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Montenegro Chronicle 5 - Legalization of informal housing construction – impulse for political speculation, social division, structural and direct violence on citizens of Montenegro

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Illegal building in Montenegro

The phenomenon of illegal construction in Montenegro dated back from '70- '80 of the last century. However, it is changing informal settlements into formal, where was cited: *“The informal construction **has extremely been up-to-date in the nineties. The whole settlements “grew up” with the informally built constructions.** Unfavorable economic situation and complicated procedure of getting building permit for building a home were the starting point of building informal housing construction”*. It was a case especially with citizens who, for reason of economic migrations, moved from North of Montenegro to Podgorica. As for informal construction, well known between citizens as the illegal construction, it appears into two forms: **1) social illegal construction** in the suburb of the urban areas and **2) corporative construction**-residential buildings, office buildings, hotels and etc., emerging mainly in the city centre.



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Montenegro is from 2004 the signatory of the Vienna Declaration on National and Regional Policies and Programs for informal settlements in South-eastern Europe taking into obligation to strive to **complete resolution of informal settlements up to 2015**. From the moment of signing this document, the country in the first wave went to clash with illegal building by taking measures of knocking down the informal objects. However, with the Law on Spatial Planning and Construction (2008) it was introduced the moratorium on knocking down facilities that had been built before its adoption. At that moment the question of justice regarding knocking down appeared in public as the competent authorities and members of parliament considered that it could not be treated equally social and corporative building. Therefore the recourse Ministry and institutions got the task to do a list of all illegal construction in Montenegro, to make their categorization as well as to make plan how to change informal facilities and settlements into formal, what is at the same time the starting point of making quality policy regarding this issue. Since then the Plan to change informal facilities into formal has been done. But a list of illegal facilities has not been made, neither their categorization. Thus, it is treated equally the building on the very coast and the shack in the Roma population settlement in Vrela Ribnicka.

In the report on document realization- Plan to change informal construction into formal –it was quoted that according to the Bureau of real estate, in cadaster of real estate there have been registered more than **40.000 informally built objects of which 16,382 objects are in Podgorica**, and according to unofficial estimation of Ministry of Tourism and Sustainable Development there are about **100.000 buildings for different purposes on the whole territory of Montenegro which shows the fact that 60% of buildings have not been mapped**. These data prove the fact that up to day in Montenegro there have not been precise data file to show exact number and type of illegal objects.

From the date of signing the Vienna Declaration several times there have been adopted or at list tried to adopt Law on legalization of informal construction, while the last announced was adopted in 2013 by the Government, and it has not passed parliament procedure and the solving of this issue has been temporally blocked. According to the suggestion adopted by Government, all objects that satisfy urban-technical conditions will get the possibility to be legalized by paying state taxes on period of 20 years for housing constructions and 15 years for cooperative construction. All the others not satisfying some of these conditions or were built on someone else's land have to be knocked down, while in cases of housing objects, the alternative accommodation will be found.

The causes of different dimension of illegal construction problem

Regarding causes of illegal construction in Montenegro most of the actors in society have similar attitude towards the issue and we can say there is a social consensus about its cause. On conference about legalization of illegally built objects, according to words of Minister for tourism and sustainable development Mr. Branimir Gvozdenović, got by analyses of media contents, the main causes of this issue are *„lack of responsibility for state resources, no quality monitoring, inadequate administrative capacities existing for many years connected to the issues, as well as insufficient plan documents*. “The authors of strategic documents and plans of changing informal constructions into formal quote that migration processes, caused by uneven development of different regions of Montenegro, are one of the reasons for flourishing of social illegal construction. Economic stumble of north, lack of employment and shutdown of the economy caused the migration of citizens of north of Montenegro towards Podgorica and to southern regions where they started construction on state or/and private land without necessary permits. The same authors quote as causes the “obsolescence of part of planned documents, insufficient coverage of space with urban plans, lack of local capacities to prepare necessary special planning documents, as weakness in management of plans (that is not respecting of plans). Although, the different actors can agree on illegal construction they cannot agree on reasons why decision makers (do not) solve this question in society. Due to such relations, the issue gets different dimensions, having in mind that from domain of public policy it gets **political, social, and sometimes ethical** dimension especially in relations to Roma population.

Political dimension of housing policy

Different actors on political and public scene consider that through housing policy the ruling party has done structural and/or direct violence on citizens of Montenegro. The question that is always in focus of media and parties during campaign is at the same time the question of legalization of informally built objects. This issue got on its importance during the local elections in May 2014, after the start of the action of capital city "we record- we solve" announced by the mayor of Podgorica Dr. Miomir Mugoša as concrete measure for positioning of local governments as the citizens service. In announcement of the Information bureau of the capital city, published on 05.06.2013, it was stated that citizens would give information about their property and social-economic position and the special set of questions would treat type and quality of housing objects, as well as their fit-out with installation, water supply and sewerage network. Mirko Nilevic, the coordinator of the action "we record-we solve" announced that during June and July of 2013 the interweavers filled 11.369 records. From that number 1.072 households refused to give information, and in 2.693 cases the citizens were not at home. The media wrote about the content of interview and their changes, as well as about the paragraph on prosecution if the citizens do not fill the questionnaire which is by the way later erased.

The opposition headed by councilors Dr.Branko Bošnjak-PZP and M.Sc. Aleksa Bečić-SNP, who have been working for a long time in the local parliament, several times tried to deny the action of the capital city, questioning its unconstitutionality, legal groundlessness and stated that the action had seriously distorted the regulations of Law on protection of personal data of citizens. The opposition characterized the action to be project of scanning the social picture of citizens.

Branka Bošnjak clearly stated: "With this they register everyone's weakness in order to know what to offer them and how to blackmail them in the forthcoming campaign for the local elections in Podgorica." According to words of Mrs. Branka Bošnjak the action was focused on peripheral parts of Podgorica. In the interview with member of Parliament Mrs. Bošnjak, after local elections in Podgorica, she claimed that there had been oscillations in the electorate in favor of opposition just in settlements on the periphery where the action "we register we solve" took place. The opposing parties did not have legitimacy regarding their attitudes on action of the Capital city because state institutions had not given it to them and they did not have mechanisms to stop the action. Furthermore, they didn't have any evidence of misuses of collected data, except for the individual denunciations of citizens to these parties that during the pre-election campaign and after realisation of the action "we register we solve", the former chief of Agency for National Security, and current Minister of Justice and the political director of ruling party" had invited themselves "to visit houses of citizens who lived in informally built settlements in Zagorič, Murtovina, Zlatica i Malo Brdo in order to help them to „solve“ their social-economic problems. In public, the citizens did not want to prove the statements with their names ,and there are no material evidences of above mentioned „visits“ of Minister of Justice and political leader of the DPS, which proves that policy of illegal construction in Montenegro have gone into political speculations and pre-election fight of political parties.

In 2005 it was done the research on citizens' opinions about samples, characteristics and possible solutions for illegal constructions by Network for affirmation of NGO sector with the support of Ministry of Environmental Protection and Spatial Planning and UNDP office in Podgorica. The results showed several important points of dispute. According to words of citizens:

“**Knocking down of illegal objects is selective**, regarding the fact that illegal construction in city centre has been tolerated, while on periphery the objects have been knocked down because of the protection of the green zone.”

“There is a fear that **process of planning and spatial management is deformed by corruption**”

“Activity done by local governments are followed by massive violations of human rights so that citizens live in fear because the decisions of **knocking down and legalisation are not transparent**, and citizens are not familiar with plan and dynamic of implementations of measures on combating illegal constructions. The citizens emphasized the concern because of the established practice that knocking down starts in the early morning hours and with assistance of the police”

“They consider the state responsible for expansion of illegal construction. They highlight that in the pre-election period political parties additionally stimulated illegal construction within pre-election campaigns.”

The opinion of citizens in many cases coincides with the opinion of the opposition, and also with our collocutor who is planning the family and has been trying to solve the housing problem for 3 years. He and his fiancé have neither satisfied the conditions nor had constant incomes which would qualify them for credit rating.

This year he got the inheritance i.e. land in periphery of Montenegro where he would built a house. However, he indicates the phenomenon of partial urbanization, where the estates around his have been urbanized while his estate has not been urbanized and the construction on it is prohibited.

He doubts it is because of his political commitment. He indicates that the system has been loaded by corruption and you should know someone in municipality who would initiate the land urbanization, and later the gaining of the permit. He considers the constriction on state land to be criminal and that should not be tolerated. On the other hand, in his opinion “illegal construction on someone’s own land is not such a big problem”.

Social dimension of the problem

In the document “Plan to change informal settlements into formal” as one of main causes of the expansion of illegal construction there are quoted migrations of citizens from northern region of Montenegro into central and southern part. This is because of the uneven development among regions and economic stumble of the north where citizens in migrations saw a solution to a newly created situation. On the other hand, the weak economic power of citizens in central region and inability to pay regularly housing credits was also incentive for illegal construction. This situation cause a certain social distance between the citizens in relations natives – newcomers, there is also a counteraction towards vulnerable groups of roam population and displaced people from B&H and Kosovo. Our collocutor, who has built the house illegally on her property that is without proper permits, highlights that there has not been other solution of housing problem except to build the house on her estate without building permit. As alternative measures of solving of housing problem, she indicated program “1000+ apartments” which high criteria her and her husband could not satisfied and could not pay high indemnities to the banks.

She also states that her family helped her in a way she has taken credits in 3-4 banks in their name and that was the only way to build the house which wasn’t a functional at first and she needed 5 years to get it to proper purpose and use. They couldn’t reckon on getting a housing space in inheritance. Giving comments about her knowledge about law of legalization and measures taken on objects that do not satisfy urban-technical conditions, she says that she understands that objects built on someone else’s land or in protected zones should be removed (corporative constructions). She also thinks that urban-technical conditions are somewhere to high in prescribed criteria as well as in price of the service.

Our other collocutor confirms this story because he also thinks that for getting building permit you need a lot of money, especially if it is urban area and highlights: “For urban zones they have tremendously raised prices of utilities and the local government should ask themselves if they accelerate illegal construction with such a policy.” They should reduce prices of utilities because now you have to pay 114 € per 1 square meter for permit. It means you have to pay 14 400€ for a house of 100 m2 and I could build a floor of the house with a roof for that amount.

The weakness of citizens to solve in the legal way housing problem encouraged social distance towards different groups – newcomers from the north region of Montenegro, displaced people , Roma population. The support to the animosity has often come from the address of now former mayor of Podgorica Mr.Miomir Mugosa who supported such relation of people in Podgorica. In one of his media speeches he said: **“Everything that is not by law we will remove. Let everyone get back to where they come from. It has been urbanized almost 95% of**

Podgorica. Here you are to buy apartments. There are as many apartments as you want. Doubts proved that this attitude is spread over and generally accepted between the citizens of Podgorica, which should be seen from the comments of the citizens regarding the announcement of the mayor, who regardless to the political commitment almost in 100% of cases shared his opinion on web forums and in comments on the texts. That indisposition regarded also to displaced persons.

„I cannot say that this is a hate speech, or that I have any hostility towards those people. They just use rights given to them by the law. I am just indignant to that other side, **that people who are not displaced, who are citizens of this country**, do not have similar possibilities. In my surrounding there are displaced people who have got for free estates and houses and also got jobs, **and our citizens** struggle with those 3 things“– it is one of characteristic comments.

To solve the problem of illegal construction in Montenegro, it is firstly needed strong political will to solve corruption in the construction field. Next step should be to make a categorization of objects and quality plan to manage and change informal objects to formal (legal). In solving this problem, especially regarding corporative builders, there should be examined possibilities of creating partnership with the state in order to make better the social housing policy, which would give possibilities to citizens in accordance to their economic possibilities to provide roofs over their head. With this approach the possibilities of further illegal building on someone's own land would reduce and the proprietors of the buildings, in consultation with the state, would sell their apartments that are mostly empty now. Another important step would be reduction of prices of building permits and costs of utilities so that citizens in accordance with their economic status could afford building legal roofs over their heads. Making urban plans is very important element in legalization and the state in this domain should support local governments which do not have possibilities of making them. Taking this and similar measures would directly influence the reduction of social distance between different groups in the society.