

spatium

urban and

spatial planning, architecture, housing building, geodesia, environment

December 2017 38



OPERATIONALIZING THE PUBLIC INTEREST IN THE LOCAL PLANNING CONTEXT OF SERBIA

*Nataša Čolić*¹, Belgrade, Serbia

The concept of the public interest has often been revisited within theoretical debates related to the fields of politics, decision making, and planning. While it has been claimed that the public interest should serve as one of the main pillars for decision-making, various authors reject the possibility of its operationalization, describing it as a vague criterion for any empirical analysis. With that in mind, the main aim of this paper is to present the role of the public interest and its long lasting tradition in Serbian planning practice from socialism until today, as well as its operational dimensions in relation to the specific post-socialist planning context.

This paper will first briefly discuss the nature of the public interest concept in relation to planning. It will go on to present some of the socio-economic aspects of Serbian socialist and post-socialist planning practice, so as to better understand the local context in which the public interest is framed. Finally, it will propose the dimensions of planning practice in which the public interest is articulated. The findings were derived from the analysis of the role of the public interest in planning theory, planning practice, and the Serbian legal planning framework.

Key words: public interest, operational dimensions, post-socialist planning practice, normative, procedural.

INTRODUCTION

The idea that the public interest represents one of the main pillars of decision-making in planning practice has often been revisited in theoretical debates (Hoch, 1994; Campbell and Marshal, 2002:164; Alexander, 2002; Sandercock and Dovey, 2002:152; Petovar and Vujošević, 2008; Tait, 2016). Most of the authors that have engaged with the concept of public interest argue that, besides its long-lasting tradition and importance within public policymaking, planning, and other spheres of public legislation, the concept itself is often characterized by obscurity, debates and lack of empirical evidence (Bozeman, 2007; Klosterman, 1980; Petovar and Vujošević, 2008; Lennon, 2017). Nevertheless, Bozeman (2007:99) states that it may seem surprising that a concept “as ill-defined as the public interest, a concept that rarely yields instrumental measures, indices, or precise analytical tools”, still survives, not only in the context of political and theoretical debates, but within the practical realm too.

Yet, there appears to be a lack of research that has empirically engaged with the concept of public interest and its role in planning practice, often rejecting it as a vague criterion for an empirical examination. On the other hand, the term ‘in the public interest’ has been used in Serbian planning legislation and daily practice, as a means

of justifying planning action and / or planning decisions since the socialist era. Hence, the main aim of this paper is to examine the operational dimensions of the public interest in relation to the local planning context of Serbia, as opposed to following the widely adopted understanding that the concept itself cannot be empirically identified or examined. These are recognized as (1) normative / top-down dimensions, through the planning of public land-use and public services, and expropriation of land; and (2) procedural / bottom-up dimensions, through public participation and the engagement of planning professionals in daily planning practice.

This paper will first briefly discuss the nature of the public interest in relation to planning. It will go on to present some of the particularities of Serbian socialist and post-socialist planning practice, so as to better understand the local context in which the public interest is framed. Finally, it will propose the dimensions of planning practice where the public interest is articulated. The arguments presented in this paper are based on a content analysis of the existing literature on the role of the public interest in planning theory, Serbian planning practice since the socialist era, and the Serbian legal planning framework.

THE NATURE OF THE CONCEPT OF PUBLIC INTEREST

Despite the obscurity often attached to the concept of public interest, a number of authors have engaged internationally in

¹ Braće Jugovića 17, Belgrade, Serbia
natasacolic89@gmail.com

attempts to define it (Cassinelli, 1958; Held, 1970; Bozeman, 2007), as well as its relation to urban planning (Hoch, 1994; Alexander, 2002; Campbell and Marshall, 2002; Tait, 2016). It is interesting to note that the term “public interest” dates from Aristotle, who recognized that a good constitution should be respectful towards the public interest, as an interest shared by members of the community. Similarly, St. Thomas Aquinas considered the public interest “a worthy goal of the government” (Bozeman, 2007:1).

In the most basic sense, the nature of the concept can be distinguished in relation to the collective and pluralist approach to defining and implementing what is in the public interest. The collective approach states that the public interest is shared by the members of the community, while the pluralist approach advocates the aggregation of individual interests (Klosterman, 1980; Alexander, 2000, 2002; Campbell and Marshall, 2002).

The collective approach recognizes two different methodologies to reaching an understanding of and implementing what is in the public interest. These are recognized through a unitary and shared-interest approach. The unitary approach is concerned with the “means of conceptualizing, explaining, and, sometimes, prescribing collective good” (Bozeman, 2007:99). In the case of the unitary approach, the public interest is prescribed as top-down, while the interests of “others” are usually observed as illegitimate. The shared-interest approach, on the other hand, requires an open and deliberative public arena in order to discursively address what is in the public interest in a bottom-up fashion. Harvey (1996), for example, advocates the collective right to shaping the city rather than aiming to improve individual status, by popularizing “the right to the city” approach that dates from Lefebvre (1978). Nevertheless, the shared-interest approach is often criticized as utopian by pluralists. Healey disagrees with Harvey by rejecting the practical possibility of addressing the “common interest”. For Healey, the shared-interest approach cannot uphold the diversity in which we are living our lives, because it requires an understanding of how to deal with different preferences between the members of the community (Healey, 1997:242).

Through the perspective of political pluralism, the public interest is traditionally observed through the lenses of public goods which are non-rival and non-excludable in an economic sense (Kaul *et al.*, 2009). Nevertheless, some market-economy societies show tendencies to detach from this traditional role of the concept, and the public interest is often equated with the sum of individual economic interests through the most extreme view of pluralism – the utilitarian perspective (Fainstein, 1999; Petovar and Vujošević, 2008; Tait, 2016).

Different definitions of the concept of public interest can be attached to different thoughts in planning theory. While rational planning observes the public interest as an interest shared by the members of the community implemented top-down as the most desirable outcome of planning practice, the critique of the rational model implies that what is in the public interest should be agreed on through consensus and in a bottom-up fashion. Finally, political pluralism rejects

the possibility that the public interest can be articulated as an interest shared by the members of the community, advocating that it requires a deliberative and communicative arena which enables the discovery of individual preferences and provides the possibility for their potential balance.

THE PUBLIC INTEREST IN THE CONTEXT OF A POST-SOCIALIST COUNTRY

Within the local context of planning in Serbia, the unitary approach to defining and implementing the public interest is used to describe the rational planning practice of the socialist era. During that period, the State alone could serve as the protagonist of an action “in the public interest” (Petovar and Vujošević, 2008; Lazarević-Bajec, 2011), and only objects owned by the State could have the status of a public good, and as such were protected (Tsenkova, 2006:30). Hence, what is in the public interest was presumably implemented top-down, and was rationalized and legitimized through a scientific, technical approach to planning without the legal obligation to submit complaints concerning the plan during a public hearing until the Law on Urban and Regional Spatial Planning in 1961 (“Official Gazette of the SRS”, no. 47/61). According to Petovar (2003), during the early socialist era the public interest was equated with State intervention, its political establishment and ownership of land, the public goods and most other economic activities, while public participation obtained a more effective role in the late 1960s.

As Tsenkova and Nedović-Budić (2006) explain, post-socialist countries witnessed a three-dimensional transition process – the transition to democracy, markets and decentralized governance. These processes led to a need for acknowledging and balancing the new interests of new actors in the decision-making arena. Accordingly, current planning practice in Serbia offers the possibility of addressing the pluralism of interests due to legally obligatory public participation within formal planning practice and the possibility of submitting complaints concerning the plan, if compared to the early socialist era.

If it is taken that Serbia is a country which experienced the unitary / top-down approach to planning and development during early socialism, as well as more communicative planning practices within its later stages of development, this specific post-socialist planning context can be used for identifying the operational dimensions of public interest in planning. The following section will present some of the socio-economic aspects of Serbian socialist and post-socialist planning practice, so as to better understand the local context in which the public interest is framed.

Socialist era

The socialism that operated in the former Yugoslavia was based on the Marxist ideology of economic equity. In relation to planning, the former Yugoslavia abandoned the Soviet centralized planning model soon after WWII by adopting the Basic Regulation on the General Urban Plan in 1949 (“Official Gazette of the FNRJ” no. 78/49). Most scholars describe Yugoslav planning as rational and scientific. Allegedly, its main purpose was “the protection of public interest”, while it was “carefree” of private and other interests (Lazarević-Bajec, 2011). Socialist planning

professionals were often described as technocrats, educated mainly in the field of engineering (Ferenčak, 2015; Vujošević and Petovar, 2006). It should be noted that, although the rational, technocratic role of a planner is usually equated with “value-free” planning practice, this view of value-free planning is arguably incorrect, because planning is always essentially political (Klosterman, 1978:37).

As in other socialist countries, in the Socialist Federal Republic of Yugoslavia the unitary State was the main pillar of the urbanization process, while the political elites made decisions on investments and development projects. The role of the State in socialist planning practice can be identified with the role of the “central investor” and initiator of urban development (Čaldarević, 2012; Petovar, 2012). Nevertheless, the decentralized character of this form of socialist planning meant that the municipality was “the basic and the most important local government unit, with considerable executive power” (Nedović-Budić *et al.*, 2011:440).

Some of the substantive characteristics of socialist planning in Serbia can be recognized in its normative orientation, physical planning determinism, hierarchical system of plans, State ownership over urban land, and more. Some of the main issues of socialist planning practice were seen as bureaucracy, the top-down approach to decision making, technocracy of employees and the lack of real public participation. In the Law on Urban and Regional Spatial Planning (“Official Gazette of the SRS”, no. 47/61) the mandatory involvement of citizens in the planning process as well as the possibility of submitting a complaint concerning a plan were introduced. Hence, although the development in general was characterized as “in the public interest”, the principles of decision-making were often criticized for their bureaucracy and predominantly top-down approach to planning.

The later era of the 1970s and 1980s was coloured by somewhat different practices in which the Law on Planning and Spatial Development (“Official Gazette of the SRS”, no. 19/74) defined the role of public participation to provide legitimacy and verification of the plan, introduced public discussion to provide evaluation that affected the final plan, and enabled the submission of complaints about the plan. In this period, according to Nedović-Budić *et al.*, “preparation, discussion and implementation of planning decisions was over-loaded with various types of individual, group and general public participation processes” (2011:442). A system that promoted “cross acceptance” in the decision-making process was practiced in Yugoslavia for more than a decade before it became part of the practice of some of the traditional market-economy societies (Cullingworth, 1997 in Nedović-Budić *et al.*, 2011:442). On the other hand, the 1990s is often described as a battle for capital, in which planning “lost the ground beneath its feet” (Vujošević and Petovar, 2006).

1990s

The period between 1990 and 2000 was one of political and economic transition, involving the disintegration of Yugoslavia, civil wars and international military intervention. After the disintegration of the country, Serbia

went through a post-socialist transformation. The 1990s saw changes whereby the existing form of socialism was replaced by political pluralization and other socio-economic reforms (Vujošević, 2003).

These changes were reflected in the re-centralization of political power, State monopoly over the economy, the emergence of an undemocratic political system, the weakening of local institutions and the replacement of “public” with “State” ownership (Vujošević and Nedović-Budić, 2006:280). At the same time, on-going civil wars in Croatia, Bosnia and Herzegovina and the province of Kosovo and Metohija, as well as the bombing of Serbia by NATO forces from March to June 1999 caused more political and socio-economic unrest. These circumstances led the country into international isolation and embargo, resulting in extremely weakened production, an informal sector economy, and the appearance of new and earlier hidden private interests operating in parallel with the “retreat of many previous, unequivocally public interests” (Nedović-Budić *et al.*, 2011:440).

The term “moment of discontinuity” can be used to describe the transitional character of planning practice in Serbia during the 1990s (Nedović-Budić *et al.*, 2011). With regard to the treatment of the public interest in planning and other areas of policy-making, various authors state that it was “put aside” due to the emergence of new, private interests (Vujošević, 2003). At the beginning of the 1990s, usurpation of public space and property took on a massive scale. In this time of economic and political crisis and instability, private investment in illegal real estate development was intensified. Nevertheless, the development of informal settlements was not only connected with satisfying the basic housing need of vulnerable and poor groups, but also the requirements of rich and powerful investors (Vujošević, 2003; Grubovac, 2006). Records show that during this period, almost 50 per cent of all the developed housing was informal (Petovar, 2012). The era of the 1990s was also characterized by the privatization of public housing stock and extraction of multifamily housing as a land-use “in the public interest” which could require the expropriation of land. Hence, the 1990s might have represented not only a “moment of discontinuity” in the transition to a market-economy, but also a “moment of obscurity” in terms of redefining the role of public interest in planning practice.

Although planning practice in the 1990s can be characterized as ambiguous in relation to the possibility of addressing and implementing the public interest, some scholars argue that other social concepts such as social capital were derived as a result of the unstable socio-economic conditions present at the time (Petrović, 2005; Ferenčak, 2015). Despite the lack of economic or financial capital, informal practices might have created some forms of social capital and networking between the affected social groups (Petrović, 2005). This notion is often attached to networking between the vulnerable groups in attaining housing solutions, or the provision of goods between individuals and groups during the time of the embargo and isolation of the country. While topics such as informal planning practices, the grey economy and informal housing are often revisited within existing research (Žegarac, 1999; Grubovac, 2006; Vuksanović-

Macura and Macura, 2014, and more), the subjects of social capital and networking as potential “soft” outcomes of such practices have not received much attention.

The 2000s

The first democratically upheld elections occurred in the early 2000s. Serbia started its transition a decade later than the majority of East European former communist countries (Lazarević-Bajec, 2009). Although there was “initial enthusiasm” for the transition to democracy, economic liberalization, marketization and political re-centralization, various authors claim that the transition was mostly characterized by extreme “battles for capital” (Vujošević, 2003). This led to “economic liberalization and marketization that were manifested in the form of initial capitalist accumulation and a grab for resources [with urban land being a major target in this process]” (Nedović-Budić *et al.* 2011:411). Some other characteristics of this era were high unemployment and a lack of internal and especially external investments due to the unstable economy (Vujošević, 2003; Ferenčak, 2015). These circumstances required extreme effort to attract investments, privatization and the introduction of market-economy instruments for urban development.

These circumstances demanded a high level of flexibility in the field of planning, which included the possibility of private ownership over the previously State / societal urban construction land, as well as private ownership over the public land-use (public goods and public services). The Law on Planning and Construction (“Official Gazette of the RS” no. 47/2003) integrated the previously separate fields of spatial planning, urban planning, construction land, project management, development and legalization of informal settlements.

It should be mentioned that the Law on Planning and Construction has undergone eight amendments since 2003. During this period the Law was initiated to accelerate the procedures for: issuing construction permits to private investors; managing the regularization of large-scale informal development; and redefining the articles which regulate the ownership status of urban construction land. The Constitution from 2006 (“Official Gazette of the RS”, no. 98/2006) introduced the possibility of private ownership of urban construction land. This definition differs from the previous one in which urban construction land can only take the State or societal form of ownership (Law on Planning and Construction, “Official Gazette of the RS”, 47/2003). In addition, the last amendment of the Law on Planning and Construction (“Official Gazette of the RS”, no. 145/14) proclaims that public land-use (public services and public goods) need not be publicly owned as had been the case since socialism, but instead can take any form of ownership (public, private or cooperative).

This brief overview of the amendments to the legal planning framework since the 2000s points out the tendency for introducing private property rights over the construction land. This era also includes the establishment of paradigms such as “investor planning” and “entrepreneurial urbanism”, which involve adapting and subordinating the urban area to the interests of investors, who then establish the main criteria

in the definition of planning solutions (Pušić, 2012:89). According to Petovar (2008), the paradigm itself implies the abolition of urban norms and establishes standards of physical planning, especially in the sphere of public goods. Although changes in the legal framework are intended to improve spatial planning and urban development practice, they appear as essentially motivated by political urgency and the influence of the market economy in directing future development. These changes also resulted in redefining the role of the public interest in planning, as further elaborated.

OPERATIONALIZING THE PUBLIC INTEREST IN CONTEMPORARY PLANNING PRACTICE

From the brief discussion above, it is clear that Serbian planning practice has seen a number of changes and challenges since the 1950s, when the term “in the public interest” was first mentioned in Serbian planning legislation (Expropriation Law, “Official Gazette of FNRJ”, no. 28/47). Although the public interest has often been rejected as a criterion which cannot be operationalized in any substantive sense, the concept has been used in Serbian planning legislation and daily practice as a means of justifying planning action and / or planning decisions, since the socialist era.

The following section will aim to identify the operational dimensions of the public interest through the lenses of the planning context in a post-socialist country. These are recognized as normative and procedural operational dimensions. The expropriation of land and planning of public land-use and public services are identified as normative dimensions of the public interest, as they are defined in the legal framework and implemented within daily practice. Public participation, as a means of obtaining a bottom-up insight into what is actually in the interest of the public, and the daily planning practice of planning professionals in which the public and other interests are expressed, are identified as procedural dimensions of the concept.

The public interest as an instrument of expropriation

The term “public interest” has existed within Serbian planning legislation since 1947 in the Expropriation Law (“Official Gazette of FNRJ”, no. 28/47), and it is used as a basis for the establishment of terms and conditions for conducting the compulsory purchase / expropriation of land. Within the legal framework, the term “public interest” was formally attached to converting ownership over the land and buildings from private into public ownership, with the aim of developing public land-use and public services (Expropriation Law, “Official Gazette of RS”, no. 106/2016).

Some of the major differences between the socialist and contemporary definitions of the public interest within the legal framework concern changes in the definition of public land-use with regard to the Expropriation Law. The Expropriation Law (1947: Article 2) states that

“real estate property and the rights over the property can be expropriated when the public interest is established for the purpose of the social-economic and cultural prosperity of the population.”

(1947: Article 2)

Hence, the law implies that both public and commercial activities (for example, a shopping mall) could be eligible for expropriation, due to being publicly / societally owned, and hence defined as “in the public interest”. These regulations held for almost four decades, until the Expropriation Law (“Official Gazette of RS”, no. 53/1995). This law extracted residential (mainly multifamily) housing and commercial activities from the list of land-use “in the public interest” eligible for the expropriation of land, because their ownership status was no longer within the public realm and they obtained a private form of ownership after the large-scale privatization of the 1990s.

Nevertheless, contemporary tendencies in Serbian planning practice mean that use of the term “in the public interest” for the purpose of expropriation of land is (again) attached to the legitimization of planning decisions which cannot be characterized as non-profit or public as defined in the Expropriation Law (“Official Gazette of RS”, no. 106/2016). This kind of practice can be enabled for specific projects that are in the interest of the State by the adoption of a new legal framework at the national level – the *Lex Specialis*. *Lex Specialis* is a law that “has power” to enable the special legal status and new legal framework that abolishes all existing procedures such as expropriation, planning, administrative and control procedures.

The adoption of *Lex Specialis* may enable the expropriation of land under the banner of ‘the public interest’ for a profit project of national interest, which cannot be defined as public land-use or public services within the existing Expropriation Law. These actions mean that the term “in the public interest” is used in order to provide legitimacy for developments within the commercial / private domain, while operating in parallel with the formal legal framework which defines the public interest through non-profit and public land-use and services.

The public interest as public land-use and public services

Within Serbian legislation, the term “public interest” is formally attached to the Law on Planning and Construction, Expropriation Law, and the Law on Public Services (“Official Gazette of RS”, no. 83/2014). The Law on Planning and Construction (“Official Gazette of RS”, no. 145/2014: Article 2) defines the space for public land-use as an “area intended for construction of public facilities or public spaces which can require the proclamation of the public interest”. Over a period of almost 60 years public land-use has been connected to the public ownership, and related to the Expropriation Law.

The modification of the Law on Planning and Construction (“Official Gazette of the RS”, no. 145/14) involved a new definition of public land-use as “the facilities intended for public use only, and can be publicly owned, or can take any other form of ownership”. This definition represents a significant change in relation to the legal framework of the 2000s (2003, 2006, 2009). Hence, urban construction land for public use in Serbia was mainly in public ownership, and it could not be privately owned until 2003. This land was either developed (public land-use / public services) or was still to be developed “to serve the public interest” (Zeković, 2009). Now, the public land-use can take any form of

ownership, but only publicly owned land-use can be eligible for expropriation of the land.

The term “public interest” is also mentioned within the Law on Public Services (“Official Gazette of RS”, no. 83/2014). Within the law, public services are defined as institutions, enterprises and other organizations that perform activities to ensure the realization of citizens’ rights and needs. Public services are established in the field of education, science, culture, sport, student standard, health care, social care, child care, social security, and animal health care, in order “to ensure the realization of the rights provided by the law, and realization of the public interest”.

As Petovar and Vujošević (2008) note, some of the basic social rights of citizens are realized through public services. The EU refers to Services of General Interest (hereafter SGIs), which meet people’s daily needs and are vital to well-being. The definition of SGIs in international documents indicates their essential characteristics: equal access for all, reasonable conditions of accessibility, and high level of subsidies, since most of these services are not profitable. Although the subject of availability of public services is still lacking sufficient attention within the Serbian political and professional realm, it can be argued that the term “public interest relates to citizens” rights to use public services. Moreover, in Serbian planning practice, norms and standards for the development of public land-use and public services represent one of the main instruments for city design and regulation, serving to protect both the private interests of citizens and the public interest of the city as an entity (Petovar, 2010).

The public interest as public participation

The previous two dimensions of planning practice related to the expropriation of land and the provision of public land-use and public services can be seen as normative articulations of the public interest, at least in the local planning context of Serbia. This view is based on the notion that both the expropriation of land and planning of public land-use are regulated in the legal and planning framework, whereby their definition is imposed top-down and widely adopted by planning practitioners. On the other hand, international scholars consider public participation to be a procedural means of obtaining an understanding of a bottom-up expression of the public interest (Campbell and Marshall, 2002; Healey, 1997).

Public participation has a long tradition in planning processes in Serbia, where it has been an integral part of urban planning since the 1950s. In the last decade, both participation and stakeholder involvement have been further operationalized in the field of spatial and urban planning. The early socialist era was characterized by a lack of wide and meaningful public participation, while the amendment of the Law on Urban and Regional Spatial Planning in 1961 (“Official Gazette of the SRS”, no. 47/61) introduced changes that implied public participation beyond “informing”. The era of the 1970s and 1980s is often considered a “golden age” when planners practiced various forms of public participation and held public and expert discussions (Nedović-Budić *et al.*, 2011). After democratic political changes, the new Law from 2003 abolished

public discussion as an obligatory part of the participation process. A recent amendment of the Law on Planning and Construction (2014) introduced a new form of early public hearing in the phase of the pre-draft plan, in addition to the regular public hearing.

While it appears that the status of public participation as an instrument to reach an understanding on the bottom-up, procedural public interest has improved in comparison with the socialist era, or planning practice in the 1990s and 2000s, it is often suggested that contemporary planning processes are characterized by the scepticism of the professional elites and public administration in relation to participatory planning (Čolić *et al.*, 2013). Moreover, public participation processes in Serbian planning practice are often described as tokenistic. Until the introduction of the early public hearing in 2014, the only form of participation was the public hearing, which was carried out in a later phase of a plan's development. At this stage, the plan already possesses a significant level of "maturity", and therefore corrections and changes are challenging to implement. Although recent changes to the Law on Planning and Construction imply a broadening of the possibility to address the pluralism of interest at the initial stage of the planning process through an early public hearing, it is still unclear if this legal novelty will have any real effect on the actual outcomes of planning processes.

The daily practice of planning practitioners in the public interest

While the term "in the public interest" is commonly used to justify planning decisions and actions, "it is also taken to justify the position of planners as professionals able to both identify and serve the needs of the public" (Tait, 2017:336-337). Hence, the concept of public interest remains one of the central issues around the debate on the principles and ethics of planning practitioners (Alexander, 2002). As Forester explains:

"like it or not, they [planners] are practical ethicists; their jobs demand that they make ethical judgments – judgments of good or bad, more valued and less valued, more significant or less – continually as they work."

Forester (1999:31)

Nevertheless, the view of the planners' role as protectors of the public interest can be observed as a changing notion in relation to the rational / traditional ideology of planning and the communicative turn. According to the traditional ideology of planning, "the planner's appropriate role is to be a value-neutral advisor to decision-makers about the best way to serve the public interest, without promoting particular policy decisions" (Fainstein and Fainstein, 1971:342). This role of planning practitioners can be attached to technocratic practice and a rational approach to planning, which are terms widely used to describe the practice of socialist planners.

The recognition that planning operates within a certain political environment means that it is the planners' task to recognize and deal with the variety of interests within the planning process. While the rational approach implies that planners ought to be value neutral advisors in an

environment in which desired outcomes direct the process of planning, the communicative turn in planning practice has brought forward a new role for planners as facilitators of the decision-making process (Forester, 1999; Healey, 1997). When it comes to the contemporary role of the public interest in a planner's daily practice, Forester explains that planners should act as

"...active facilitators and mediators of public voice; not just as narrow technicians but as technically competent professionals able to listen to conflicting views, mediate between interdependent parties, and negotiate to protect various public interests as well."

Forester (1999:155)

Forester suggests abandoning the technocratic approach to the daily practice of planning professionals towards developing competences that would meet the complex demands brought forward by the markets, decentralization and democracy. However, this change might represent a rather demanding task for professionals in a specific post-socialist context due to the long lasting tradition of technocracy, as well as difficulties attached to the complexity of balancing a variety of interests within a market economy.

CONCLUSION

The overall aim of this paper is to provide an understanding that the concept of the public interest has been operationalized within the local planning context of Serbia since the time of socialism, as opposed to the widely adopted view that it cannot be defined or verified in any empirical sense; also, the public interest represents a changing notion in relation to planning, at least within the local Serbian context. A more specific contribution of this paper is to propose that the public interest can be observed through normative, top-down and procedural, and bottom-up operational dimensions in relation to the Serbian local planning context. This is not to propose that these dimensions constitute a "hard framework" that cannot be changed regardless of the local context, availability of evidence, or other factors, but to provide a possibility for further investigation into the articulation of the public interest in Serbian planning practice.

An insight into Serbian political, economic and social transition, as well as the changes in planning practice and its legal framework since socialism, points out that terms such as "general" or "public" interest represent a changing notion in the current transitional circumstances. At the same time it appears that some normative dimensions of the concept are still present as a "left-over" from the socialist past and can be identified in some aspects of current practice and ideology among some planners. Hence, the public interest is often associated with the State's intervention in line with the socialist ideology, which presumably regards the concept in line with the provision of "public goods" – public land-use and public services. Moreover, the concept remains within the ethics of planning professionals as individuals, whereby the public interest has represented a certain norm or a code of conduct within their daily practice, from socialism until today.

On the other hand, the establishment of free markets and democracy would ideally provide circumstances that would

allow for the definition and implementation of a pluralist approach, where “what is in the public interest” is reached through communication between the State and its citizens. Nevertheless, adjusting to a market economy implies that there are various other interests to address and implement within the planning process besides, or even opposed to, the public interest. In these circumstances, most planning professionals perceive the normative dimensions of the concept (planning public land use and public services through technical norms and standards) as dominant ones, in order to protect public goods at a time in which private and economic interests prevail. This regulatory domain of professional planning practice requires transparency, exposure to public scrutiny, and the individual ethical engagement of professionals, in order to deal with the emergence of various other interests that are potentially harmful to the public interest.

It can be concluded that democracy and a market-economy do not necessarily imply the deliberation of and possibilities for addressing plural interests, especially within the complex post-socialist country planning context in which the interests of the public and other participants in the process are more often observed through the utilitarian pluralist perspective. Moreover, no wide and meaningful participatory process in which the public interest can be discovered through discursive practice can exist “in a vacuum”. It requires certain preconditions such as the transparency of political and institutional arrangements, and an open public arena to recognize the pluralism of interests, as well as a strong civil society. The uncertainty attached to contemporary planning practice tends to reinforce the normative position to implementing the public interest through the planning and implementation of norms and standards for public land-use and public services. The question that arises is whether and how contemporary Serbian practice (and practitioners) might develop a planning methodology that will reconcile the demands of rationality and pluralism that cities require.

REFERENCES

- Alexander, E. R. (2000) Rationality revisited: Planning Paradigms in a Post-Postmodernist Perspective, *Journal of Planning Education and Research*, Vol. 19, pp. 242-256.
- Alexander, E. R. (2002) The public interest in planning: form legitimation to substantive plan evaluation, *Planning theory*, Vol. 1, No. 2, November, pp. 226-249.
- Basic Regulation on the General Urban Plan in 1949 (“Official Gazette of the FNRJ” no. 78/49) / Osnovna uredba o Generalnom Urbanističkom Planu iz 1949 (“Službeni glasnik FNRJ”, br. 78/49)
- Bozeman, B. (2007) *Public values and public interest: Counterbalancing economic individualism*, Georgetown: University press.
- Campbell, H., Marshall, R. (2002) Utilitarianisms’ bad breath? A Re-Evaluation of the Public Interest Justification for planning, *Planning Theory*, Vol. 1, No. 2, pp. 163-187.
- Cassinelli, C. W. (1958) Some Reflections on the Concept of the Public Interest, *Ethics*, Vol. 69, No. 1, pp. 48-61.
- Čaldarević, O. (2012) Urbano planiranje nekada i sad – tranzicijsko društvo i njegov urbanizam, in Svirčić-Gotovac, A. and Zlatar, J. (eds.) *Akteri društvenih promjena u prostoru; Transformacija prostora i kvalitete života u Hrvatskoj*, Zagreb: Institut za društvena istraživanja u Zagrebu, pp. 29-39. [Čaldarević, O. (2012), Urban planning then and now – transitional society and its urbanism, in Svirčić-Gotovac, A. and Zlatar, J. (eds.) *Actors of social change in space; Transformation of space and quality of life in Croatia*, Zagreb: Institute for social research in Zagreb, pp. 29-39.]
- Čolić, R., Mojović, Đ., Petković, M., Čolić, N. (2013) *Guide for Participation in Urban Development Planning*, Belgrade: AMBERO.
- Expropriation Law (“Official Gazette of FNRJ”, no. 28/47) / Zakon o eksproprijaciji (“Službeni glasnik FNRJ”, br. 28/47)
- Expropriation Law (“Official Gazette of RS”, no 53/1995) / Zakon o eksproprijaciji (“Službeni glasnik RS”, br. 53/1995)
- Expropriation Law (“Official Gazette of RS”, no. 106/2016) / Zakon o eksproprijaciji (“Službeni glasnik RS”, br. 106/2016)
- Fainstein, S. (1999) Can we make cities we want? in Body-Gendrot, S. and Beauregard, R. (eds.), *The Urban Moment*. Thousand Oaks: Sage, pp. 249-272.
- Fainstein, S., Fainstein, N. (1971) City planning and political values, *Urban Affairs Quarterly*, Vol. 6, No. 3, pp. 341-362.
- Ferenčak, M. (2015) Draft text for the purpose of publication “Improvement of Land Management at the Local Level in Serbia”, Study prepared for GIZ/AMBERO-ICON Project “Strengthening of Local Land Management in Serbia”, Belgrade, August 2015.
- Forester, J. (1999) *The deliberative practitioner*, Cambridge, MA: MIT Press.
- Grubovac, Lj. (2006) *Belgrade in Transition: an analysis of illegal building in a post-socialist city*. Unpublished PhD Thesis. London: University College London.
- Harvey, D. (1996) The right to the city, in LeGates R. T., Stout, F. (eds.) *The city reader*. London: Routledge.
- Healey, P. (1997) *Collaborative Planning, Shaping Places in Fragmented Society*. London: Macmillan Press.
- Held, V. (1970) *The public interest and individual interests*, New York: Basic Books.
- Hoch, C. (1994) *What Planners do: Power, Politics and Persuasion*, Chicago: APA Planners Press.
- Kaul, I., Grunberg, I., Stern, M. (2009) *Global Public Good*, New York: Oxford University Press.
- Klosterman, R. E. (1978) Foundations for Normative Planning, *Journal of the American Planning Association*, Vol. 44, No. 1, pp. 37-46.
- Klosterman, R. E. (1980) A public interest criterion, *Journal of the American Planning Association*, Vol. 46, No. 3, pp. 323-333.
- Law on Planning and Construction* (“Official Gazette of the RS”, No. 47/2003) / Zakon o planiranju i izgradnji (“Službeni glasnik RS”, br. 47/2003)
- Law on Planning and Construction* (“Official Gazette of the RS”, No. 145/14) / Zakon o planiranju i izgradnji (“Službeni glasnik RS”, br. 145/14)
- Law on Planning and Spatial Development* (“Official Gazette of the SRS” No. 19/74) / Zakon o planiranju i prostornom razvoju (“Službeni glasnik SRS”, br. 19/74)

- Law on Public Services ("Official Gazette of RS", No. 83/14) / *Zakon o javnim službama* ("Službeni glasnik RS", br. 83/14)
- Law on Urban and Regional Spatial Planning in 1961 ("Official Gazette of the SRS", No. 47/61) / *Zakon o urbanističkom i regionalnom prostornom planiranju iz 1961* ("Službeni glasnik SRS", br. 47/61)
- Lazarević-Bajec, N. (2009) Rational or collaborative model of urban planning in Serbia: Institutional limitations, *Serbian Architectural Journal*, Vol. 2, No. 2, pp. 81-106.
- Lefebvre, H. (1978) *De l'Etat, Tome IV: les contradictions de l'Etat moderne*, Paris: Union Generale d'Editions. [Lefebvre, H. (1978) *About the State, Volume IV: Contradictions of the modern State*, Paris: General Union of Editions.]
- Lennon, M. (2017) On "the subject" of planning's public interest, *Planning Theory*, Vol. 16, No. 2, pp. 150-168.
- Nedović-Budić, Z., Đorđević, D., Dabović, T. (2011) The Mornings after...Serbian Spatial Planning Legislation in Context, *European Planning Studies*, Vol. 19, No. 3, pp. 429-455.
- Petovar, K. (2003) *Naši gradovi između države i građanina*, Beograd: Cicero. [Petovar, K. (2003) *Our cities between the state and citizen*, Belgrade: Cicero.]
- Petovar, K., Vujošević, M. (2008) Public interest and public benefit in urban and spatial planning, *Sociologija i prostor*, Vol. 46, No. 1, pp. 23-51.
- Petovar, K. (2010) The city without citizens – that is how the development was conducted in Belgrade and Serbia, *Republika*, No. 484-485.
- Petovar, K. (2012) Professional associations as actors in making planning decisions about urban space, in Svirčić-Gotovac, A. and Zlatar, J. (eds.) *Actors of social change in space; Transformation of space and quality of life in Croatia*, Zagreb: Institute for social research in Zagreb, pp. 99-115.
- Petrović, M. (2005) *Cities after socialism as a research issue*, Discussion papers (South East Europe series), DP34. Centre for the Study of Global Governance, London School of economics and political science, London, UK.
- Pušić, Lj. (2012) Rasprodaja gradova u Srbiji kao posledica društvenih promena u prostoru, in Gotovac, S. A. and Zlatar, J. (eds.) *Akteri društvenih promjena u prostoru; Transformacija prostora i kvalitete života u Hrvatskoj*, Zagreb: Institut za društvena istraživanja u Zagrebu, pp. 83-97. [Pušić, Lj. (2012) The sale of the cities in Serbia as a consequence of social change in space, in Svirčić-Gotovac, A. and Zlatar, J. (eds.) *Actors of social change in space; Transformation of space and quality of life in Croatia*, Zagreb: Institute for social research in Zagreb, pp. 83-97]
- Sandercock, L., Dovey, K. (2002) Pleasure, Politics and the "Public Interest": Melbourne's Riverscape Revitalization, *Journal of the American Planning Association*, Vol. 68, No. 2, pp. 151-164.
- Tait, M. (2016) Planning and the public interest: Still a relevant concept for planners? *Planning Theory*, Vol. 15, No. 4, pp. 335-343.
- The Constitution from 2006* ("Official Gazette of RS", No. 98/2006) / *Ustav iz 2006* ("Službeni glasnik RS", br. 98/2006)
- Tsenkova, S. (2006) Beyond Transitions: Understanding Urban Change in Post-Socialist Cities, in Tsenkova, S. and Nedović-Budić, Z. (eds.) *The Urban Mosaic of Post-Socialist Europe*, Heidelberg: Springer, pp. 21-50.
- Tsenkova, S., Nedović-Budić, Z. (2006) *The urban mosaic of Post-socialist Europe*, Leipzig: Physica-Verlag.
- Vujošević, M. (2003) *Planning in post-socialist political and economic transition*, Belgrade: IAUS.
- Vujošević, M., Nedović-Budić, Z. (2006) Planning and societal context – The case of Belgrade, Serbia, in Tsenkova, S. and Nedović-Budić, Z. (eds.) *The Urban Mosaic of Post-Socialist Europe. Space, Institutions and Policy*, pp. 275-294, New York: Physica-Verlag, A Springer Company.
- Vujošević, M., Petovar, K. (2006) Public Interest vs. Strategies of Individual Actors in Urban and Spatial Planning, *Sociologija*, Vol. 48, No. 4, pp. 358-382.
- Vuksanović-Macura, Z., Macura, V. (2014) *Existing models of housing improvement for Roma Social and affordable housing solutions for Roma and vulnerable population in Serbia*, Belgrade: OSCE Mission to Serbia.
- Zeković, S. (2009) Reform Framework for Urban Land Management in Serbia in the period of Transition, paper presented at World Academy of Science, *Engineering and Technology 30*, pp. 840-847.
- Žegarac, Z. (1999) Illegal construction in Belgrade and the prospects for urban development planning, *Cities*, Vol. 16, No. 5, pp. 365-370.

Received October 2017; accepted in revised form December 2017.