlement must identify the problem and propose alternative solutions to overcome that problem;
- ♦ **Work on programme implementation** in co-operation with the local NGOs and population;
- ♦ **Contribute in an all-inclusive way** (from education to organizing voluntary work) to better settlement development;
- ♦ **Prevent the settlement and its suburbs** from illegal construction;
- ♦ **Encourage families** to reduce pollution, as well as to preserve and improve the environment.

With regard to housing, the main role of the family should be improving their home. However, the family should also be involved in the work that contributes to the development of the settlement. The “1+1+1+1” principle should be supported as a minimum condition for sustainable development.



## 6. General Conclusions and Recommendations

The following are the main conclusions and recommendations drawn from the book that this report was based on:

- ♦ Roma in South-Eastern European countries live in similar difficult housing and settlement conditions. The situation in each country has some particular characteristics, but the appalling situation of housing of Roma is something common to all those countries.
- ♦ The number and volume of recently implemented projects related to housing are absolutely insufficient when compared with the needs of the Roma community in some countries.
- ♦ The main direction of the process of improving the housing situation of Roma should encompass upgrading those settlements that in the future could exist as a coherent community. Legalization is a first step in the upgrading process.
- ♦ The legalization of Roma settlements, solving property rights, etc. are primarily political processes. States have the possibility to carry out such processes through innovative approaches and goodwill.
- ♦ Some settlements, including various types of slums, should be demolished, since conditions in those settlements cannot be upgraded.
- ♦ Roma must and should be included in the process of development of housing and settlement projects from the very beginning.
- ♦ Current town-planning practices and regulations do not correspond to the challenges of consolidation of existing Roma settlements, and they should be changed and improved.
- ♦ Inclusive urbanism based on international documents is a new professional response to the needs of Roma in the area of housing and settlements. Low-cost housing should and could be the main orientation in the process of improving currently inadequate housing.

# About the OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today, it employs more than 120 staff.

The ODIHR is the leading agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society and democratic governance, freedom of movement, gender equality, and legislative support. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance state compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical-assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects that address factors engendering terrorism. The ODIHR is also at the forefront of international efforts to prevent trafficking in human beings and to ensure a co-ordinated response that puts the rights of victims first.

The ODIHR's **tolerance and non-discrimination** programme provides support to participating States in implementing their OSCE commitments and in strengthening their efforts to respond to, and combat, hate crimes and violent manifestations of intolerance. The programme also aims to strengthen civil society's capacity to respond to hate-motivated crimes and incidents.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihhr](http://www.osce.org/odihhr)).