

The public session of the Planning Commission is a public event that can be attended by all interested parties and the process of conducting public insight and public session is based on the basic principle of planning and construction prescribed by law – the principle of public participation. Reducing the presence to a “minimum number of representatives”, “only those whose presence is necessary” and “by the participation of one representative (...) in order to comply with all legal provisions and norms” is a gross violation of the concept of public debate and public participation, and reduces them to mere form. On December 12, the Secretariat for Urbanism and Construction Affairs of the City of Belgrade issued a statement and informed the citizens of Belgrade that the Planning Commission revoked their legally guaranteed rights to participate in the decision-making process on planning and urban planning acts.

In this announcement, the Secretariat for Urbanism and Construction Affairs of the City of Belgrade refers to the provisions of the Law on Planning and Construction and the Rulebook on the content, manner and procedure of drafting spatial and urban planning documents, and then, in the same statement, invents a procedure denying the public guaranteed by the Constitution and laws of the Republic of Serbia.

It is illegal and unconstitutional to derogate from the provisions of laws and bylaws that regulate public inspection procedures with “measures” prescribed by the Government of Serbia, which the city of Belgrade arbitrarily interprets as it suits daily needs and particular interests. In addition, the Planning Commission does not refer to any legal act of the Government of the RS which prescribes epidemiological measures, and the basis for reaching such a Conclusion is questionable and controversial.

These legal acts do not delegate to the Planning Commission or the Secretariat for Urbanism and Construction Affairs the competence to determine who can and who cannot attend the public session, nor to determine the number of interested citizens who can exercise their right. The mandate for changes to the mentioned laws and regulations is not the Planning Commission, but the state administration bodies that passed these acts, and with this procedure, the Planning Commission of the Belgrade City Assembly went beyond its competencies and grossly violated the law. If the conditions for holding a public session do not exist, which is undoubtedly having in mind the epidemiological situation, the session cannot be held until the conditions are met.

So far, the public has not had a single opportunity to hear from the competent institutions the justification of the plan for Makisko polje, as well as the plan for Kosancicev venac and the plan which envisages changes and amendments to the PGR of the city of Belgrade. Public sessions represent the first and only opportunity to hear arguments in favor of the

realization of these, and many others, illegal and dangerous and harmful plans for the city of Belgrade and the citizens of Belgrade. Precisely because the plan and the report on the strategic impact assessment contain numerous formal and material shortcomings, it is necessary for these documents to be presented in detail and explained to the citizens at a public session. Hiding behind epidemiological measures is a procedure unworthy of public institutions.

Potential intensive construction on Makisko polje in the immediate protection zone of the water source represents a distinct environmental risk and threatens to disrupt public health and quality of life in Belgrade.

The Law on Strategic Environmental Assessment stipulates the obligation to organize public insight and public debate in the procedure of approving the report on strategic impact assessment. The report on the strategic impact assessment of the Draft Plan for Detailed Regulation of the Makiško Polje section was prepared below the legal minimum, ie it is illegal and does not indicate the consequences of the planned construction, and must be rejected accordingly. At the same time, no document must enter the decision-making procedure without a public hearing – for which it is not enough to provide only physical minimums for the presence of people (required distances and protection measures), but in a pandemic, when tens of thousands of citizens due to impaired health prevented from participating in the public debate, it cannot even take place.

The Secretariat announces that the Commission for Plans has no basis for holding public sessions in the premises of the City Administration in a different way. In March this year, the Commission for Plans showed that there is a possibility for different actions and postponement of (early) public insights and public sessions. Thus, there is a basis for suspension and postponement, but not for limiting the rights guaranteed by law. The Commission for Plans of the Assembly of the City of Belgrade, as an executive body, has the authority and legal obligation to conduct the process of public insights and public sessions in all respects in accordance with the applicable laws and bylaws of the Republic of Serbia. Since epidemiological conditions make it impossible to implement them in a way that would allow all interested parties to enjoy the right to participate in decision-making processes related to city planning, we demand that all (early) public insights and public sessions of the Planning Commission be suspended and postponed until calmed down. epidemiological situations and the lifting of the state of emergency.

Source: reri.org.rs

Violation of civil rights due to an illegal construction project on Makisko polje in Belgrade