

The Post-Pandemic, The Post-War, the City In Transition – Sarajevo Case Study. Future Scenarios For Post-Pandemic City

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Abstract

Global pandemic is a special challenge for Sarajevo, the post-war and the city in transition in Europe. Like stranded Noah's ark, the city with still visible war wounds and with no foundations for sustainable spatial planning system yet constructed, will probably have zero resilience for future catastrophes and pandemics. Unsatisfactory outcomes of the spatial planning system analysis for Sarajevo directs us to understand seriousness of our present situation and to think to make a turning point towards re-evaluation of our creation, in order to renew and prepare our city to survive future catastrophes. It should not be only a matter of disaster resilience, but a path towards sustainable European 21 century city. Our symbiosis with other species is one of the future scenarios for a city in transition, because uncontrolled urban sprawl is threatening not only human made systems. Our consciousness of planning in the Western Balkans will have to change dramatically towards nature preservation and controlled urban development to enable our cities to become healthy, fertile, and functional environments again. In absence of spatial planning strategies, land use plans, and bylaws in accordance with TA2030, post-pandemic period might become the critical moment for Sarajevo to begin procedures of creating sustainable spatial planning system.

Keywords

post-war city, city in transition, post-pandemic city, spatial planning system, sustainability

Introduction

When thinking of Sarajevo during the second year of Coronavirus pandemic, the image of a strained Noah's Arc appears before my eyes. One of the city's most known spatial planners once said: "The towns which can develop themselves in peace are lucky. Sarajevo had a bad luck." (Aganović, 1993; author's translation) This city survived war horrors at the end of the twentieth century, unlike many of its citizens; pairs of all species, including "constituent peoples" are here safe on the Arc, albeit the process of transition from socialist socio-political and economic system to market economy is extremely unsuccessful, especially in spatial and urban planning... I would say we failed.

The global health threat has risen disaster resilience questions again. Will we survive the future catastrophes? Are we able to reconstruct demolished spatial planning system to enhance its sustainability and to prevent future disasters, after all?

The Doom of the Socialist Spatial planning system, what next?

Sarajevo is living the process of transition, from being the former regional centre of the Socialist Republic Bosnia and Herzegovina, part of the Socialist Federative Republic Yugoslavia from 1945-1992, to becoming the capital city of the newly independent country of Bosnia and Herzegovina and Sarajevo Canton from 1995, from socialist economy ended with the war to post war market economy.

The socialist spatial planning system was based on the Agrarian Reform, Colonization Law, and The Workers Self - Management Law. The concept of state as the main investor and the executor of all construction works functioned from 1945 until

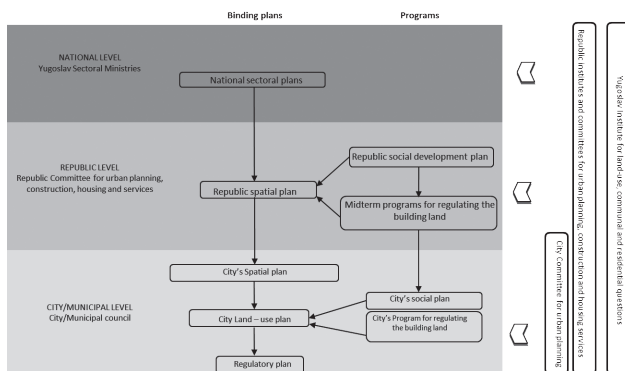


Figure 1. Spatial planning documentation in the period of Socialist
SOURCE: Institute for Canton Planning Archive, Pelja-Tabori own presentation

1990. Clear hierarchy with national/federal, republic and city/municipal level functioned based on top to bottom level. Legislative framework in spatial planning followed governmental hierarchy. Four years after the liberation of the occupied country during the WWII, in 1949 the Basic Decision on general land-use plan was introduced on national level, accompanied by Basic construction law, law on expropriation and other laws (See Table 1). On the republic level BiH adopted Law on land-

use plan of the People's Republic Bosnia and Herzegovina, Rulebook on mandatory elements of the Decision of municipal-ity people's council which replaces Land – Use Plan from 1961 and Law on determining building land areas (Table 1).

Governmental Level	Name and No. of official gazette	Law
Federal binding on the republic level	FPRY Official Gazette no. 78/49	Basic Decision on general land-use plan
	FPRY Official Gazette no. 12/57	Expropriation Law
	SFRY Official Gazette no. 15/65	Law on application of regulations of Basic construction law in financing socio-political communities to funds for residential construction
	SFRY Official Gazette no. 10/65	Basic Law on contribution to utilization of building land
	FPRY Official Gazette no. 52/958, amended SFRY Official Gazette no. 1/65	Law on nationalization of lease buildings and building land
	SFRY Official Gazette no. 13/65	Basic Water Law
	SFRY Official Gazette no. 9/65	Basic Railway construction Law
	SFRY Official Gazette no. 30/65	Law on air protection from pollution
	SFRY Official Gazette no. 16/65	Flood Protection Law
	SFRY Official Gazette no. 24/65	Law on nature protection
	FPRY Official Gazette no. 45/1961, amended SFRY Official Gazette no. 5/65	Basic Law on construction of investment buildings
	FPRY Official Gazette no. 12/961	General Law on public roads from 1961
	SFRY Official Gazette no. 38/64	Temporary technical regulations for construction in seismic areas
	Republic	PRS Official Gazette no. 27/958
PRS Official Gazette no. 51/959		Law on district and municipality areas in PR Serbia from 1959
SRS Official Gazette no. 27/65		The Executive Council of SRS Decision to determine cities and settlements with the urban character for nationalization of building land on the territory of SR Serbia - 1959
PRS Official Gazette no. 7/961, amended SFRY Official Gazette no. 14/65		Law on conditions for residential buildings construction in villages (and suburbs) in SRS
SRS Official Gazette no. 47/961		Law on nature protection in SR Serbia from 1961
Republic	PRS Official Gazette no. 51/959, amended SRS Official Gazette no. 15/65	Law on cultural heritage monuments protection
	LLRS Official Gazette no. 13/956	Land-use Planning and Construction Law in LR Slovenia
	LSRS Official Gazette no. 21/64	Land-use inspection Law
	SRM Official Gazette no. 7/65	Decision on determination of settlements
	SRM Official Gazette no. 7/65	Land-use planning Law in PR Macedonia
	PRBiH Official Gazette no. 41/959, amended SRBiH Official Gazette no. 4/65	Law on and-use plan of the PR Bosnia-Herzegovina from 1959
	PRBiH Official Gazette no. 41/1961, amended SRBiH Official Gazette no. 35/65	Rulebook on mandatory elements of the Decision of municipality people's council which replaces Land – Use Plan from 1961
	SRBiH Official Gazette no. 41/64	Law on determining building land areas
	People's Gazette no. 21/1960, amended no. 46/64	Land – use and regional spatial planning Law in PR Croatia from 1960
	People's Gazette no. 41/61	Decree on implementation of the Law on land-use and regional spatial planning from 1961
	PRS Official Gazette no. 47/1961, amended SRS Official Gazette no. 30/65	Land – use and regional spatial planning Law in SR Serbia from 1961
PRS Official Gazette no. 51/959, amended SRS Official Gazette no. 15/65	Law on cultural heritage monuments protection	

Table 1. Legislation in Town Planning of the Federative People's Republic Yugoslavia in the period 1945-1965

–The land was nationalized¹, which was the first precondition to –so-called “socialist planning”. This was the reason for creating republic social development plans, for a five-year period (See Table 2). Social plans were basically programs for spatial and land–use plans which set sectoral programs for housing, regulation of building land, construction of infrastructural systems, transport development, construction of industrial build-

¹ Nationalization - process of taking a private industry or private assets into public ownership by a national government or state

ings, construction of urban equipment, environmental protection and investments and gave guidelines for accomplishing the social development plan. The Republic's social development plans were accompanied by Midterm programs for regulating the building land, which were, also, created for a five-year period (Table 2).

Governmental Level	Name and No. of official gazette	Law	
Republic	SRBIH Official Gazette no. 25/66	Social development plan of RBiH for the period 1966-1970	
	37/66	Law on public roads	
	7/68 and 14/72, amended 10/73	Water Law	
	32/71	Amendments of the Law on determining building land areas	
	36/71	Law on communal taxes	
	23/72	Social development plan of RBiH for the period 1971-1975	
	35/72	Expropriation Law	
	16/73	Law on state survey and cadastre	
	13/74	Spatial Planning Law	
	13/74	Law on residential tenancy	
	13/74	Law on building land in social ownership	
	14/74	Law on re-parcelling (comassation)	
	29/74	Law on amortization of roads	
	29/74	Law on amortization of residential buildings in social ownership	
	30/74	Law on housing cooperatives	
	42/75	Basic policies of the long-term development of SRBIH until 1985	
	36/75	Water Law	
	38/71, amended 40/78	Woods Law	
	2/75	Decision on drafting the Republic BiH Spatial Plan	
	24/76	Social development plan of RBiH for the period 1976-1980	
	37/76	Law on protection from natural disasters	
	19/77	Expropriation Law	
	33/77	Law on Self-contribution	
	3/78	Law on protection and use of cultural and natural heritage	
	6/78	Law on farm-land consolidation (arrondation)	
	6/78	Law on public roads	
	11/78	Woods Law	
	14/78	Law on state survey and cadastre	
	14/78	Law on maritime fisheries	
	16/78	Law on electrical industry	
	Governmental Level	Name and No. of official gazette	Law
	Republic	18/78	Law on social planning system and RBiH social plan
23/79		Law on property rights in commercial buildings and building parts	
35/79		Law on geological surveys	
13/80		Law on mining	
11/81		Social development plan of RBiH for the period 1981-1985	
4/81		Law on census of population, households, and dwellings in 1981	
30/74, amended 28/81, 2/82		Law on fire protection	
18/82		RBiH Spatial Plan for the period 1981-2000	
5/82		Law on revalorization of residential buildings and apartments in social ownership	
14/84		Law on residential tenancy	
38/85		Long-term social development plan of RBiH for the period 1986-2000	
39/85		Social development plan of RBiH for the period 1986-1990	
24/86		Law on re-parcelling (comassation)	
34/86		Law on building land	
34/86		Spatial Planning Law Amendments	
12/87		Expropriation Law	
32/87		Law on freshwater fisheries	
25/88		Law on demarcation of far-land areas and economic policy measures for faster development of agricultural production in mountain region incentives	
26/89		Law on joint property in residential apartments	
26/82, amended 44/89		Law on republic fund for credit financing of faster economic development of poorly developed areas	
15/90		Spatial Planning Law Amendments	

Table 2. Legislation in Town Planning of the Socialist Republic Bosnia-Herzegovina in the period 1965-1990. Institute for Canton Planning

Local social plans and programs followed the goals of the republic ones. Midterm local social plans were defining guidelines and measures for achieving social and land use plans and were enacted for the period of five years. (See Table 3) Local programs for the City of Sarajevo were defining activities of the local Construction Institute regarding preparation and equipment with communal buildings and installations, as well as individual installations of the building land. Construction decision, Decision on General Land-use plan of the City of Sarajevo 1965, City of Sarajevo spatial plan for the period 1986 – 2015, and Land Use Plans for the Urban territories of Sarajevo, Hadžići, Ilijaš, Trnovo and Pale for the period 1986-2015 were all enacted on local level.

Two thirds of the total predefined works by the local programs for regulating the building land in Sarajevo were conducted in new residential areas with collective residential buildings (community buildings). One third of the predefined works were executed for the construction of public buildings - schools, kindergartens, hospitals, and for sanation of residential areas (infrastructure works). We can follow the republic social plans from 1959 and the local social plans from 1965 in the Yugoslav spatial planning legislation. They were accompanied by spatial and land use plans. The first Land Use Plan for the City of Sarajevo was the General Land-Use Plan (GUP) adopted in 1965 (Figure 2).

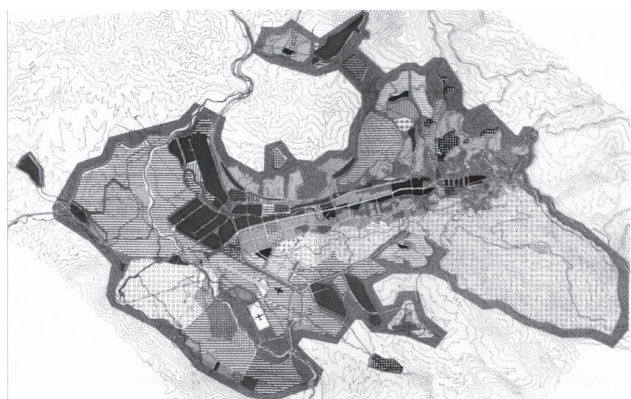


Figure 2. Sarajevo General Land-Use Plan (GUP) 1965

"Regulations in Yugoslav republics were coherent with the general guidelines defined by the federal Decision on general land-use plan, from 1949. All republic laws treated land –use in the same manner in relation to the processes of creating land-use plans: land-use program, general land-use plan and detailed land-use plan, as well as regional plans." (Antić et al, 1966; author's translation) The socialist spatial planning system had been established hierarchically well-defined with planning instruments from national to municipal level, and clear measures for mobilizing a building land for new socialist neighbourhoods built for "the workers" by the State. The private investments and private land were not in focus of socialist spatial planning system. In 1969 Sarajevo was given the status of socio – political community, which means that the city had the right and the duty to take care of all the issues related to organization and functioning of economic, urban, and social development

of the urban territory (490 km²). The city assembly was established as the highest authority of the city (Bublin, 2008; author's translation). In the 1970s, Sarajevo was experiencing a rather difficult air pollution situation, which was a consequence of rapid urbanization, industrialization, and unfavourable natural conditions (Bublin, 2008; author's translation). Due to the deteriorated environmental conditions, in the 1970s the City of Sarajevo launched the Environmental Protection Program, whose implementation commenced in 1978. In the early 1970s first problems with informal settlements have occurred, shortly after producing the GUP. In the same period, with the development of industry and because of the Agrarian reform, a massive population migrated to the city. Such a great augmentation of employment and migration to the city could not follow up with the appropriate rhythm of housing construction. Faced with the inability to solve their housing problem legally, many migrated inhabitants started to build their family houses informally" (Zavod za planiranje razvoja Grada, 1985; author's translation). The City did not react against construction of the informal settlements, which implied achieving a social peace without offering specific social policies for this problem. The City of Sarajevo Assembly accepted „The recovery program for slope parts of the city “and „The recovery program for plain parts of the City” done by the Institute for the City of Sarajevo Planning in 1974. (Skupština grada Sarajeva, 1974; author's translation) In 1978, Sarajevo won the candidacy for the host of the XIV Winter Olympic Games: 'That was Sarajevo's a new big development project,' which implied fabrication of the new detailed spatial planning documentation - Regulatory plans for sports and recreation areas on mountains Jahorina, Bjelašnica, Igman, Trebević for the Olympic games (adopted in 1977/1980) done by the Institute for the City of Sarajevo Planning. The 1980s brought a series of new development of spatial planning documents such as:

- The Socialist Republic of Bosnia and Herzegovina Spatial Plan (adopted in 1982) done by the Republic Committee for urban planning, construction, housing, and services. Some of the Yugoslav Spatial Plans at the time were done in coordination with UNDP / UNCHS.
- The City of Sarajevo Spatial Plan for the period 1986 – 2015 (adopted in 1986) done by the Institute for the City of Sarajevo Planning (Figure 3).
- The Long-term Social Plan for the City of Sarajevo for the period 1986 -2000 was done in 1982 (adopted in 1985).
- The City of Sarajevo Land-Use Plans for the period 1986 – 2015 (for the Urban territories of Sarajevo, Hadžići, Ilijaš, Trnovo and Pale) (adopted in 1990).

The decomposition of the socialist spatial planning system, which begun in the 1960s with problems such as informal settlements, was deepened in the 1980s: “Merciless usurping the urban space; enormous increase in housing construction prizes; lack of adequate land policy; informal housing; absence

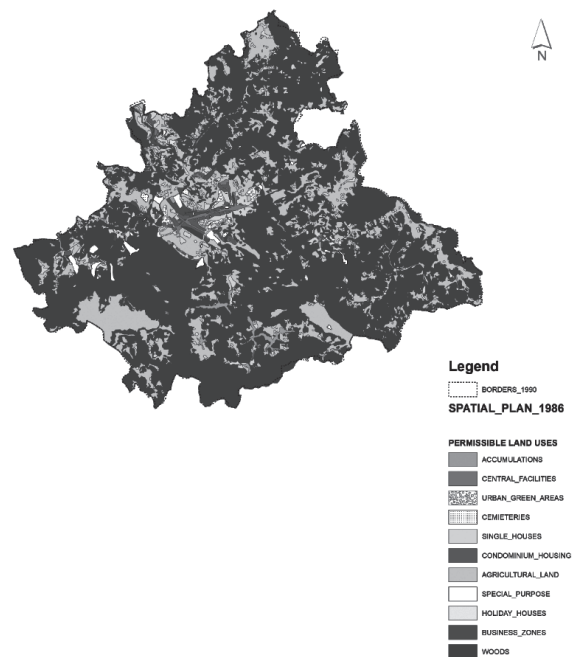


Figure 3. The City of Sarajevo Spatial Plan for the period 1986 – 2015 (1986) SOURCE: Institute for Canton Planning

of information transparency; arrogant behaviour of some public service companies; terrible situation with urban sanitation,” (Aganović, 1993; author's translation) were qualifications of the leading experts in the former spatial planning system. Already then it was obvious that it is urgent for Sarajevo to get 'more contemporary and more consistent development strategy", based on "significant changes in socio – economic system...Sarajevo must...direct its attention towards wider region. The town is only one element of a wider development compositional whole.” (Aganović, 1993; author's translation)

According to the 1981 Census, the city had 448,519 inhabitants. The Spatial Plan for the period 1986 – 2015 registered 492,540 inhabitants in 1985 and provided projections for 590,000 inhabitants in the year 2000 and for 681,000 inhabitants in 2015. (Zavod za planiranje razvoja grada Sarajeva, 1985; author's translation) It seemed that the city was mature for the systematic changes in its spatial planning organization in terms of legislation, quality of spatial planning documentation and relevant studies done for the purpose of drafting the zoning plans, but early nineties brought changes, once again to the city with over 500,000 inhabitants: "...according to the 1991 Census the City had 527,049 inhabitants” (Federal Institute for Statistics, 2019). Instead of the positive changes, the war was on the horizon, and it began in 1992.

The current spatial planning system and Disaster resilience challenges

Eight years after being the host of the XIV Winter Olympic Games and eight years before the Millennium, Sarajevo was bombed and kept in the longest siege in Europe, since WWII, without water, electricity, and food, until the Dayton Peace agreement in autumn 1995: "The siege of Sarajevo lasted for 1,335 days...around 12,000 civilians lost their lives, of whom

1,800 were children...58,000 residents were being wounded. Around 150,000 Sarajevans had to seek refuge abroad, while around 100,000 refugees arrived in the city." (Bublin, 2008) It was the first urbicide in Europe after the WWII: "Apart from killing and wounding the civilians, the aggression also systematically destroyed economic, social, housing and infrastructure facilities, while particularly destroyed was the historical heritage." (Bublin, 2008) The tragedy ended when the Dayton Peace Agreement was formalized on November 21, 1995 in Dayton, Ohio and signed in Paris, almost a month later. The Agreement, signed by the presidents of Republic of Bosnia and Herzegovina, Republic of Croatia and Federal Republic of Yugoslavia "brought an end to the tragic conflict in the region" (UN General Assembly Security Council 1995, 2019), by subdividing the Republic of Bosnia and Herzegovina into two Entities: the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS) and a special unit – the District of Brčko (DB) The Entities are divided with the "inter-entity boundary line." (UN General Assembly Security Council 1995, 2019). (Figure 4)



Figure 4. Canton Sarajevo with its nine municipalities, today City of Sarajevo –four out of nine municipalities (red) and area of former City of Sarajevo – today East Sarajevo (outline border – dot line) SOURCE: Institute for Canton Planning, Pelja-Tabori own presentation

The legislative atavisms of the socialist spatial planning system remained at the beginning of transition processes. Instead of questioning the former system, measuring its efficiency, and enhancing it towards contemporary European spatial planning system, adapted to new socio political and economy circumstances, it was defragmented, selectively modified to absurdity, and led to demolition, instead of reconstruction.

According to the Bosnia-Herzegovina Constitution, spatial planning is the responsibility of the Entities, and is not on a national level (ESPON 2020, 2018, p. 63-65). In Annex II of Annex 4, Article 2 of the BiH Constitution - Continuation of Laws it is said that: „All laws, regulations, and judicial rules of procedure in effect within the territory of Bosnia-Herzegovina when the Constitution enters into force shall remain in effect if consistent with the Constitution, until otherwise is determined by a competent governmental body of Bosnia-Herzegovina UN General Assembly Security Council (1995, February 19). This Article enabled some Yugoslav sectoral laws to remain in force even today. According to Federation of BiH Constitution, Federation responsibilities are, among others, Chapter III Article 1 Paragraph d) Defining economic policy, including planning, reconstruction, and land use on a federal level. In Article 2, paragraph c) of the Federal Constitution it is underlined that joint federal and cantonal responsibilities are, among others, 'Environmental protection policy' (Službene novine Federacije BiH, 1994, p.4; author's translation).

Both sub – national (FBiH and RS) and regional (Cantons) governmental levels enact laws and by-laws in the sector of spatial planning. Laws and bylaws (decisions, decrees, rulebooks) on federal level are being adopted by the Federal Parliament; on cantonal level by the Cantonal Government; on the city level, by the City Council and on municipality level by the Municipality Council. In Sectors with shared responsibilities between Federation and Canton laws and bylaws are enacted on both levels and must be harmonized with higher government level (Table 4). At the bottom of the government pyramid in FBiH, RS and BD, there are local governments (cities and municipalities) with their responsibilities in spatial planning process according to the Law on local self – government (Službene novine Kantona Sarajevo, 2000; author's translation), the Spatial Planning Law (Službene novine Kantona Sarajevo, 2017) and the Decree on uniform methodology for producing spatial planning documentation (Službene novine Federacije BiH, 2004).

In today Bosnia-Herzegovina each entity and all ten cantons in FBiH have their own legislation framework, which makes: "rather uncoordinated system, both vertically and horizontally" (ESPON 2020, 2018, p. 17), because there is no national and entity strategy or a concept as a guideline for inter-entity and inter-cantonal cooperation. Spatial Planning Law and Construction law are on the federal level, while cantons practice two models of spatial planning and construction legislation. One is spatial planning and construction law as a single act, and another is spatial planning law and construction law as two separate acts.

Five cantons in FBiH have spatial planning and construction

Governmental Level	Name and No. of official gazette	Law	
Federation of Bosnia-Herzegovina	FBIH Official Gazette no. 02/06, 72/07, 32/08, 4/10, 13/10 and 45/10	Spatial Planning Law and Land Use on FBIH Level	
	no. 55/02	Construction law on FBIH Level	
	no. 33/03, 38/09	Law on Environmental Protection	
	no. 33/03	Law on the Environmental Protection Fund of F BiH	
	no. 33/03 and 72/09	Law on Waste Management	
	no. 66/13	Law on Nature Protection	
	no. 70/06	Law on Waters	
	33/03 and 4/10	Law on Air Protection	
	no. 66/13	Law on Electric Energy	
	no. 70/13, 5/14	Law on Renewable Energy Sources and Efficient Cogeneration	
	no. 63/04, 50/07	Decree on uniform methodology for producing spatial planning documentation	
	no. 101/15 and 1/16	Decree on the Conditions for Discharging Wastewater into the Environment and the Public Sewage System	
	no. 43/07	Decree on Hazardous and Harmful Substances in Waters	
	no. 12/05	Rulebook on Air Quality Monitoring	
	no. 12/05	Rulebook on Limit Values of Emissions of Pollutants in the Air	
	no. 19/04	Rulebook on Plants and Facilities for which Environmental Impact Assessment is Compulsory	
	no. 82/07	Rulebook on Plant and Pollution Register	
	no. 65/06	Rulebook on the Content and Method of Drafting the Management Plan for Protected Areas	
	Governmental Level	Name and No. of official gazette	Law
	Sarajevo Canton	Sarajevo Canton Official Gazette no. 24/17, 1/18	Spatial Planning Law
41/08		Law on Environmental Protection Fund of Sarajevo Canton	
18/10		Law on Waters of CS	
14/16, 43/16, 19/17 and 10/17		Law on Communal/Utility Services	
30/17, 46/17		Law on Traffic Regulations in the Sarajevo Canton	
23/16		Law on Protection against Noise	
5/99, consolidated text 14/00, 4/02		Land-use plans for Sarajevo Urban territory for the period 1986-2015 (Municipalities: Stari Grad, Centar, Novo Sarajevo, Novi Grad, Ilidža and Vogošća); for Hadžići Urban territory for the period 1986-2015; for Ilinač Urban territory for the period 1986-2015; for Trnovo Urban territory for the period 1986-2015; for Pale Urban territory for the period 1986-2015	
37/14		Land-use plan amendments for Sarajevo Urban territory for the period 1986-2015 (Stari Grad, Centar, Novo Sarajevo, Novi Grad, Ilidža and Vogošća)	
9/00, 26/05		Land-use plan for Ilinač Urban territory for the period 1986-2015	
26/06		Sarajevo Canton Spatial Plan for the period 2003 – 2023	
4/11		Phase "A" Sarajevo Canton Spatial Plan Amendments for the period 2003. – 2023.	
22/17		Phase "B" Sarajevo Canton Spatial Plan Amendments for the period 2003. – 2023.	
5/00		Decree on urban and technical conditions, space standards and norms for barrier free environment, accessibility requirements and standards for disabled persons who use technical and orthopaedics aids	
6/06, 18/07, 18/08, 35/12, 51/15		Decision on Legalization of buildings constructed without building permit and temporary buildings	

Table 3. Spatial Planning Legislation in Sarajevo Canton. Institute for Canton Planning Archive

law, as a single document, as follows:

- Bosnian-Podrinje Canton Gorazde Spatial Planning and Construction Law (2009),
- Tuzla Canton Spatial Planning and Construction Law (2011,2013,2016),
- Una-Sana Canton has Spatial Planning and Construction Law (2013),
- Zenica–Doboj Spatial Planning and Construction Law (2014),
- Posavina Canton has Spatial Planning and Construction Law (2015),

and four cantons in FBiH have construction laws recently adopted, as separate acts from spatial planning law, as follows:

- Herzegovina-Neretva Canton Construction Law (2013),

- West Herzegovina Canton Construction Law (2013)
- Central Bosnia Canton Construction Law (2014),
- Canton 10 Construction Law (2016).

As we may see from the above-mentioned data all these cantonal acts have been enacted recently, in the last nine years. Sarajevo Canton is the only canton that does not have neither construction law as a separate act, nor spatial planning and construction law, as a single act. It has only the Spatial Planning Law (2017). The Spatial Planning Law is official legislative inheritance of the SRBiH and was amended for the first time during the war (Službeni list RBiH, 1994). In 1999, for the first time after the war Sarajevo Canton government adopted the Spatial Planning Law (Službene novine Kantona Sarajevo, 1999). It relied on the former republic spatial planning law (Službeni list SRBiH, 1974), but in a reduced form since it did not include some of the sections from the original law. In 2005 Sarajevo Canton government adopted the new Spatial Planning Law (Službene novine Kantona Sarajevo, 2005) which was basically founded on the Spatial Planning Law from 1999. In 2017 Sarajevo Canton passed the new Spatial Planning Law (Službene novine Kantona Sarajevo, 2017) which basically follows the cantonal Spatial Planning Law from 2005 and modifies it mostly in the matter of greater competencies of the municipalities, eradicates plan corrections, and introduces the location information that along with urban permit is a prerequisite of a building permit procedure. The Spatial Planning Law does not introduce certain essential definitions and departments for market economy such as property rights, protection of public good rights and specificities for construction according to spatial planning documentation – spatial plan, land -use plan and regulatory plans.

The spatial planning system in Bosnia and Herzegovina (Figure 6) is fragmented, with no coordination between the entities and the district, and no initiatives on the national level for such coordination. That is particularly problematic for divided or in between cities such as Sarajevo. Spatial planning legislation is being passed on entity and cantonal level. The Spatial plan on the national level is still valid, even though adopted in 1980, albeit unimplemented for its obsolescence. The entity Republika Srpska has its Spatial Plan adopted in 2007 and amended in 2013. Land use planning is prepared by municipalities and in bigger cities such as Banja Luka, by the city, which is, by definition, composed of more than two municipalities. The Spatial Plan and the Land Use Plan of the District of Brčko were adopted in 2007. The Spatial Development Strategy of the Brčko District is in the procedure of adoption currently.

The Spatial Plan of the Federation of Bosnia and Herzegovina has not been adopted, even though the procedure of drafting commenced in 2008. Ten cantons in the Federation of Bosnia and Herzegovina have their own laws on spatial planning, and all except Sarajevo Canton have construction laws as well. Land use plans are prepared on cantonal, the district and city/municipal level. In Bosnia and Herzegovina, planning implementation through building permission procedure is based on binding zoning and development plans on different governmen-

tal levels, often not in compliance one with another neither in vertical, nor in horizontal organizational structure.

The existing spatial planning system lacks coordination between the entities in the planning processes between Sarajevo Canton and Istočno Sarajevo and lacks building standards on national level. Rather systematic construction during socialism has been transformed into unarticulated chaos that characterizes the current period of transition.

Spatial planning documentation (zoning and development plans) is the basis for obtaining urban permission. Urban permission is a precondition for building permission and is issued

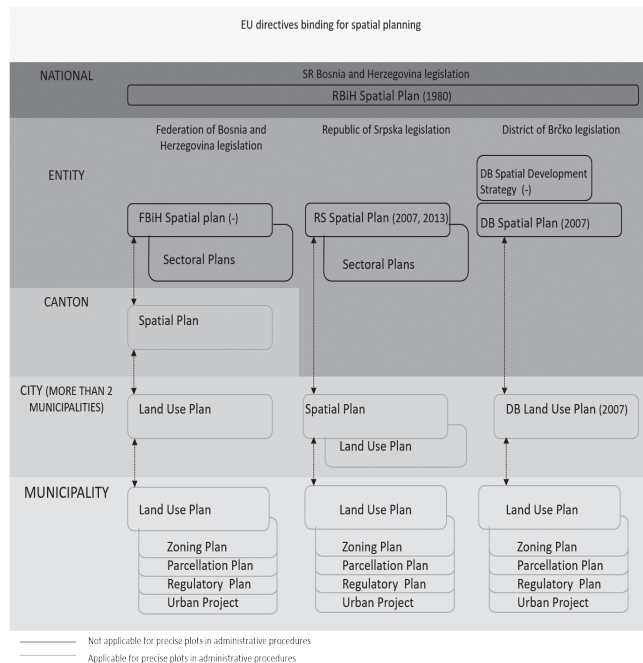


Figure 5. Current Spatial Planning System instruments in Bosnia and Herzegovina Pelja-Tabori own presentation

based on urban and technical conditions interpreted by municipality individual and his or her aesthetic criteria and ability to understand spatial planning documents and valid legislation, which makes the whole process challengeable in the matter of objectivity and rationality. There is no rule book, nor planning implementation act which could easily be understood by authorities and citizens in a complex process of spatial and land use planning documentation implementation and what is more important, which will make building permission procedure transparent, objective and based on equal rights for all interested stakeholders.

Moreover, from the early 1990s until today there is an "institution" of the "professional opinion", which can be demanded by a municipality in specific during building permission procedure cases (when there is no valid detailed spatial planning documentation). This document may pose in question the objectivity of the legal procedure, since the professional opinion is written by an individual or a group of professionals organized in boards or committees, upon "not formally defined aesthetic, environmental and any other criteria". In 1991 Aganović commented and qualified professional opinion as "...professional and social alibi for illegal procedures, brought in the municipalities...

which is provided by "special", or "professional boards", in every municipality separately, without uniformed impact of the city on these processes, notwithstanding all passed spatial planning documentation of various government levels and responsible institutions." (Aganović M., 1991; author's translation)

The absence of clear building order, design and building standards, clear private and public rights and obligations indicate unsustainable spatial planning system. Presuming the fact that we are able to "measure" the present spatial planning system sustainability with indicator in form of quantitative analysis outcomes of a building permit procedure in Sarajevo Canton we may reflect on the data on number of requests for the following: location information, urban permission, building permission, building control permission and professional opinion.

The outcomes of the research show that in the timeframe 2008-2020 there were 275 requests for location information, 31.971 requests for urban permission, 10.649 requests for building permission, 481 requests for building control permission and 18.150 requests for professional opinion (Figure 6).

The survey shows that only 1.5% of applicants for urban permission finish the procedure and obtain a building control permission. The research yet to be done is to measure the coverage

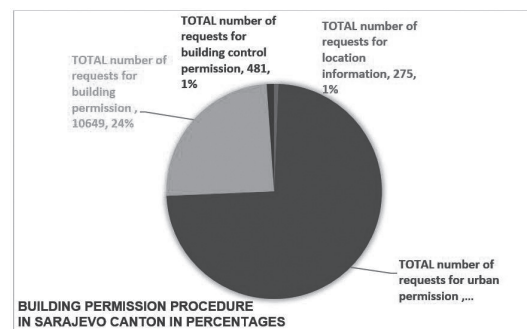


Figure 6. Building permission procedure in Sarajevo Canton indicators in percentages SOURCE: Institute for Canton Planning, Pelja-Tabori own presentation

of building permission procedure indicators in various land use areas, protected and restricted zones as an indicator of catastrophes resilience. We can rightfully conclude that working on sustainability of the spatial planning system should be directed towards enhancement of the quality of living of the citizens and disaster resilience.

Future Scenarios – Instead of Conclusion

Presuming further spatial system decay triggered by war and transition, and deepened by coronavirus pandemic we may presuppose future scenario no. 1 for Sarajevo Canton as following:

- Uncontrolled urban sprawl,
- Public space blurred,
- Public interest neglected,
- Regulation in planning and coding questioned,
- Natural catastrophes potentially more harmful,
- Climate changes dominant in years to come,
- Increasing housing demand,

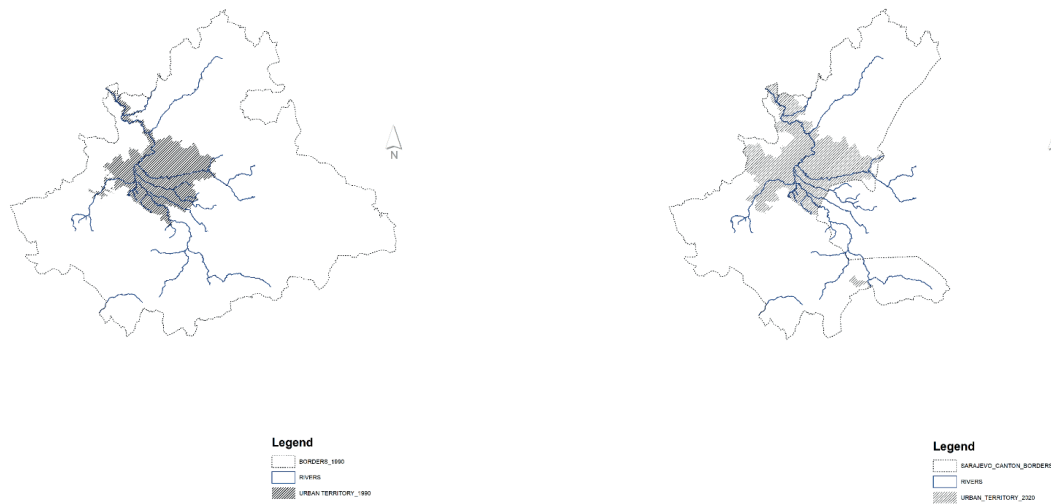


Figure 7. Urban territory and the boundaries of the City of Sarajevo in 1990. SOURCE: Institute for Canton Planning, Pelja-Tabori own presentation

- Business and commercial zones diminishing,
- Social and demographic changes affecting urban tissue and the city of tomorrow.

Sarajevo has increased its urban territory significantly since 2017, as well as the portion of building land (Figure 7). This trend doesn't seem to proceed in a controlled and planned manner, with a serious research processes to be basis for planning. Former City of Sarajevo is divided with the inter-entity line, as mentioned beforehand.

Sarajevo Canton covers the area of 1,277 km² or 60.92 % of the former City of Sarajevo's administrative territory (2,096 km²) (See Table 5). Sarajevo Canton has its constitution upon which it is consisted of nine municipalities (Ustav Kantona, 1996/2017, p. 2; author's translation). Today's City of Sarajevo administratively is consisted of four central municipalities (Stari Grad, Centar, Novo Sarajevo and Novi Grad) (Ustav Kantona, 1996/2017; author's translation) and it covers 141.5 km²

Public space needs to be redefined and regulated, as well as the public interest. Planning and coding culture must be placed in wider regional and macro economy context. Outcomes of building permission procedure indicate that reforming of the spatial planning sector is needed to control and to reduce potential hazards and climate change impacts. Coronavirus underlined already commenced irreversible changes of our living, working, and learning habits, therefore our houses are becoming our offices and classrooms. We shall probably need more housing, and less business, commercial and education zones. Bosnia and Herzegovina already note negative demographic trends. Population is more elderly and young people are emigrating to Europe recently. Those trends are going to affect our cities very soon.

We shall witness rapid urban change in the following decades because of socio-political and economy changes caused by transformation of human living, working and education habits.

Those meaningful changes are affecting and will continue to affect spatial planning system in Bosnia and Herzegovina. It is the question whether the spatial planning system of Bosnia and Herzegovina should be repositioned in Continental European legislative context and enhanced in terms of sustainability. If such scenario as future scenario no. 2 for Sarajevo Canton happens it should imply preconditions as follows:

1. Political commitment to European values, and accession to the EU,
2. Comprehensive reform of the Entity and the Cantonal legislation in the sector of spatial planning according to principles of sustainable development, which implies:
 - a) Introduction of informal planning processes, and non-binding or conceptual planning instruments, regional planning, and technical guidelines and building and design standards,
 - b) Eradication of urban permission and foundation of building permission procedure on building permission proper, and
 - c) Building permission being a function of Building Code, Spatial Planning Law, and zoning and development plan.

European urban acquis is contributing to the founding value of the EU which is stronger Rule of Law. Even though divided in two entities and the district, and practicing spatial planning on entity, cantonal and municipal level currently, Bosnia and Herzegovina should establish mechanisms of coordination between the entities, and decision making or brainstorming on the national level, as informal planning process. The future EU framework would imply implementing EU directives in the sector of spatial planning, guidelines such as ESDP and TA 2030, and guidelines for building and design standardization. Therefore, it would imply establishing bodies such on national level in order to achieve strategic approaches of the regional policy, and cooperation between entities in spatial planning, capable to

produce the joint informal documents. Regional level of planning should be introduced to stimulate cross border/entity cooperation of the local authorities, especially for divided cities such as Sarajevo, where Dayton entity line is 'cutting' the urban territory in two parts, the Federation of Bosnia and Herzegovina and the Republika Srpska part, in order to improve quality of life of citizens on both sides of the 'border'.

The reforming of the sector of spatial planning according to principles of sustainable development (society, economy, and environment), should aim to improve quality of life by respecting the limits on use of natural resources. We remember that in Europe "environmental protection boom has begun in the 1980s and continued through 1990s with the start of sustainability debate which aim was to ensure that environmental aspects deserve the same treatment as social and economic factors." (Gruber et al., 2018) We know that the war in the 1990s unfortunately interrupted the sustainable development of Sarajevo, which began in the 1980s.

Therefore, the new reformed spatial planning system on entity, the district, cantonal, and municipal level should imply introduction of planning implementation instruments, in the domain of economy and society such as private-public partnerships and contracts, subsidies for social housing and cultural heritage protected buildings, building land mobilization and consolidation, etc., to the future building code document, and sectoral legislation. Such concept should enhance procedural and institutional land use implementation, as critical parts of spatial system chain. Disaster resilience and management combined with enhancement of living standards and economic prosperity should be a clear direction for Bosnia and Herzegovina sustainable spatial planning system imminently.



Figure 9. Sarajevo, view from mountain Trebević Photo credit by Nataša Pelja Tabori

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