



Changing Spatial Plans Through Protest: How Exclusionary Planning Strategies Can Result in Increased Community Engagement in Montenegro

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Abstract

Spatial planning policies should be made through negotiation and consensus-building in a process that involves various political, administrative, and technical stakeholders. However, the practice shows that this process can be challenging to organize and navigate, especially under the neoliberal model of spatial governance, which prioritizes economic gains for the privileged few at the expense of balanced and sustainable development. This is precisely the case in Montenegro, a country in the Balkans, where spatial planning is entirely subservient to the interests of commercial developers, with devastating consequences for the environment and the quality of life. When the plans start materializing in the actual built environment and the implications of this planning practice become obvious, communities start organizing, protesting, and demanding better spatial planning policies and more control over spatial governance decision-making processes. This paper showcases several instances where local communities in Montenegro succeeded in subverting the existing spatial planning legislation and achieved their own goals, usually

related primarily to preserving public space for public use. The selected case studies illustrate the need for broad public consultation in spatial planning, the power of local organizing, but also the importance of the role the professional practices such as “KANA/Who if not an Architect?” can play in educating the public and helping formulate the well-founded criticism of the neoliberal spatial planning model. Hence, the action research results confirm the importance of local collaboration and public participation in creating inclusive and sustainable cities.

Keywords

Public interest · Local communities · Protest · KANA · Montenegro

18.1 Introduction

Spatial planning is one of the critical instruments in shaping the space, structuring the built and natural environment, and influencing trends in society. It affects many areas and should be based on sustainability principles. Sustainable cities and communities are one of the 17 Sustainable Development Goals (SDGs) agreed in the 2015 UN Sustainable Development Summit in New York to set a global framework for the transition toward sustainable development. More specifically, goal 11—Make cities and human

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settlements inclusive, safe, resilient, and sustainable—calls governments and authorities to “enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries,” and also to “strengthen efforts to protect and safeguard the world’s cultural and natural heritage” (United Nations 2015). Even though the government of Montenegro ratified the 2030 Agenda on Sustainable Development and adopted the National Strategy for Sustainable Development in 2016, together with a corresponding Action Plan for its implementation, the concrete actions in urban planning are not in accordance with these documents.

The real estate industry is witnessing an expansion in construction, mostly of residential and commercial buildings in Montenegro. As in attractive tourist destinations, the hotel industry is rising. Overproduction of residential buildings surpasses the market demand for apartments but also, in a not well-governed situation—devastates the landscape. Therefore, planning documents of the higher rank, like spatial plans for entire cities or spatial plans of special purpose (for the coastal region), point to the need to reduce the number of new residential units in the plans of the lower rank—detailed urban plans. It is precisely these—detailed urban plans for defined parts of the urban settlements—that should be developed with great care, taking into consideration special requirements of the particular context, ambient, natural and cultural heritage, and inclusion of inhabitants and respect for their needs. In the last 15 years in Montenegro, these aspects were more than neglected, which led to chaos in the built environment and resulted in consequences that changed the society.

Cooperation among authorities running the planning processes was poor, largely because of the political turmoil that affected all aspects of the society. In the era of almost dominant rule of one political party on both local and national levels, the decisions were made to satisfy the needs of predominantly (large) private investors without taking into consideration the public interest or the needs of future generations—that

is, in contrast with the principles of the sustainable development. After this party had started to lose power on the local level but retained it on the level of the government, a 2017 change to the Law on Spatial Planning and Construction took place, which passed all jurisdiction for local urban planning to the Ministry of Sustainable Development and Tourism (Law on Spatial Planning and Construction 2017). This turning point left municipalities without the right to decide on matters concerning the land in their territory and how to govern it. The situation continued until today, and it only worsens because the Ministry can only manage a limited number of urban planning procedures. There is no firm strategy for dividing jurisdiction on the process, especially control mechanisms for smooth planning operation.

In the era when private interests were above all public interest and the interest of society, many urban plans have been approved, which led to massive urbanization and the destruction of important and recognizable landscapes, natural and cultural heritage buildings, and settlements. This happened between approximately 2005 and 2015, but many planning decisions have dated from a few years before, and all have consequences that last until today and which will be felt many years from now. The leading cities that were the most affected were the capital of Podgorica and Budva—the top tourist destination on the Adriatic Sea coast. Almost every day, the citizens of Montenegro have been facing a new planning decision that has surprised them, whether that be a new residential building in the courtyard of their own building or in the schoolyard or park, or the completely new parts of town where the massive residential complexes have risen from scratch with no quality public space between (for example Stari Aerodrom, or City kvart in Podgorica). Sometimes entire natural landscapes were destroyed, as in the case of Koštanjica settlement in the Bay of Kotor, the broader area of the city of Kotor, which is under the protection of UNESCO. The construction development has threatened to remove Kotor from the list of protected cultural heritage sites because of the massive and uncontrolled

urbanization of one of the world's most beautiful natural and cultural environments (Fig. 18.1). Even the Mayor of the city of Kotor at the time (2018) submitted to the Constitutional Court “a proposal to review the constitutionality and legality of a detailed urban plan for Koštanjica” (Stjepčević 2018), which was adopted years before, in 2009.

In such political and administrative conditions, citizens became used to sudden changes in space, which they knew nothing about because urban planning procedures were not transparent. Public consultations for the detailed urban plans were often held in the shortest possible duration of 15 days, which the Law on Spatial Planning and Construction allowed. These consultations were often held during summer holidays when people are less politically active and informed (Vujošević and Dragović 2019). That paved the way for many unhappy spatial decisions that only irritated the local inhabitants. One such decision made it possible for the inappropriate skyscraper to be built in 2016, adjacent the Hotel Podgorica in Podgorica—the pearl of the Montenegrin modern architecture movement, designed by the

award-winning Montenegrin architect Svetlana Kana Radević in 1967 (Fig. 18.2).

This action caused a severe reaction from both the professional and general public, causing protests to stop the construction and for the protection of the hotel building as a cultural heritage (see more in Vujošević et al. 2021). Political decisions and the numbness of institutions led to this and many more important buildings from the modern architectural period to be neglected and unprotected as cultural heritage. As a result of the process, the tower was constructed, despite the court ruling that both the urban plan and the building permit had irregularities and that the permit should be voided. However, this event awakened a rebellious spirit in the local community that has finally waken up and became more involved in the urban planning decision-making. One civil society organization has significantly impacted building that spirit—KANA/ko ako ne arhitekt? (in Serbian: Who if not an Architect?). This group of young architects, gathered at first around the problem of the tower near Hotel Podgorica in 2016, have devoted efforts to help and support the

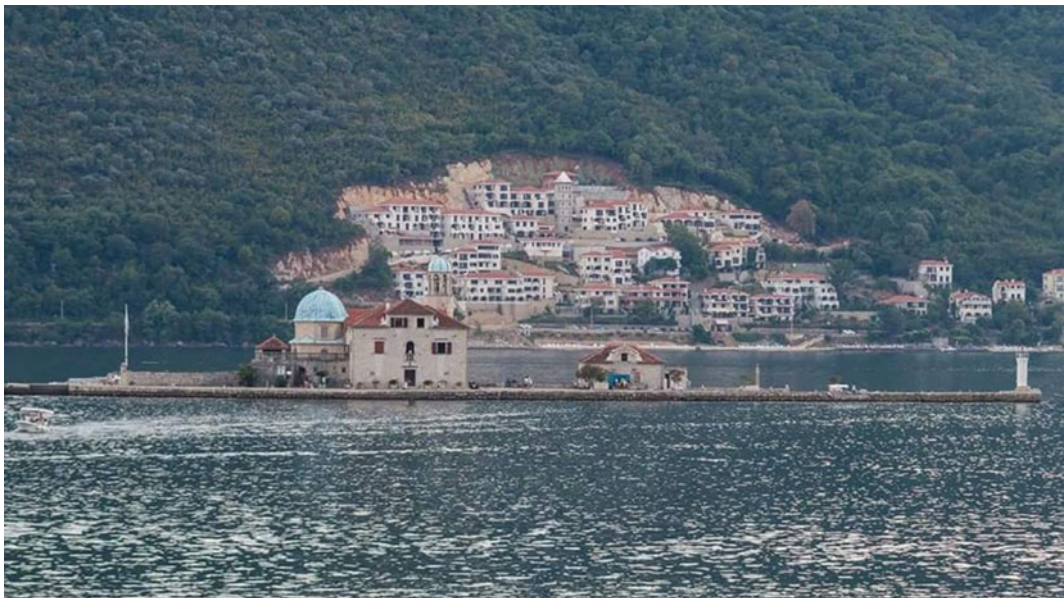


Fig. 18.1 Island our lady of the rocks and Koštanjica settlement in the background. *Source* Stjepčević (2018)

Fig. 18.2 Hotel Podgorica and the new tower, Podgorica.
Source Author



community in understanding the urban planning processes and mechanisms for participation in decision-making. Since 2016, the citizens have begun to protest openly and ask for their “rights to the city” (Lefebvre 1968), which have changed the planning practice in Montenegro.

18.2 Materials and Methods

This paper presents the study of the cases that changed the reality of the planning and use of the space in recent years in Montenegro, relying on the active participation of citizens backed up by professionals from the civil society sector. As seen from practice, the official mechanisms in the planning process—such as public discussion about the certain urban plan—did not result in the fair consultation of all stakeholders. Therefore, citizens have approached the problem with the only instrument that they had in hands—the protest.

Using the action research method, the paper analyzes cases that had the most impact on the change of the authorities’ decision. These actions

were rather radical and showed the firm determination of citizens to stop unwanted projects in their immediate surroundings.

As the action research “combines theory and practice (and researchers and practitioners) through change and reflection in an immediate problematic situation within a mutually acceptable ethical framework” (Avison, et al. 1999), so do these cases present the work on the field, in practice, assisted by the research that helps them analyze the concrete issues from the legal and technical perspective. In the analysis of the planning documentation, projects and documents submitted for the building permits, corresponding laws and technical rulebooks, many irregularities were found that made it easier to fight against the bad planning decisions, even though they were evident and illogical from the very beginning. As the definition by Avison et al. (1999) says, it was an “iterative process involving researchers and practitioners acting together on a particular cycle of activities, including problem diagnosis, action intervention, and reflective learning”. This was the exact order in which the process evolved in actual cases, even

though the “reflective learning” category was hard for the authorities to accept at the beginning, but in time it improved. On the other hand, the community learned much, and with each subsequent case, the process of fighting for the public interest went smoother and smoother. Supporting a similar claim, O'Brien states that action research includes “participatory research, collaborative inquiry, emancipatory research, action learning, and contextual action research” and that it is simply “learning by doing,” where a group of people identifies a problem, does something to resolve it, sees how successful their efforts were, and, if not satisfied, they try it again (O'Brien 1998), which was the approach that developed spontaneously by itself in most of the selected cases.

The process that was common for all the studied cases went through four main phases: (1) citizens: suddenly finding out that new construction is going to happen, (2) professionals intervening and analyzing documents, (3) citizens asking for their rights from the authorities and subsequently through protest, and (4) authorities find a solution to stop unwanted activities and satisfy the requirements of the citizens. The following cases were all spontaneously developed on the same model. However, they differ in the scope of the intervention, ranging from the construction of commercial and residential buildings and building quarters to the construction of a kindergarten. A common element was always the devastation of either cultural or natural heritage allowed in the urban plan.

18.3 Results

18.3.1 Block 5 in Podgorica

After the first significant architecture-related protest in the recent history of Montenegro, which happened for the protection of the Hotel Podgorica as a cultural heritage and against the construction of the adjacent tower in 2016, slowly, other problems started to see the light of day. One of them was the threat of the

construction of the 150 m high skyscraper and adjacent buildings in Block 5 in Podgorica, which can be traced back to the detailed urban plan for Block 5 from 2010 (Fig. 18.3). These buildings would, if constructed, violate the valuable urban and architectural landscape of Block 5, planned by architect Vukota Tupa Vukotić, and designed by architect Mileta Bojović in 1977. Both architects are very prominent in the history of Montenegro, and their approach to the planning and design of the Block 5 was very sensible, taking into account the quality of the built and urban space, aesthetics, and modern architectural trends at that time. Still today, Block 5 is considered one of the best places to live in the city, as it is a fully completed settlement with many necessary services (schools, health facilities, etc.). In that context, new planning solutions are proposed, adding additional residential buildings on the free plots without logic or substantiation, leaving many people surprised.

The proposed planning solution was considered not in line with the opinions of the relevant professionals, with the public interests, as well as with the interests of the community that perceives this area as their own (Vujosevic et al. 2017). After the initial work of the group KANA (in 2017), which introduced the general public to the plan for the new construction development, and after researching public opinion and surveying the inhabitants, the mayor of Podgorica at that time promised that “no construction will take place during his mandate” (Vučinić 2017). KANA held two workshops in the block where the citizens stated their problems, but also strengthened their already existing unity and their bond to this block, which, even though of older date, is one of the most thoughtfully planned and designed city blocks in the country, in terms of quality of living spaces.

18.3.2 Morača Military Barracks, Podgorica

The second case where KANA had a significant impact is the old Morača Military Barracks

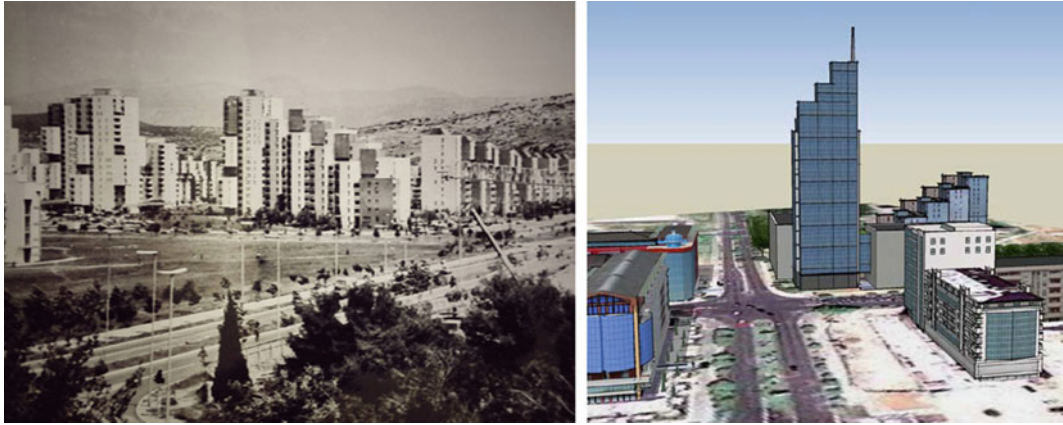


Fig. 18.3 Block 5—left: during construction in 1977; *Source* Private archive; right: concept proposal of the new development. *Source* Detailed urban plan, 2012

(Kasarna Morača)—a former military complex in the city center on the bank of the Morača river surrounded by decades-old trees. Since one part of this large area belonged to a private investor and the other to the city, a draft of the new urban plan was presented for public consultation in 2017 (RZUP 2017). The plan was not promising at all; it envisaged the demolition of the old barracks buildings, some of which had significant cultural value, cutting the trees, and the construction of a dense residential block (Fig. 18.4). The general public was already tired of seeing city parks and green areas neglected to the point of becoming construction plots for new residential buildings, often built by a group of several already-known investors, which was causing problems in the city center with already heavy traffic and lack of public space, schools, and other necessary facilities. This area was the only large plot in the attractive central location that remained after the military moved out and was presenting an ideal place for new central functions to be built, instead of another residential block. The public interest in preserving this space for more reasonable projects was high.

As soon as the draft plan went public, a few local professionals and an opposition political party started pointing out to the negative effects the proposed solution might bring. With its already established reputation from the previous two cases (Hotel Podgorica and Block 5), KANA

helped spread the word about the upcoming public debate and started inviting people to participate, as it was one of the rare opportunities that the wider public got aware of the proposal on time. The communication campaign resulted in the most visited public debate of any spatial plan in Podgorica, where more than 200 people expressed opposing opinions. The community's requirements favored cultural, recreational, and other social and public facilities over the proposed residential quarter in such an attractive and central location in the city. Local authorities returned the draft to be amended after the suggestions from the debate, which is the move that doesn't often happen when it comes to the interests of large private developers. However, the new draft was never presented, and the deadline for its completion expired at the end of 2018. Latest information points to the construction of a large public park financed from the state budget, whose design is to be obtained through the urban-architectural competition.

18.3.3 Ljubović Hill Residential Building, Podgorica

The third case, in which the citizens actively participated, concerned the construction of a residential building in the backyard between four existing apartment buildings, which already



Fig. 18.4 Morača military barracks—left: aerial view; *Source* www.investitor.me (2018); right: proposed construction. *Source* Draft urban plan, 2017

formed a claustrophobic block (Fig. 18.5). The location of this intervention was under Ljubović hill in Podgorica, a popular recreational area covered by vegetation. The attractive location in the center of the city, with south facing orientation and good insolation, was densely planned and already overpopulated, which led to problems with parking spaces and other infrastructure (Urbanprojekt 2009). The entire settlement was built from scratch according to the (evidently bad) urban plan, causing many inhabitants to be very unsatisfied with the quality of life in the area. Moreover, when buying the apartments, they were told that a park would be built on an adjacent plot. However, on that particular plot a new building was about to arise. Many buyers did not possess the knowledge to look at an urban plan before purchasing the apartment, to see what was planned to be built in the vicinity—this practice needed to be changed quickly.

The urban plan was very low quality, as it only proposed residential buildings without supporting social services or quality public spaces. And even as such, it was not obeyed; instead, buildings with a larger number of smaller residential units and even additional floors were built, which resulted in complete dissatisfaction among the inhabitants who had just purchased their apartments. When another building started to get built in their courtyard,

which they thought would be a park and a playground, they were devastated and in 2020 started asking the local authorities to stop the construction and assist in moving the project to another location. After several unsuccessful attempts, they turned to KANA organization for help. After analyzing all relevant documents, plans and regulations, KANA found irregularities that later led to the responsible designer of the project being questioned for violation of regulations. KANA also pointed out other irregularities in the territory of the entire plan and passed it to the state mechanisms to address those problems appropriately. After the constant pressure in the media and the requests addressed to the local and state authorities, a solution needed to be found. Local authorities have agreed to offer a new plot to the private investor and to turn the plot between the buildings into the park. Moreover, the entire urban plan was later suspended, forbidding any new construction until the adoption of a new plan.

18.3.4 Kindergarten in Bar

The most extreme example of civic protests that engaged the wider community happened in Bar, a port town on the coast of the Adriatic Sea. The reason for protesting was, surprisingly, the



Fig. 18.5 Works on the Ljubović Hill residential building. *Source* Glas Zabjela (2020)

planned construction of a kindergarten. However, for its purpose, a park containing more than ninety 100 year old cypress trees needed to be destroyed because—the new building was planned to be positioned in the existing schoolyard (Fig. 18.6). This was a clear example of an ideal location for the kindergarten being sold earlier to the private investor and repurposed for residential buildings, while the much-needed kindergarten was planned in the only park that existed in the center of the town. Moreover, this location was inappropriate for many reasons: It was between an elementary school and high school, and not suitable for children of pre-school age; and traffic congestions nowadays make it impossible for additional functions to be implemented in such a small area. Unlike many other cities in Montenegro, Bar is a town whose larger central area was built on a well-set urban matrix and has not suffered from congestion from

buildings or cars and traffic. That was until a few years ago when the trend of inserting additional buildings between the existing ones did not conquer this coastal town too. Again, a few local investors started to take over all attractive locations in the city center and to place their buildings there. Citizens, accustomed to the quality of urban space, were not looking at this positively, and dissatisfaction started to rise, culminating with this event.

Immediately after finding out that the construction works were about to start, the children and their families began protesting after local officials laid down the foundation stone in October 2018. They even sent the petition to the local parliament and had the subject discussed there, but the members of the parliament did not satisfy their requests. For some time, construction works were on hold while the students organized constant awareness-raising activities to



Fig. 18.6 Left: cut-down trees on the plot of the planned kindergarten; *Author* Vedran Nikočević; right: subsequent massive protests. *Author* Danilo Dado Pavlović

highlight the importance of keeping the cypress park intact. Night guards were also scheduled to protect the trees from being cut, as the authorities were not trusted. This was an example of unity that was not remembered in the broader region. KANA was also involved in the process, assisting the locals in analyzing the documentation and defining future steps. The kindergarten project, which did not even comply with the minimum sanitary requirements for pre-school buildings, ended up in court, and the whole situation was on hold. That is until January 2019, when at dawn, during the winter break, was all the trees in the park were violently cut down. This act, organized by the authorities, enraged the citizens and led them to organize massive civic protests and obstruct the construction company's work. During these protests in February 2019, peaceful protesters, including mothers with children, got into a conflict with police, leaving several protesters injured. The Prime Minister of Montenegro finally terminated the project and asked for the construction works to be suspended and another solution for the situation to be found (Vujošević and Dragović 2019).

Citizens of Bar waited a long time to find a new location for the kindergarten. Finally, it was selected two years later (March 2021), and the architectural competition for the new building was successfully finished (February 2022). However, the destroyed park in the schoolyard remained in the same condition as it was left, despite the promises to be renewed.

18.4 Discussion and Conclusions

Sustainable, participative, and inclusive planning is still, in many cases and not only in the presented ones, a theoretical construct that does not get implemented in practice to the extent it should be. In the ideal case, all stakeholders in the planning process, including authorities, investors, citizens, institutions and organizations, professionals, and everyone whose right to the given space may be affected, should sit together in an iterative process and try to find a common solution for satisfying their needs, respecting the principles of the sustainable development. Local and national governments are among the most important stakeholders in the process, as they govern the entire procedure, observe, and include other relevant stakeholders. They should be more responsible for their actions, but a control mechanism must exist, even for them. We are witnessing this not happening even in countries more developed than Montenegro.

In Montenegro, where governing institutions are not overly strong, and cannot always resist the pressure of private investors, the non-governmental sector replaces their role as a control mechanism. Thanks to the devoted work of volunteers from civil society organizations of all kinds—for the protection of the built environment, natural environment, biodiversity, energy management, etc.—still not everything is lost. Is it incredibly satisfying to see that citizens'

awareness increases every day and that they are willing to step out and fight for their rights. This is a true example of resilient communities, where people act as partners in the urban planning process, wishing only the general welfare of satisfaction of public interests for all citizens. For such goals, partnerships must be made, and the presented examples show how that was functioning in some of the most complex cases.

The solution that would prevent similar negative outcomes in the future would ideally be in an improved regulatory framework and policies that would include an integrated approach and iterative process among all stakeholders from the early stages of planning and design. Early participation is already present in the planning legislation of Montenegro, but implementing the provisions is not the smoothest. More importantly—control mechanisms (inspection) and sanctions do not follow all the cases with an adequate response. At the moment, the government is undergoing a massive restructuring after the change from a long-standing political regime, and some improvements can be expected in the evolution of legislation provisions. However, the implementation of those provisions and the will to undertake actions to improve old practices are yet to be seen.

The contribution of this research is to emphasize the need for collaborative public consultations in the early planning process and to point out the importance of local organizing and unity among citizens. Therefore, recommendations for further research include analyzing the progress of public participation in decision-making and finding ways for better and more productive collaboration.

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