

## COMMON, PARALLEL AND CONVERGENT EVOLUTIONS FOR SPATIAL PLANNING IN ROMANIA AND MOLDAVIA

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**Abstract:** Nowadays, spatial planning attracts scientist from various fields, urban planners, geographers and economists being directly involved. For all of them, to know major facts of history planning offer an advantage both for specific approach and also for possible comparative perspective. This article seeks to explore the possible comparability of two national planning systems. Among multiple key factors for a reasonable planning analysis, the normative and institutional components are most frequently used. The paper tries to offer an explanatory framework for scientists interested in decoding the spatial planning through formal context.

**Key words:** spatial planning, Romania, Moldavia, institutional and legal context

### 1. Introduction

Spatial planning, according to its actual definition and content is a “complex system” of recent date, the planning representing the way in which different activities, land uses and buildings are located in relation to each other, in terms of distance between them, proximity to each other and the way in which spatial considerations influence and are influenced by economic, social, political, infrastructural and environmental considerations.

The frequent comparison with actions and syntegra from the same family, but much older in theory and practice, doesn't mean that the specific histories concerning various components of spatial planning are the same as the actual spatial planning. As a short example, spatial planning interferes, without being identical with it, with land-use planning, action that represents the planning of human activity to ensure that land is put to the optimal use, taking into account the different effects that land-uses can have in relation to social, political, economic and environmental concerns. That concerns land development, the process of building and landscaping land in order to enhance its commercial or social value. Planning is overload from local/municipal level to regional and-or national one.

Spatial planning has various components seen as the materialized synthesis not only as a sum. Nowadays it is generally agreed that spatial planning includes: capital expenditure programs; the way in which different social and economic programs are implemented; as well as the management and regulation of land-use change and land development. All these are gathered in a series of determinants represented by components and instruments (Figure 1).

The major categories of sectoral planning, economic planning and social planning are carried on within a political framework and materially projected on a physical support, a territorial one. The result was the creation of a

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comprehensive system which gradually became territorial physical planning. The interferences between physical and sectoral planning are designed in the spatial planning that is the purpose and the comprehensive frame of action for regional policies.

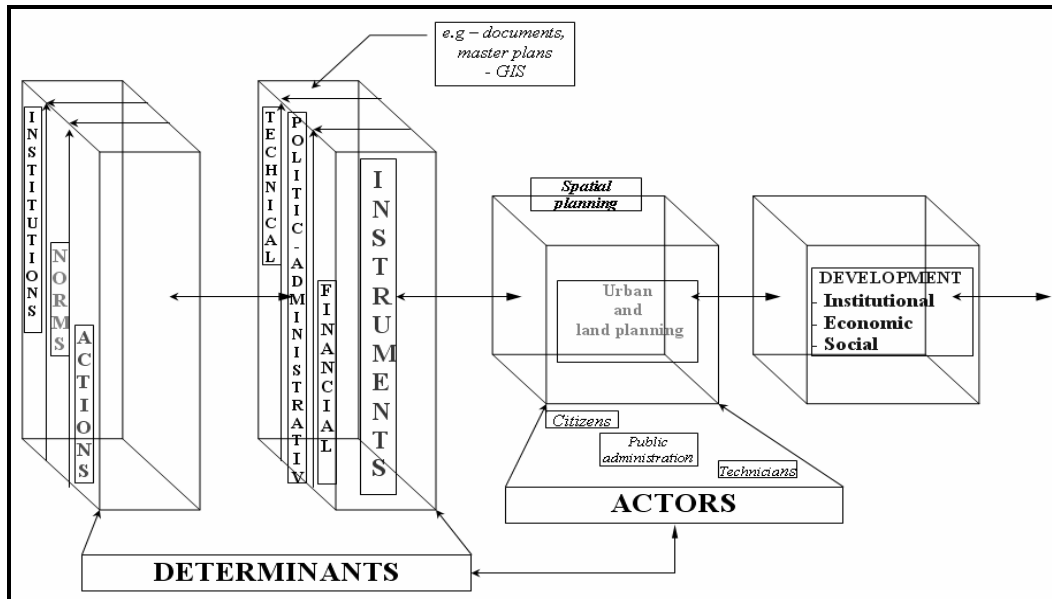


Fig. 1 The main relationships and components of spatial planning system

Besides political aspects, the cultural dimension of planning cannot be denied and its connection to the national frame and the regional particularities is also taken into consideration during the analysis of national planning in the European space. Spatial planning in Europe has two characteristics: it is the work of elite, and these elite have a tendency to reproduce existing spatial structures. The planning elite in Europe - a sum of national planning elites - are inaccessible, over-specialized, and dependent on academic snobbery. There is for instance no critical or radical publication: so far as I know, all planning journals in Europe are mainstream academic publications. The national planning elites tend to come from the most mainstream, culturally conservative, section of the middle class (and usually only from the national ethnic majority). Planning education is nationally organized, and few students take more than one course in European aspects of planning.

But all these aspects can be considered as some other subject with analytical and comparative nuances. With the purpose of the current research a key piece of our work was an inventory of the planning laws and institutions in place in each country, Romania and Moldavia.

## 2. Common history: 1859 – 1940

### 2.1. *The historical context and the institutional frame*

Without repeating the frame of common history for the two countries, we must mention however the configuration of territories we are going to refer to in this article. Thus, after the Eastern half of the principality of Moldavia (Bessarabia) had been ceded to Russia, in 1859, Moldavia and Wallachia united

to form the Kingdom of Romania which included the southern part of Bessarabia with the districts Cahul, Bolgrad and Izmail, the last three ceded to Moldavia in between 1856 – 1878. From 1918, the Unification would bring the same national jurisdiction for the entire territory of the actual principality of Moldavia, situation that would last until 1940.

In this historical context, the beginnings of Romanian planning belong to the 19<sup>th</sup> century, a very dynamic one for Europe, bringing along major economical, social, political and administrative changes that started during the reign of prince Al. I. Cuza (1859 – 1866) when we witness the first important measures for the future of Romanian planning. Even if they cannot be simply separated from the modern administrative series of measures that appears, the main directions for planning are still noticeable: **the secularization of** monastery estates, the agrarian reform, the administrative system reform, the communes' law. All these changes sketch the first step to an unitary planning system – the official replacement of small and medium territorial units (villages and towns), organic and non-correlated, based on local planning of auto-regulation type, with the unitary system centered on the State territorial complex that was to become an institution.

Thus, we witness a gradual change from the local, estate-based institution, with mixed authority to the decisional specialization of the first organic structures capable to manage the whole territory, designed as sectoral structures aiming at evolutions and accepted insertions.

From this time on, the institutions and the administration levels are organized in hierarchical order from national level to local level, functioning continuously during all historical and political stages, i.e. pre-war, inter-war, post-war (communist) and post-Decembrist.

Between 1859–1940/1948 physical planning at national extent is institutionalized by the creation or the reorganization of ministries in charge and of other complementary structures. Thus, we witness the creation of the Army's General Staff (Public Works section, 1859), Public Works Ministry (1860, reorganized in 1894, 1936), the Architects' Corporation (for the architects in the civil services), most of them inspired from the French model. In the same period the following services are also created: "The Permanent Committees for planning approval" residence" (1911) and a large cartographic and cadastral database for towns and territory are established.

Between 1918 – 1944 lands planning becomes the general concern against a background of administrative reorganization that succeeded the Unification in 1918 (according to the Law of Administrative Unification in 1925). New decision and directing authorities are created for urban and land planning (The High Technical Council in 1919) as well as the first specialized structures in this field (The Town-planning Institute for the Town Association) and the first specialized publications are printed: "The Romanian Town Association Gazette" (1924 – 1931) and the magazine "Town –Planning" (1932 – 1943).

## **2.2. The normative structure**

The normative document or the law has nowadays the greatest importance in the regulation system of land planning. The normative document consists of general compulsory standards that can be put into practice by means of state coercion. In Romania the system of the normative documents is composed of laws, decrees, decisions, official orders, regulations, dispositions and decisions taken by the local government.

As a result of the analysis performed on an important amount of normative documents published between 1860 – 1940 we can say that land planning in Romania had quite a small number of normative documents (as compared to France or Great Britain) but they outlined some decisive directions. Legislative documents are adopted regarding the estate regulations (7 laws), the institutionalization (14 laws), town-planning (6 laws), the infrastructure and the economy (12 laws), financing (3 laws) (table no. 1).

The list of normative documents with relevance  
for the legislative evolution of Romanian planning (1859-1944)

Table 1

Rural estate regulation (1864)
Expropriation by reason of public utility (1864)
State property management (Administrative Court) (1872)
Romanian land credit (1873)
The regulation of Bessarabia's state property inhabited by settlers and land owners (1874)
The regulation of real estate in Dobrudja (1882)
The creation of the House for public works in Bucharest (1893)
The organization of a technical body for the Ministry of Public Works (1894)
Sanctions for deterioration of geodesic, topographic and frontier signs (1895)
The borderline of Bucharest (1895)
The construction and the use of railways on private initiative (1900)
The creation of structures that manage marshy and easily flooded grounds and State fishing lands (1906)
The training of a body of geometers-arpentors (land surveyors) in villages (1908)
The creation of a communal company for building residences in Bucharest (1910)
The building of cheap and healthy residences (1910)
Romania's Forest Code (1910)
Law no. 1726 on the establishing state control of public utility lands owned by legal entities (1912)
The compulsory rent and the deliberate sale of a part of land from the great property (1918)
The creation of pasture lands in communes (1920)
The setting up of the Body of Architects for the public works (1921)
Law no. 17 on the extension and the use of the Forest Code throughout the country of Romania (1923)
Civil Finance Corporation for urban land credit (1926)
Support for the building of residences (1927)
The organization, the management and the use of pasture lands (1928)
The general management of State fishing lands and land improvement for Danube's easily flooded grounds (1929)
The free-zone law (1929)
Improvement of weathered lands (1930)
Decree no. 2142 on the promulgation of the Law no. 148 on the use of central real estate offices for the railways and the channels (1930)
Nature conservation (1930)
Improvement of the chief town's outskirts (1931)
The creation of associations of land improvement <i>for Danube's easily flooded grounds in order to contract loans for land improvement works</i> (1932)
The creation and the organization of the Body of Architects (1932)
The administration of the forests in the vicinity of Bucharest (1933)
Land register's systematization and the first use of cadastral registers in "The Old Kingdom" (Romanian Principalities) and Bessarabia (1933)
Nation and land systematization in wartime (1933)

Tourism systematization (1936)
The management of the Ministry of Public Works and Communication (1936)
Decree- law no. 129 concerning the management of rural workings (1938)
The establishment of the Ministry of National Economy (1939)
The establishment of Bucharest as a municipal town (1939)
The creation of land register and cadastral registers' Office within the Ministry of Justice (1939)
"The Rural House" (1939)
The establishment of the High Economic Council (1939)
The colonization Law (1940)
The establishment of the Orthodox Church Reserve in Bucovina (1940)
Credit allowance for inhabitants settled on State lands coming from the expropriation of Jewish rural properties, or from evacuated Bulgarian inhabitants and those lands taken from the repatriated German people from Bucovina and Dobrudja (1940)
A survey of the buildings that suffered degradations from earthquakes (1940)

The institutional system outlines its own specialized structures, some of them having major importance in the future urban planning, as it follows in the table 2:

The institutional system

Table 2

The Army's General Staff (Public Works department, 1859)
Public Works Ministry (1860, reorganized in 1894, 1936)
The Body of Architects from the Public Services
The Permanent Committees for Planning Approval (1864)
House for Public Works in Bucharest (1894)
Communal Company for Cheap Residences (1911)
The Superior Technical Council (1919)
Town Union's Urban Planning Institute (1929)

### 3. Parallel evolutions (1940 – 1991)

The communist ideology marked the systems of the two countries, Romania and Moldavia (included in the USSR) for five decades. The USSR's economy as well as Romania's one based upon the system of administrative planning and on public property.

Moldavia's entry in the Soviet political system means the connection with its first centrally planned economy from which it will take the principles and the matrix of land distribution.

Between 1928 and 1991, the whole Soviet economy has been directed by a series of 13 five-years plans out of which 10 involved Moldavia.

In Romania too, after 1948, given the situations of political changes, economic planning subordinates physical and social planning by a dogmatic system where the relation between politics and control is predetermined through planning document legally compulsory ( five-years plan).

The State Committee of Planning becomes a national operative organization with a position of ministry that puts in practice a unique number of social and economic decisions in all local administrative units. Public opinion, though legal, is formal.

Up to 1991 Moldavia used the legislative and normative basis of the USSR. However, today the ideas of many normative documents of the former Soviet

Union are used in urban planning and building, even these are not passed into a specific law. There was no more urban development acts on the national level. At the same time there were some normative acts adopted by authorities of different levels regulating many legislative areas like:

- Urban, economic, environmental and regional development legislation
- legislation on architecture
- legislation covering investment activity, in case this legislative area stipulates allocation of rights to develop property owned by public institutions;
- land legislation which regulates land allocation, land rights recording and land titles issuance;
- a number of acts adopted by executive bodies at different levels, regulating state assessment procedures for design documentation, professional licensing of design and construction activities, construction process control and inspections on sites, standardization issues.

Planning sector covered by most important ministry institutions and law

Table 3

	Romania	Soviet Union/Moldavia
Institutions	State Planning Committee (1953) 1. Central party and State committee for land, town and village planning (1974) 2. Economic and Social Organization Committee (1978)	Gosplan or State Planning Committee (the Soviet State Planning Commission, was one of the most important institutions of the USSR for 70 years) 1. State Planning Committee (1948) 2. State Commission for Advance Planning of the National Economy (1955) 3. State Planning Committee (1957-1991)
Laws	40 laws covering urban, rural and land planning, economical planning*	XXX**

\* The most important legal document for the territorial and urban planning is *Law no. 58 concerning land, rural and urban settlements systematization (1974)*.

\*\* The impossibility to consult the great number of regulations issued in the ex -USSR doesn't allow the evaluation of laws concerning land planning in Moldavia

As is it based on the system of public property, the Soviet economy was managed by means of Gosplan (State Planning Committee), Gosbank (State Bank) and Gosnabb (State Committee for technical-material provision). For all companies, the planning ministries, also known as "fund keepers" decided the entries structure, term planning, etc. By the end of the 9<sup>th</sup> and the beginning of the last decade of the 20<sup>th</sup> century, while economic reforms initiated by the Soviet leader Mikhail Gorbaciov brought important changes in the rigid socialist economic system (i.e. Perestroika), the allocation of resources was managed by planning apparatus rather than by real market forces. Five-year plans integrated short-term plans into ample long-term plans. The five-year plan outlined the important directions for the county development and stipulated the ways to follow in order to attain the objectives of USSR Communist Party. Even if five-year plans were adopted by law, they were composed of a series of guiding lines rather that a series of regulations and precise orders.

From the legal point of view, the planning process becomes more complex, witnessing branches and interferences with the social planning. The difficulty of comparison comes from this double focusing of the legal act to the economic result as well as to the social aspect.

The list of normative documents with relevance  
for the legislative evolution of Romanian planning (1990-1991)

Table 4

<b>Romania</b>
• Decree no. 221 on sharing or transferring of lands with or without construction on them and on the interdiction of building without any authorization (1950)
• Regulation no. 57 on operative planning of transportation (1952)
• Decree no. 143 on the rational use of water, water improvement and protection (1953)
• Decision no. 1124 on the time limits and the way of creation of State planning for national economy and national budget development (1954)
• Decision no. 458 on the creation of nature conservation (1954)
• Decree no. 281 on the establishment of norms/conditions of land evidence (1955)
• Decree no. 144 on the regulations concerning delivery of building, repairing and disaffecting license as well as those concerning transfer or sharing of lands with or without buildings on them (1958)
• Decree no. 570 on the land-administrative management of the Black Sea sea-coast and seaside resort (1958)
• Decision no. 914 on the endorsement of directions concerning the coordination of public works in towns with regional subordination as well as the regulations and the sanctions for the infringements in this field (1960)
• The Forest Code of Popular republic Of Romania (1962)
• Decision no. 837 on the completion of Ministry Decision no. 1248/1962 concerning the creation, the notification and the approval of technical-economical studies and of investment and systematizations projects 1962 (1964)
• Decree no. 798 on the modification of appendix at Law no. 3/1960 on the improvement of administrative land sharing in the Popular Republic of Romania (1964)
• Decree no. 922 on the citizens' voluntary contribution to carry out public works (1965)
• Decree 445 on the State support for town citizens to build private property residences (1966)
• Law no. 19 on the endorsement of Decree 713/ 1967 concerning the building of private property residences – holiday homes or touristic residences – with the State support, in spa places or other touristic places (1967)
• Law no. 19 on the legal conditions of building-free lands in the area of municipalities and towns (1968)
• Decision no. 1650 on the building of residences in the urban environment with the support of public centralized funds.(1968)
• Decision no. 1652 on the distribution of co-operative agricultural associations according to fertility areas, in order to apply fixed-tax on the hectare (1968)
• Law no.48 concerning the Decree no. 878/Decree no. 922 on the voluntary contribution of citizens to carry out local public works, river improvement and riverside consolidation, in order to protect villages against the harmful effects of water (1968)
• Law no.55/1968 on the modification of Law no. 2 /1968 concerning the administrative management of the Socialist Republic of Romania lands. (1968)

• Law no.54 on the endorsement of the Decree no. 674/1969 on taking some measures concerning direction, coordination and control in the field of civil works, architecture and systematization (1969)
• Decision no. 2495 on the coordination of urban public works around markets and public roads of municipalities and towns and on deciding upon contraventions in this field and their sanction (1969)
• Decision no. 335 on the creation of the Institute of Studies and Research for planning, in the subordination of the State Planning Committee (1970)
• Decree no. 287 on some measures taken to support people whose residences have been destroyed or severely damaged by natural calamities (1970)
• The norms concerning the reduction of productive investments from urban public works and socio-cultural works meant to urban development(1970)
• Decision no. 973 on the management and the activity of Central Commission for villages and towns systematization and of local systematizations commissions (1970)
• Decision no. 1686 on financing, planning, execution and administration of works meant to fight against soil degradation and of works of regulation for water flow on slopes and for torrent water collection (1970)
• Law no. 13 for the endorsement of Decree no 47/1970 fore the modification of Decree no. 738/1969 concerning the management and the activity of the State Planning Committee (1970)
• Law no. 39 on the adoption of the <i>State plan of national economy for 1971</i> (1970)
• Law no. 49 on the endorsement of Decree no. 377/1970 on the modification of appendix to Law no.2/1968 concerning the land administrative management of the Socialist Republic of Romania (1970)
• Law no. 8 on the planned economic and social development of Romania (1972)
• Law no. 58 on land systematization and villages and towns systematization (1974)
• Law no. 37 on systematization, planning and execution of traffic artery in towns and villages (1975)
• Law no. 17 on the adoption of the Unique National Plan of Economic and Social Development of the Socialist Republic of Romania (1984)

#### 4. The European convergence

In Romania, after 1990 the ministerial responsibilities changed at the same time as each government change so that land planning was associated with different other actions and directions. Strictly considering this field, urban planning and land planning are sustained by the activity of more than 20 committees and commissions specialized in urban planning, civil engineering and architecture that are connected to development, investments, tourism or transportation substructure.

Within the National Development Plan, land planning is related to the policy of regional development that was simultaneously developed after 1998 and which called for the adoption of NUTS system.

The administrative levels that regional management and development refer to are the national level – the frame of reference for the entire policy of management and development through the National Development Plan and the infra-national levels – county, city and commune. At the elementary administrative level (NUTS 4), the commune represents a stable mark of the Romanian organizational administrative view that went into force in the middle of the 19<sup>th</sup> century and kept until present day. A commune is made up of one or more villages, whose too limited dimensions won't allow any management or financing. The idea to invest with authority the local administrations by legal association was progressive act which means the same as the French inter-



communality, at a distance of almost 100 years.

The other two administrative levels – the county and the region – also existed simultaneously, for a short time, at the beginning of the '50s, but after 1990, when some features from the French model of land planning and development were adopted, between the central administrative level and the local one (county and commune), an intermediary regional subdivision was again created – the development region. The development regions do not actually have an administrative status and do not have a legislative or executive council. Rather they serve a function for land planning.

#### 4.1 **The law system concerning spatial planning after 1990 /1991**

Numerous laws were adopted during the last twenty years concerning spatial planning. A selective synopsis of those normative documents shows the general tendency for a comprehensive planning with multisectorial effects.

Table 5

• Decree no.220/1990 on the management and the activity of National Commission for urban planning and land management planning (1990)
• Law no. 50/1991, republished in 1997, on the authorization of constructions and on some measures for the building of residences (1991)
• Government Decision no. 786/1993 for the endorsement of the Regulation that determines the category of lands that are to be improved as well as the structure, the activity and the authority of the specialized commissions charged with the delimitation of perimeters meant for improvement (1993)
• Law no. 33/1994 on the expropriation by reason of public utility (1994)
• Government Decision no. 456/1994 on the management and the activity of the Ministry of Public Works and Land Planning, republished in 1997 (1994)
• Law no. 10/1995 concerning the quality in civil engineering, with special interest on section 9 – the obligations and the responsibilities of the State Inspection in civil engineering, public works, urban planning and land planning (1995)
• Law no.7/1996 concerning the land register and real estate advertising (1996)
• Law no.84/1996 concerning the land reclamation and the Government Decision no. 611/1997 on the endorsement of Regulation for the enforcement of Law on land reclamation (1996)
• Law no.114/1996 – the Housing Law, republished in 1997 (1996)
• Law no.71 on the approval of the Plan of national land planning - section 1 – lines of communications (1996)
• Government Decision no. 31/1996 for the approval of the Methodology of ratification of urban planning documentation, of touristic resorts and of technical documentations concerning the buildings in the field of tourism.(1996)
• Law no.171 concerning the approval of the Plan of national land planning – section II – the Water (1997)
• Government Decision no. 525/1996 for the endorsement of the General Regulation of Urban Planning, in correlation with the Law no. 50/1991 (1996)
• Ordinance no. 129 declaring an area of national interest of the whole perimeter of central Bucharest, including the new Civic Center and Historical Center, and establishing conditions for making investment for the whole urban complex from this area (1998)
• Law on the regional development (1998)
• Order no. 62/288/1995 on the delimitation of areas at risk of natural calamities (1998)
• Law no. 5 concerning the approval of the plan of national land planning – section III - protected areas (2000)
• Law no. 350 concerning the land planning and the urban planning (2001)

Meantime, since 1998, the European integration process started a compulsory law system according to the most comprehensive document – European Spatial Development Perspective that was gradually implemented. By opposite, Moldavia has not always reached the European principles even its policy seem to be convergent to. However, some of them belong the two referring documents as well.

Referring documents for European spatial planning

Table 6

Referring documents for European spatial planning	Romania	Moldavia
ESDP	<p>The ESDP (Potsdam 1999) formulates the principal directions of spatial development of European space that both Romanian and Moldavia have consider in their law and institutional planning system:</p> <ul style="list-style-type: none"> <li>• Developing a new polycentric urban system and a new urban – rural relationship;</li> <li>• Assuring access to know-how and information;</li> <li>• Sustainable developmnet, environmental protection and cultural heritage</li> </ul>	
CEMAT	<p><i>“Director principles concerning sustainable territorial development of European continent ”</i> in the CEMAT document, Hanover 2000:</p> <ul style="list-style-type: none"> <li>• Promote territorial cohesion by a balanced socio-economic development and increasing competitively;</li> <li>• promote the development of urban function and of the urban-rural relationship;</li> <li>• promote equitabe accessibility;</li> <li>• Assuring access to know-how and information;</li> <li>• Reducing the aggression on the environment;</li> <li>• Valorizing and protecting the resources and natural ant built patrimony;</li> <li>• Promoting the cultural tourism;</li> <li>• Preventing the effects of natural disasters.</li> </ul>	
Laws	<ul style="list-style-type: none"> <li>• Law on Regional development (1998)</li> <li>• Law of urbanism and land planning (2001)</li> <li>• Law no. 71/1996 on the approval of the Plan of National Land Planning (PNLP)– Section I – Communication network</li> <li>• Law no. 171/1997 on the approval of PNL P – Section II – Water</li> <li>• Law no. 5/2000 on the approval of PNL P – Section III – Protected Areas</li> <li>• Law no. 351/2001 on the approval of PNL P – Section</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Regional development in the Republic of Moldavia (project 2008)</li> </ul>

	<p>IV – the cities</p> <ul style="list-style-type: none"> <li>• Law no. 453/2001 for the modification</li> <li>• and the completion of Law no. 50/1991 concerning the authorization of execution of public works and some measures for building residences.</li> <li>• Law no. 575/2001 on the approval of PNL P – Section V – areas at risk of natural disasters.</li> <li>• Government Decision no. 525/1996, with subsequent completions and modifications , for the approval of the General Regulation of Urban Planning</li> <li>• Government Decision no. 650/2001 for the approval of the Regulation concerning the elaboration of technical rules in civil engineering.</li> </ul>	
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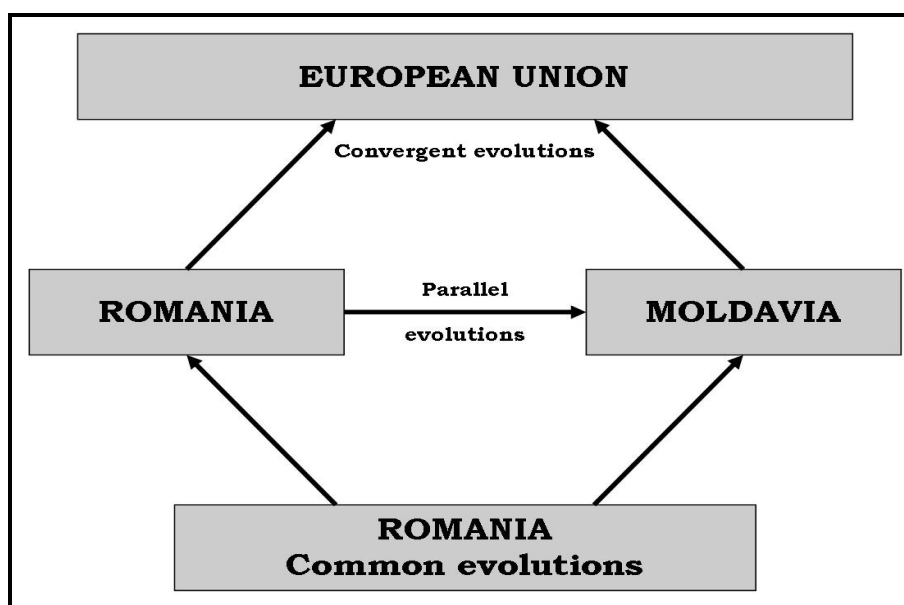


Fig. 2 Synthetic picture of common, parallel and convergent spatial planning evolutions

### 5. Conclusions

The present overview do not explores all particular mechanisms of a complete and real spatial planning history in the two countries, but it confirms the three great periods of each of them. A coherent spatial planning system is building over time (the western systems are the example). For Romania and

Moldavia, a particular trajectory could be emphasized, with a common heritage for many decades and a parallel one, which is similar even independent and individual for other five decennials. In the last 20 years, the two countries has both the European focus starting from different status and their possible cooperation on the planning subject must integrate this reality.

### **BIBLIOGRAPHY**

- CRISTEA, D., LASCU, N., (1988), *History of land planning in Romania, manuscript*, UAIM library
- DOLMAN, P. M., LOVETT, A., O'RIORDAN, T., COBB, D., (2005), *Designing whole landscapes, in Stiftel B., Watson W. (eds), Dialogues in urban and regional planning*, Routledge, London, Taylor&Francis
- IANOS, I., (2000), *Territorial Systems*, Ed. Tehnică, București
- LINDBLOM, C.E., (1959), *The Science of „Mulding Through”*. Public administration Review, 19, 79-88
- MADIOT, Y., (1996), *Amenagement du territoire*, 3eme ed., Armand Collin, Paris
- PUSCASU, V., (2008), *Dezvoltare și planificare urbană*, Ed. Europlus, Galați
- \*\*\*, *Legislația României*, sursa LEX EXPERT, 2009