

Annual review of

TERRITORIAL GOVERNANCE

IN THE WESTERN BALKANS

JOURNAL OF THE WESTERN BALKANS NETWORK ON TERRITORIAL GOVERNANCE (TG-WeB)

**Western Balkans Spatial
Governance and Planning**

**Spatial Planning in Bosnia
and Herzegovina**

**Cities in Transition Planning
under Uncertainty**

**Cross-Border Cooperation
and Integration for Western
Balkans**

**Challenges in Economic
Development - Agriculture
and Seasonal Workers**

**Uncertainty, Complexity
and Foresight Alternatives
to Disasters**



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EDITORIAL

Adaptive Territorial Governance in the Face of Uncertainty and Transitions

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Introduction

Over the last decade, the European Union (EU) has taken a strong stance in relation to climate change and become a leader in tackling the ever-evident global climate crises. In June 2021 the EU adopted a European Climate Law, establishing the aim of reaching net zero greenhouse gas emissions (GHG) in the EU by 2050. Different funding mechanisms such as the European Regional Development Fund, Cohesion Fund, as well as a series of sectorial legal changes and framework strategies, such as the EU Green Deal, support these actions. Undoubtedly, the dawn of this 'green decade' is fundamental to building climate resilience in Europe.

In this context, the EU member states have already instigated an intensification of efforts towards a green and just transition, while also working to evolve and develop governance approaches for resilience. The effects of climate change will translate to an increasing number and frequency of disasters related to natural hazards that will place European society under greater pressure and stress. In order for efforts to materialize into actions that fully address societal and ecosystem needs, stakeholders should develop coordinated, comprehensive, and integrated approaches, where citizens and bottom-up initiatives play a vital role. For the transition(s) to endorse the 'resilience' principle, a paradigm shift is necessary. This shift should empower citizens and other non-government stakeholders to take an active and prominent role in the governance of resources and socio-technological transformations.

The six Western Balkan (WB) countries have been on the verge of EU integration for the past few years. Fatigue with a prolonged integration process and internal development challenges are fostering a milieu conducive to increasingly autocratic and centralized governments taking hold throughout the WB6 countries. As a result, reforms have not advanced equally among countries or sectors, often lagging behind for matters that, regardless of their undisputable importance, are considered by the WB6 governments as less urgent. While the WB6 countries have access to considerable support and funding every year for achieving the Copenhagen Criteria, they pay less attention to resilience and a green transition.

Considering the limited capacities, path dependency from past autocratic regimes, and the (perceived) high costs of resilience building and making a green transition, policy agendas in the WB6 are and continue to remain dominated by states policies, with minimal societal involvement in decision-making. Often justified with the absence of financial capacities to address the costs of the green transition in a context where knowledge on benefits is also scarce, this green transition agenda does not rank high in the governments' priorities. The current actions for a green transition move at a slow pace and do not enable a meaningful societal transformation, mostly paying lip-service to the green transition agenda and allowing activities on the ground to continue being business-as-usual. With community actions and bottom-up initiatives being rather weak and not integrated within any comprehensive endeavors, the policy narratives on a green transition remain at the level of framework national documents with a low impact.

However, the Western Balkans, particularly the coastal areas, will be heavily impacted by climate change. Referring to the Risk Inform Index developed by the European Commission, countries in the WB6 have both the highest hazard exposure in Europe and the lowest disaster coping capacity. In other words, as climate change impacts manifest in disasters of higher frequency and magnitude, it is these countries in Europe that will face the largest challenges. Considering their low coping capacities, the development of climate-resilient systems, alongside green transitions, should be a high priority for these countries.

Similar to the green transition, the same logic applies to civil protection and climate disaster risk reduction. Efforts to manage civil protection remain de facto centralized. The paradigm shift from emergency response to risk reduction and management with resilience building is in an embryonic phase. Legislation and structures are mostly in place, providing for a decentralization of functions, but human and financial resources are still insufficient, particularly for addressing preparedness and resilience building. This centralization of effort in disaster risk reduction is due mostly to the lower capacities and resources of the local governments, but also to a tendency of central government to aim to control and coordinate better information, resources, and outcomes. Such a governance model tends to be rigid, without offering the necessary flexibility to deal with disaster risk through a place-based approach. While the WB6 countries have yet to close the economic development gap with EU-member states, the prospect of higher risks and future crises looms large, contributing to deepening spatial disparities and socio-economic vulnerabilities. This, in turn, nourishes the conditions for centralized and autocratic government models to thrive, leading to more complex internal dynamics, further delays in the fulfilling of the Copenhagen criteria, and a significantly challenging path towards adopting open and fair governance systems. To date, a general dichotomy is observable between EU-wide actions and attempts to develop resilient socio-ecological systems, including in the Western Balkans, and the risk for WB6 countries to fall even further behind.

This issue attempts to share examples of efforts in policies and actions in and around the Western Balkans, or relevant to it, that implicitly or explicitly address key aspects of the green transition and disaster risk reduction in the dynamic and complex context of EU integration and development from a spatial perspective, and considering that:

- Resilience and the green transition are the new battle horse of the EU in the quest for global leadership on climate change. Besides an explicit and official inclusion in the Copenhagen criteria, resilience and a green transition are values to be embraced and shared by all societies in Europe.
- There is a gap between EU and WB6 in the level of effort, capacities, and approaches for dealing with the green transition and resilience building measures. To close the gap, knowledge of WB territorial systems (as geographical and social constructs and of territorial governance) is necessary and should be shared by actors in the EU and in the WB6.
- Mechanisms to empower new groups of stakeholders and bottom-up initiatives in tackling the green transition and resilience building are needed. Such mechanisms should be found or created locally to reflect the WB6 context.

Finally, while EU values and beliefs on a green transition and resilience building should be channeled towards the WB6, the current, relevant EU frameworks are not yet able to successfully penetrate the regional context and allow or promote the empowerment of new and bottom-up stakeholders and initiatives. The articles in this issue point to the direction of catalytic interventions in territorial governance, which contribute to speeding up the EU integration of the WB6, this time with a particular focus on resilience and a green transition.

Positioning Western Balkan Spatial Governance and Planning in the European Framework

Umberto Janin Rivolin^a

Summary

For various reasons, Western Balkan countries have been excluded from comparative analyses in the field of spatial governance and planning. The most recent comparative study, developed by the Italian team that participated in the ESPON COMPASS research project, has finally been able to consider these countries as well. The resulting typology of European spatial governance and planning systems makes it possible to compare the systems in place in the Western Balkan region with the rest of the European systems for the first time.

Keywords: spatial planning, Western Balkans, ESPON COMPASS, territorial governance

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Introduction

Thanks to the Western Balkans Network on Territorial Governance and its valuable *Annual Review*, the knowledge gap on spatial governance and planning in the Western Balkan region has begun to shrink in recent years (Berisha et al., 2018). Consequently, the last comparative study on spatial governance and planning - a typically European research practice (Nadin and Stead 2008, 2013) - also considered the Western Balkans countries within the range of states analysed. This study was a follow-up of the ESPON COMPASS (Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe) research project, conducted by some of its participants. This project gave rise to various analyses regarding, on the one hand, the state of spatial governance and planning systems in no less than 39 European countries and, on the other, the EU policies that contributed to changing some of these systems, with particular attention to the last two decades (ESPON, 2018).

Therefore, this short contribution takes its cue only indirectly from the results of the aforementioned research project, based rather on the typology of European systems of spatial governance and planning that some authors (including the writer) have subsequently derived from the working materials of the same study (Berisha et al., 2021). The aim is to position the spatial governance and planning systems of the Western Balkans within the overall European framework in order to open up some points of reflection. The next section briefly frames the context of comparative research in the field of spatial governance and planning and the rationale followed to reach the aforementioned typology. The following section illustrates the main characteristics of the five types of systems that emerged from the study, one of which, as we shall see, specifically concerns the Western Balkan region. The last section discusses the most salient aspects that emerge from the comparison.

Research Context and Rationale

Spatial governance and planning became a specific subject of comparative analysis in Europe just over 30 years ago, when the start of the process of community integration pushed for mutual knowledge about existing systems, cultures, and practices. The first known comparative study in this field was commissioned by the British government in order to understand the effectiveness of public control over spatial

development in a few major countries of Western Europe (Davies et al., 1989). The comparative approach adopted, based solely on the legal structure of the systems and subsequently extended to a wider range of countries across Europe (e.g., Newman and Thornley, 1996), was soon superseded by the more complex methodology used in the 'EU Compendium', the first comparative study of its kind officially commissioned by the EU institutions (CEC, 1997). In the latter study, the systems of the then 15 EU member states were carefully compared according to various interrelated factors, such as the scope of the system, the extent and type of planning at national and regional levels, the locus of power, the relative roles of public and private sectors, the maturity and completeness of the system, and the distance between expressed objectives and achieved outcomes. Subsequent studies have emphasized the role of planning cultures – the beliefs, discourses, and behaviours of practitioners and depositories of technical knowledge – in shaping the concrete practices through which systems make their purposes operational (Knieling and Othengrafen, 2009; Sanyal, 2005; Reimer, Getimis, and Blotvogel, 2014).

Ultimately, comparative research has progressively led to an understanding of the nature of spatial governance and planning systems as social constructs, aimed at legitimising the ordering of space as a political and technical practice within a given institutional context. The idea that these systems are institutional technologies that, by social convention and according to different evolving social models, allow the public authority to guide and control the transformation of physical space through the allocation of land use and spatial development rights (Janin Rivolin, 2012) formed the foundation of the most recent comparison. The research materials collected within the ESPON COMPASS project (especially the detailed questionnaires completed by the various national experts) were used to understand and compare the extent to which the public authority decides or pursues the transformation of physical space in compliance with property rights in 39 European countries (of which only 27 are current EU member states). The detailed methodology can be found in the original study (Berisha et al., 2021, pp. 184-188) but in brief, the final typology of European systems in relation to their capacity for public control over spatial development was obtained thus:

- a) Each system was positioned on a Cartesian diagram in relation to the spatial governance and planning model (x-axis) and to the spatial development model (y-axis);
- b) Subsequently, the systems mapped near each other on the diagram were grouped in clusters (therefore with characteristics that are not necessarily identical regarding the x- and/or y-axis).

As for the x-axis, four possible cases between the so-called 'conformative' and 'performative' models were detected (Janin Rivolin, 2008, 2017). They are:

- 1) The public authority tends to allocate land use and development rights through general binding plans, that is to say prescriptive by force of law for the entire planned administrative area (proto-conformative systems);
- 2) The public authority allocates land use and development rights through binding general plans, but devices that allow for their modification are recurring (conformative systems);
- 3) The public authority allocates land use rights through general plans and spatial development rights on a case-by-case basis through detailed binding plans (neo-performative systems);
- 4) The public authority tends to allocate land use and development rights on a case-by-case basis (performative systems).

As for the y-axis, four possible cases between the ideals of a 'state-led' or 'market-led' model and of the perfect balance between the two were considered. They are:

- 1) Spatial development is mainly driven by the state;
- 2) Spatial development is driven by the state and the market, with a prevalence of the former;
- 3) Spatial development is driven by the state and the market, with a prevalence of the latter;
- 4) Spatial development is mainly driven by the market.

In this regard, it should be noted that the relationships between the spatial governance and planning model (x variable) and the spatial development model (y variable) are not axiomatic and may depend on many factors. For instance, it is clear that one advantage of the proto-conformative and conformative models

is to ensure some degree of certainty, not only for public authorities, but also for owners and developers regarding their investments. On the other hand, these models induce serious rigidities both in public policies and in market dynamics. Conversely, the performative and neo-performative models can ensure more flexibility in public and private decisions, but are often considered sources of uncertainty, too discretionary for market investments and more expensive for the public sector (e.g. Faludi 1987; Tewdwr-Jones 1999). Furthermore, even recognizing this mix of pros and cons, opinions differ when it comes to defining which model ends up favouring the state or the market in leading spatial development. In other words, while considering that spatial development is in general driven by market dynamics, the controversial question is which model allows public authorities to decide the location, size, mix, content, design, shape of spatial developments and, perhaps most importantly, to extract planning gain for social infrastructure (Muñoz Gielen and Tasan-Kok, 2010). Admittedly, one challenge of answering this question is the complexity of the power relations between the state and market, against the backdrop of the deformable notion of public interest (among others: Forester, 1988; Friedmann, 1987) and of the growing evidence that, in many countries, governments have at times openly declared that they are in favour of certain private interests.

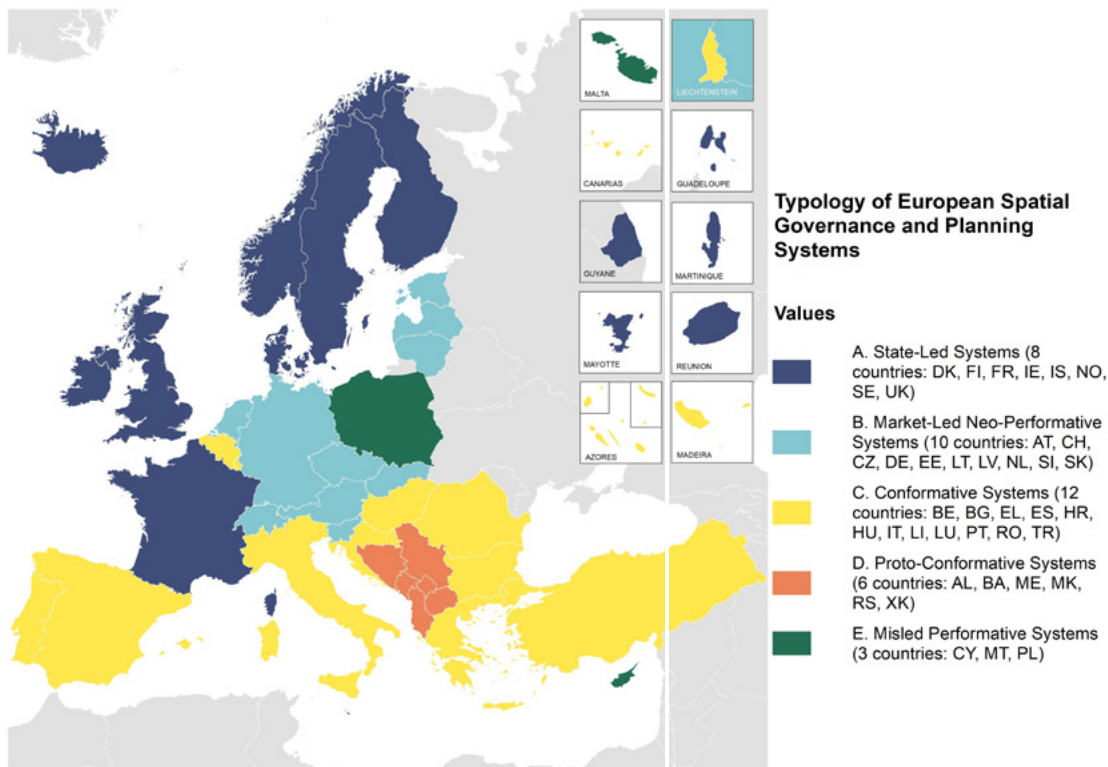
Be that as it may, the clusters identified by grouping the European systems in the diagram end up including various possible relations between the models of spatial governance and planning (x-variable) and the models of spatial development (y-variable). For the same reason, specific categorizations – such as 'conformative', 'performative', 'state-led' or 'market-led' – are used in the definitions of the various types (or clusters) only in case they mark one of their universal characteristics (i.e. the definition is valid for all systems included).

The Western Balkans within the current European typology of Spatial Governance and Planning Systems

The typology of European spatial governance and planning systems with respect to the capacity for public control of spatial development is mapped in figure 1. The distinction of the Western Balkan region (or most of it) as aligning to one of the five types (or clusters), more precisely 'type D', found by the mentioned study catches the eye.

Albania (AL), Bosnia and Herzegovina (BA),

Figure 1. European Spatial Governance and Planning systems with respect to the Capacity for Public Control of Spatial Development



Source: Adapted from Berisha et al. (2021)

Montenegro (ME), the North Macedonia (MK), Serbia (RS) and Kosovo (XK) are the six countries that constitute the cluster of *proto-conformative systems* (type D) of spatial governance and planning. In general, according to this kind of system, land use and development rights are assigned through binding general plans, based on the original and most authentic ideals of hierarchy (top-down relations between the levels of planning) and of dirigisme (state-led implementation of the plans). Here, the allocation of spatial development rights is commonly issued by the approval of binding plans covering entire administrative jurisdictions, which have very detailed analyses and rigid specifications for all sectors relevant to the respective territory for the period of their validity. In some cases (e.g., Albania, Kosovo) the national authorities can directly provide building permissions through plans of national importance (Berisha et al., 2018).

The adoption of this model of development rights allocation is an almost natural legacy of the Soviet regime – an example of a system that survived its fall. However, the fact that these plans are also comprehensive and cross-sectoral (in substance) and cover the entire local administrative territories instead of urban areas only, may come from the influence of donor

programmes (mainly USAID and World Bank) trying to reform the style of spatial planning in the region. Nonetheless, spatial development turns out to be strongly led by the interests of the market in all of these countries. According to the experts that completed the questionnaires, a high level of corruption, the limited capacity of the public authority to withstand the pressures and logic of the market, and a low level of administrative, scientific and applied know-how in spatial planning led to privileging private over public interests (despite what the law establishes). Therefore, on the one hand, spatial planning is often poorly tolerated as a bureaucratic device that aims to limit the free initiative of private individuals. On the other hand, corruption, informality, illegal development, and poor public control over spatial development are widespread in a social context characterized by a high level of fragmentation based on ethnic, political, and economic tensions (Boussauw, 2012; Djurasovic, 2016; Stefanovska and Kozelje, 2012).

In a hypothetical ranking of the public control capacity of spatial development, the spatial governance and planning systems of the Western Balkans are preceded by *conformative systems* (type C), which have similar but relatively attenuated characteristics. These mainly concern

the countries of Southern and Eastern Europe, but with a few exceptions also in Western Europe, where the public authority assigns the rights to use and develop land through the same traditional method of binding general plans, though with the recurrent use of variants and other expedients that can modify them. With this model, spatial development is generally driven by the market, although with varying degrees of control by the state. The general trend in this regard is that the capacity for public control is relatively less weak in the countries of Southern and Western Europe, where the systems have had a certain evolution over time. Public control is more difficult in the Eastern countries which, even after the fall of the Soviet regime, have kept this model of spatial governance and planning without substantial transformations.

A further improvement in the capacity of public control over spatial development is achieved in the so-called *market-led neo-performative systems* (type B), which spread across Baltic, Central-Eastern, and Western Europe. This model for assigning spatial development rights is substantially different, since these systems generally avoid a "blind" pre-allocation through the use of general plans, preferring to first negotiate with landowners and developers through detailed plans (Janin Rivolin, 2017, pp. 1004-1006). Here the prevalence of market interests in driving spatial development is still present but, perhaps counterintuitively, the state proves to be better able to mitigate them. Market interests are less prevalent in Austria, Germany, the Netherlands, and Switzerland due to the more or less recent neo-liberal tendencies in the orientation of governments. In the Baltic Republics and in the concerned countries of Central and Eastern Europe it is more visible, probably due to the difficult application of this model in the face of socio-economic and political changes that have occurred since the fall of the Soviet bloc (Cotella, 2007).

The top-ranked *state-led systems* (type A) are mainly found in Northern and Western Europe and are those in which spatial development is mainly driven by the state, even with various degrees of market influence. However, it should be noted that most of these spatial governance and planning systems (five out of eight and all in Nordic countries) are neo-performative in terms of allocating spatial development rights (i.e. rights are assigned through detailed plans previously negotiated with private actors). The weaker capacity of the two 'performative' systems of UK and Ireland to guarantee public interest seems

to be due to the explicit political orientation of the respective governments, rather than the institutional technology adopted. On the other hand, France is an exception as it is characterized by a conformative system which, in this one case, can better guarantee the interest of the state in spatial development given its traditionally strong and valuable administrative tradition (CEC, 2000).

However, the *proto-conformative systems* of the Western Balkans are not the only ones showing major difficulties in guaranteeing public control over spatial development. In so-called *misled performative systems* (type E) in Cyprus, Malta, and Poland, the public authority tends to assign land use and development rights on a case-by-case basis or using detailed negotiated plans. Unlike type A or B systems however, spatial development ends up being strongly driven by market interests, similar to Western Balkan systems. As former British colonies, Cyprus and Malta have adopted a spatial governance and planning model that echoes the United Kingdom's system. For its part, Poland embraced a development-led model after the fall of the Soviet regime as an opportunity to re-launch its national economy through more flexible spatial governance (Cotella, 2007). In all these countries, however, market forces prove to have enough power to direct public decisions towards their own interests.

Conclusions

Spatial governance and planning systems are institutional technologies by which public authorities guide and control spatial development with respect to established property rights (Janin Rivolin, 2012). These systems are a social product of history and, although strongly conditioned by path-dependency, can change over time.

As we have seen in the previous sections, the most recent comparative study on European spatial governance and planning systems was the first to extend its analysis to the countries of the Western Balkans. In the emerging typology, this region's systems have been labelled as proto-conformative since they reproduce the original principles of hierarchy and dirigisme. The analysis also showed that, despite expectations, this type of institutional technology generally tends to weaken the capacity of the state to control market interests in spatial development.

Even outside the Soviet regime, in fact, the affirmation of the welfare state has led to the conviction that the state, as the keeper of collective interest, is responsible for conforming

spatial development initiatives to its own strategy. However, various changes that have occurred over time such as the Fordism crisis, globalization and consequent processes of spatial reorganization, and increasing challenges to decision-making amidst growing societal complexity, have led governments to experiment with different models of spatial governance and planning aimed at ensuring that individual development initiatives express or 'perform' a collective strategy, especially in the institutional contexts of North-Western Europe (Janin Rivolin, 2008, 2017). Performative systems tend to show a better capacity for public control than conformative systems owing to the fact that, especially in current times, when public authorities "fix development possibilities early in the development process, this might stimulate land price increases and might also lead to the loss of a valuable negotiation tool" (Muñoz Gielen and Tasan-Kok, 2010, p. 1126). In other words, they "might be giving away their 'treasure': that of being the only institution entitled to decide, with certain discretionary powers, if, when and what is allowed to be built" (Ibid.).

However, the comparative analysis also illustrated that the capacity for public control of spatial development is highly differentiated in Europe because of multiple factors ranging from the political orientation of governments to the power relations between the state and the market that affect each institutional context. Ultimately, the different ways in which systems allocate land use and spatial development rights may explain to a certain extent the capacity for public control. Notwithstanding, each domestic system must be carefully understood in relation to its own political and socio-economic context.

In this light, to believe that a spatial governance and planning system – an institutional technology – can be changed through 'engineering' would be a mistake. It would equally be naïve to trust that a forthcoming entry into the EU of the Western Balkans countries could axiomatically improve the public control capacity of their systems. As known, Albania, Montenegro, the Republic of North Macedonia and Serbia are indeed official candidates, while Bosnia and Herzegovina and Kosovo are potential candidate countries. It is true that *proto-conformative systems* (like those in the Western Balkans) are not currently present within the EU. But we have also seen that the post-Soviet states of Eastern Europe that have joined the EU exhibit quite different situations regarding their current systems of spatial governance and planning. Those closest to the Western Balkan

region, such as Croatia, Bulgaria, Hungary, and Romania, are now characterized as conformative systems, showing very little improvements in terms of public control capacity. The Baltic Republics, as well as Slovenia, Slovakia, and the Czech Republic, have adopted an alternative model of spatial governance and planning and are now classified under type B of *market-led neo-performative systems*. On the contrary, Poland now finds itself among the few countries that represent the *misled performative systems*, among the worst in terms of public control capacity of spatial development.

In conclusion, as the most recent comparative study among European states seems to confirm, those systems that avoid a blind pre-allocation of rights by general plans, and assign them through previously negotiated detailed plans, generally perform better in terms of public control capacity. However, in the absence of sufficient institutional guarantees, highly unbalanced state-market power relations can end up undermining the very nature of spatial governance. Regarding the potential for change, spatial governance and planning systems are disposed, like any other institutional technology, to renovate their capacities although "in practice the process to adopt changes is rather slow and restrained by high transactions costs" (Fürst, 2009, p. 31). System change remains challenged by the complexity of institutional processes and the conditions imposed by political conflict and economic dynamics, against the background of innate social struggle for land use control (Plotkin, 1987).

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The Legacy of Yugoslavia: The Historical Roots of Spatial Planning Legislation and Institutions in Bosnia & Herzegovina

Neda Živak^a, Marjan Marjanović^b, Marko Ivanišević^c

Summary

The legislative system of spatial planning and territorial governance in Bosnia & Herzegovina has been formed over more than a century and under various internal and external influences. In particular, the establishment of planning legislation has been directly related to the changing historical circumstances surrounding different societal and political processes, most notably during the period of former Yugoslavia. However, historical research on the national spatial planning system has been scarce and sporadic, although spatial planning policy has been pursued ever since the 19th century. The present paper, therefore, illustrates the development of spatial planning legislation and institutions in Bosnia & Herzegovina from a historical standpoint. It analyses archival data, including an overview of urban, spatial, and social planning laws and institutions. We start with the 1931 Building Act, which marks the inception of planning legislation in South Slavic countries, before moving toward an analysis of legislative provisions and the system of planning institutions in the period of socialist Yugoslavia. We finish with a reflection on the current situation and prospects. The paper concludes that the establishment of planning legislation in Bosnia & Herzegovina is firmly grounded in the system of former Yugoslavia and has been directly related to the search for a proper planning model among the changing political and societal circumstances.

Keywords: spatial planning, planning legislation, spatial planning institutions, Yugoslavia, Bosnia & Herzegovina

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Introduction

Bosnia & Herzegovina has seen two empires, one kingdom, a socialist federal state, and a constitutional federation since the middle of the 19th century. The country first appeared as an independent, internationally recognised state less than three decades ago, although with a very specific organisation. Depending on the circumstances within and beyond the borders and adapting to the political interests of the time, not only was the territory of Bosnia & Herzegovina divided along ethnic lines following the break-up of Yugoslavia, but the spatial units, laws, institutions, and plans were also reorganised soon after (Živak, 2018). However, as some authors note, the reorganised planning systems of former Yugoslav countries still appear to be very much grounded in the previous one, preserving some essential elements such as similar types of plans and procedures (Đorđević et al., 2008; Trkulja et al., 2012). This can be seen as a path dependence in the development of spatial planning institutions (Pierson, 2000; Booth, 2011; Sorensen, 2015). Path dependence represents a self-reinforcing process 'characterised by the formation of long-term reproduction of a given institutional pattern' (Mahoney, 2000, p. 508). The lingering nature of the shared socialist legacy and the path-dependent nature of post-socialist planning systems and institutions have already been evidenced in the planning scholarship (Thomas, 1998; Tsenkova, 2014; Dabrowski & Piskorek, 2018).

With that in mind, we find it fitting to inspect the evolution of legal matters, institutions, and urban and spatial plans in Bosnia & Herzegovina as part of Yugoslavia to be able to understand the historical roots of the current planning system and legislation. Laws regulate the relations, rights, and obligations between individuals, but also the general goals of development. Accordingly, knowing the historical course of the evolution of legislation raises awareness of the circumstances, events, and efforts of society over time.

The present paper, therefore, illustrates the development of spatial planning legislation and institutions in Bosnia & Herzegovina from a historical standpoint. To do so, we analysed archival data, including an overview of urban, spatial, and social planning laws and institutions. We start with an overview of the 1931 Building Act before moving to an analysis of legislative provisions and the system of planning institutions in the period of socialist Yugoslavia. We end with a reflection on the current situation and prospects.

Conditionally, we divide the evolution of the planning system of Bosnia & Herzegovina into five distinct stages based on the development of planning legislation while also taking into account its impact on overall planning practice. This is used to show that the establishment of planning legislation has been directly related to the historical process of the political-territorial and administrative organisation of the country and the search for a proper planning model among the changing societal circumstances. However, before proceeding, we first present a brief overview of some principal characteristics of the Yugoslav planning system(s).

Prologue - The Systems of Planning and Legislation of former Yugoslavia

According to the notable classification of spatial planning systems based on legal families in Europe (Newman and Thornley, 1996), the planning systems of former Yugoslavia belong to a specific Eastern European tradition. However, this categorisation should be taken with caution since there are significant differences in the evolution of urban legislation in the sphere of the Russian (Soviet) domain and South Slavic countries. In particular, we can emphasise specific influences of Roman legislation, Islamic legal concepts, and the Austro-Hungarian legal system that have affected the constitution of planning laws in Yugoslav countries. This has led Pajović (2006) to classify the Yugoslav planning system as a specific branch of the Eastern European family – the 'South Slavic' or 'Yugoslavian' tradition. At the same time, Trkulja et al. (2012) point out that Yugoslavia was a federal country, therefore having a political and economic system that was much more flexible than the centrally planned economies of other Eastern European countries. The authors further note that this system of self-management, organised under the national politics of non-alignment, supported some elements of the market economy, which enabled a form of governance to exist on the territory that allowed for the participation of citizens in public decision-making.

Similarly, the style and procedures of planning in Yugoslavia differed considerably from their counterparts in the Eastern Bloc. Following the Tito–Stalin split in 1948, the Yugoslav planning system switched from the Soviet centralised planning model to a participatory model of comprehensive-integrated planning (Nedović-Budić et al., 2011). This is the approach that

would grow to become the dominant planning style in Yugoslavian tradition. However, the presence of other planning models (cf. Nadin and Stead, 2008), such as land-use planning, urbanism, and a regional-economic approach, can also be identified (Trkulja et al., 2012). Land-use zoning has been a notable planning model in particular and is considered among the main spatial planning tasks, especially at the urban level (Trkulja et al., 2012). On the other hand, the urbanistic tradition prevailed until 1957, when Yugoslav urbanists, at a meeting in Aranđelovac (present-day Serbia), decided that it was necessary to pursue the regional aspect of planning to control urban sprawl and facilitate the realisation of socialist construction projects (Perišić, 1985; Novaković, 1987; Trkulja et al., 2012; Marjanović et al., 2021). Although this decision marked a move from urbanism towards comprehensive spatial planning, the regional approach would never really take off in Yugoslavia. It was only with the rise of European regionalism at the turn of the century that it started to receive more serious attention in the successor states (cf. Marjanović, 2017; Marjanović et al., 2021).

When it comes to planning legislation and institutions in former Yugoslavia being crucial to the planning system, their development was heavily influenced by the political and societal climate of any given time. Unlike the discretionary model of the British planning system, which allows different planning practices and approaches to emerge without significant changes in the planning legislation (Healey, 1998), the planning system of former Yugoslavia and those formed after its dissolution show a more direct relationship between planning legislation and a broader political, socio-economic, and institutional context (Nedović-Budić et al., 2011). In the Yugoslav tradition, the legislative provisions have been primarily seen to help to strengthen all sectors of society by capturing the momentum of broader societal processes (Piha, 1973; Dabović et al., 2019). It is, therefore, logical that these planning systems and laws have continuously mimicked societal dynamics and that the societal and political developments appear as strong determinants of spatial planning legislation throughout history (Nedović-Budić et al., 2011). Historically, this is evidenced in the frequent amendment of planning laws with the aim of responding to ongoing spatial and societal transformations (Berisha et al., 2018; Marjanović et al., 2021). As a result, the evolution of society and space has been systematically expressed in the legislative systems of former Yugoslav states.

Political Organisation, Constitutional Change, Planning Institutions, and Planning Legislation in former Yugoslavia - Conceptualising Different Periodisation

Since they reflect the broader societal and spatial dynamics and transformations, it is possible to dissect the development of Yugoslavia's planning system and legislation into several distinct phases. Several authors have already attempted to do so. Borovnica (1980; cf. Pajović, 2005; Nedović-Budić et al., 2011) was among the first to present his classification of different planning periods in Serbia (as part of Yugoslavia) from 1945 to 1980. He made his classification in reference to the changing status of planning institutions in the country where he differentiated four distinct periods: (1) the formation of central urban planning institutions (1946–1953), (2) an organisational division of the professional urban planning institutions (1954–1959), (3) decentralisation and the establishment of professional urban planning organisations in many urban centres (1959–1970), and (4) an adjustment of urban planning organisations to new economic conditions and the market (1970–1980, and possibly after).

More recent periodisations also exist. For instance, Pajović (2005) focuses on the example of Serbia and identifies five different periods of urban planning legislation based on major constitutional changes in 1945, 1953, 1963, 1974, and 1989. He, therefore, distinguishes the following periods: (1) postwar reconstruction (1945–1953), (2) institutional decentralisation and the first generation of urban planning laws (1953–1963), (3) strengthening of the republican level legislation and the second generation of laws (1963–1973), (4) hyper-production of urban statutes and regulations and third generation laws (1974–1989), and (5) post-socialist planning and fourth generation of laws (from 1989) (Nedović-Budić et al., 2011). On the other hand, Nedović-Budić and Cavrić (2006) recognise three different periods according to changes in the political and organisational model of the country: (1) the period of central-command planning (1947–1965), (2) political decentralisation and societal self-management (1965–1989), and (3) post-socialist democratic planning (1989–today).

We present an overview of all three classifications in figure 1. Our own periodisation of the evolution of planning legislation in Yugoslavia (with a focus on Bosnia & Herzegovina) is also given. We recognise five different stages. The first stage starts with the 1931 Building Act, which

marks the inception of legal acts and documents in the domain of planning and construction in Yugoslavia. In this period, new ideas on urban planning originating from France, Great Britain, and North America permeated the work of the planning profession in the then-Kingdom of Yugoslavia, which was well-reflected in the Building Act as the centrepiece of planning activity in the country (Nedović-Budić and Cavrić, 2006). The second stage begins with the end of World War II and lasts until 1949. It was a time of communist renewal projects and post-war reconstruction. The planning-relevant legal acts adopted in this period primarily concerned efforts to rebuild the war-torn country. They were strongly related to the expropriation and conversion of land into public property. This was also the period when the first subnational urban planning institutions were founded. The third stage lasted between 1949 and 1961. This period marks the development of early planning legislation, i.e., legal acts focused on the planning of urban settlements but also attempting to regulate the development of the national economy and state enterprises through socialist planning and self-management. In this period, urban planning institutions were established at the regional and local levels, while a more comprehensive (e.g., in terms of planning instruments and procedures) and polycentric (decentralised) planning system started to take shape. The fourth stage began in 1961 with the adoption of the first republic law on urban planning. A new legislative framework at the level of republics was needed to regulate intensive urbanisation, construction of capital facilities, and the massive housing developments that were on the rise in the 1960s. A more vertical differentiation of the planning system ensued as well and higher-level plans (i.e., federal, republican, and regional) started to be drafted in this period. The fifth stage is the period of the '2000' plans due to the development of spatial plans with a time horizon until the year 2000. This period lasted from 1974 until the break-up of Yugoslavia. Planning activity was exceptionally fruitful in this period with the proliferation of spatial plans at all levels. These plans primarily attempted to respond to the slowdown of economic growth and rising unemployment in the country. This period also witnessed the hyperproduction of urban planning regulation, as noted by Pajović (2005).

We analyse each stage in more detail in the subsequent sections. Besides noting important legal acts and legislative provisions adopted in every period, we also address their impact on planning practice, relations to broader political

and societal contexts, and changes in the political and institutional organisation of the country.

The First Stage - the 1931 Building Act

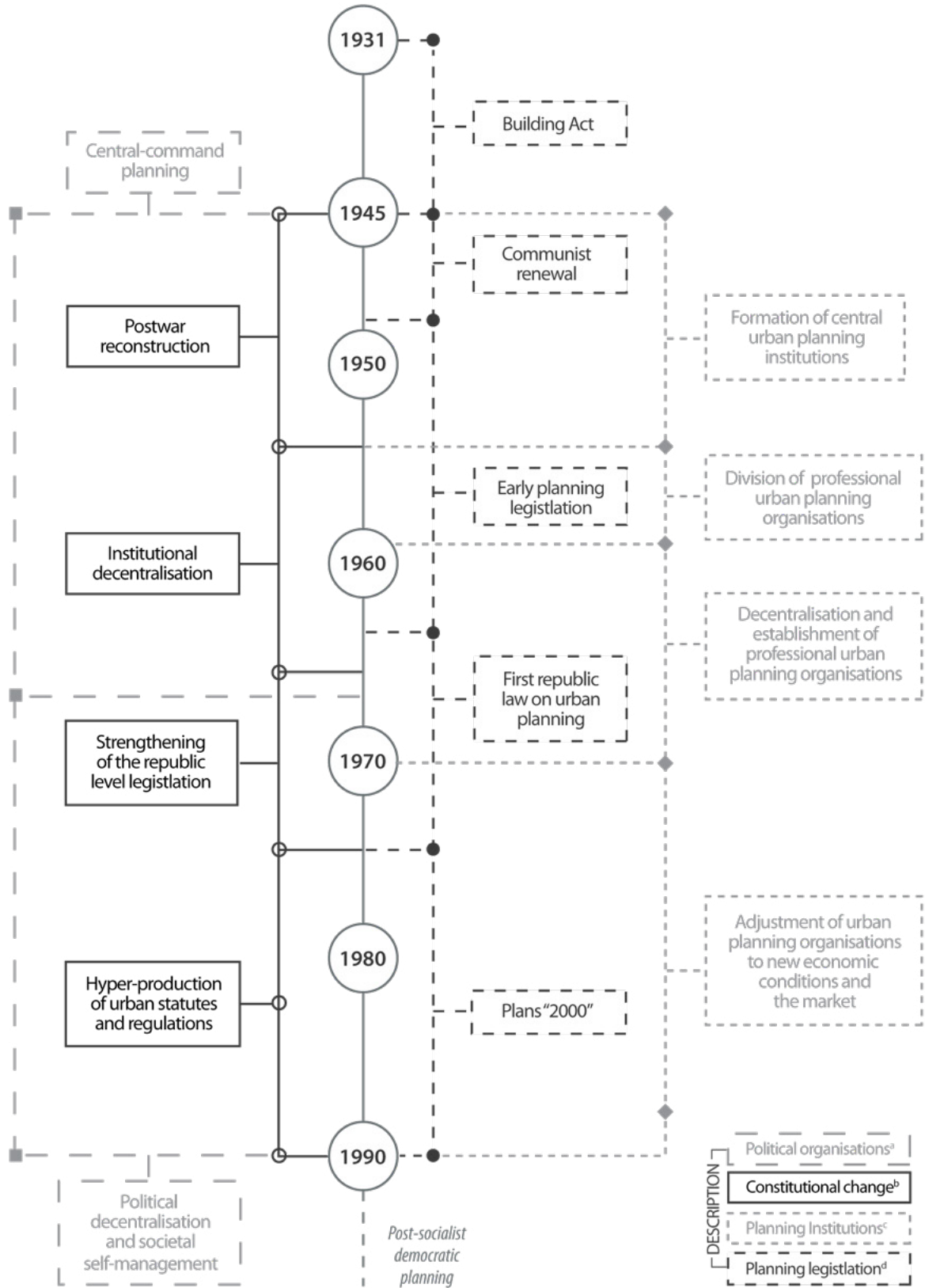
The joining and rapprochement of different models of urban order and the formation of a uniform, urban legislative framework are tied to the founding of the Kingdom of Serbs, Croats, and Slovenes in 1918.¹ With the creation of the Kingdom (the first joint state of the South Slavic countries), territorial units were articulated, the administrative division of space was carried out, and the relations between central and local governments and urban administrations were determined. This was the period when the first large institutions of urbanism were formed.

The Building Act of 1931 is considered as the foundation of urban legislation in the South Slavic countries, the enactment of which would begin to establish the planning system (Bakić, 1988). The Act included the legal matter of construction and the rudiments of the legal matter of urbanism (Pajović, 2006). It was used until the adoption of the first Yugoslav federal urban regulation and, according to testimonies of the profession, well after (Krstić and Pajović, 1987).

The Act contained technical concepts of urban planning while its implementation and application were marked by the adoption of bylaws and construction acts for the largest cities in the country. After adopting the Act, two rulebooks were drafted: the rulebook on drafting regulatory plans (adopted in 1932) and the rulebook for arranging villages and other settlements in the Sava Banovina (passed in 1938). Several other essential documents were also adopted, such as the Interim Instructions for the Development of Regulatory Plans, Regulations on the Implementation of the Regulatory Plan, and the Construction Rulebook. Finally, the application of the Act was determined by a decree, prescribed by the Minister of Construction, and in agreement with the President of the Council of Ministers.

The Building Act of 1931 was designed according to the project of the Association of Yugoslav Engineers and Architects. The act was drafted in a constructive discussion in the Ministry of Construction, the 'banovinas,' larger cities, the Association of Cities, the Association of Engineers, and the Association of Builders and Landowners. It contained both transitional and final orders. Structurally, the Act had 14 parts, and Article 1 defined its use: 'Arrangement of cities and towns, erection, maintenance, and repair of all types of buildings, as well as protection of public

Figure 1. The Development of the Spatial Planning System in former Yugoslavia - Periodisation



Source: Authors based on: Borovnica (1980c); Pajović (2005b); Nedović-Budić and Cavić (2006a).

construction interests throughout the Kingdom, will be done according to the first part of this Law.' The Rulebook on drafting regulatory plans consisted of the following provisions: the content of regulatory plans, levelling plan, situational plans as a basis for drafting regulation, general regulatory plans, detailed regulatory plans, cadastral plans, draft regulation, presentation and review, and parcel plans (Krstić and Pajović, 1987).

The first part of the Building Act referred to cities and towns. It regulated 'zoning, densities, building heights and bulk, buffer zones, land use and building zones, public landmarks, and infrastructure corridors' (Nedović-Budić and Cavrić, 2006, p. 408). One part addressed villages and regulated general principles of arrangement and the sanitation of villages and other settlements. There were clear rules for the position of buildings and other structures: 'the position should be adjusted according to existing and future public communications, field and other local conditions, and the execution of these in detail should comply with basic hygienic and technical principles and real needs of the area' (Krstić and Pajović, 1987). The general administrative authority was responsible for monitoring and enforcing the prescribed regulations. The last part of the act referred to industrial and mining settlements, spas and health resorts, and climatic and tourist places.

In this first stage, spatial planning activity was interpreted as consisting of construction regulations and building project designs but did not specifically define the format of planning documents and the process of plan preparation (Nedović-Budić and Cavrić, 2006). This resulted in plans with a strong engineering character - planning activity was placed under the 'exclusive competence of engineering and technical professions,' which hindered a more comprehensive and interdisciplinary approach from gaining momentum (Nedović-Budić and Cavrić, 2006, p. 408). The act itself was considered extremely progressive, advanced, innovative, and powerful when it was created (Marinović-Uzelac, 1989; 2001). It was highly valued by professionals but was also often at odds with the ideals of the ruling class, who challenged its prescriptive nature (Krstić and Pajović, 1987).

The Second Stage - Communist Renewal

The period from the end of World War II until 1949 is considered here as the second stage of development for spatial planning legislation. By the 1945 decision of the Anti-Fascist Council for

the National Liberation of Yugoslavia (AVNOJ) (more fully formulated by the Law of 1946), all pre-war laws that were not in conflict with the Constitution remained in force. In the absence of a new law, the Building Act was the most important legal document defining planning development in the years after WWII (Dobrović, 1946).

During this period, the necessity for stable and robust legislation was unquestionable, which arose as a reaction to the processes, intensive reconstruction, and substantial construction endeavours in the war-torn country. At the 1945 'Conference on the Issues of our Building Heritage and Construction Legislation,' the Ministry of Construction stipulated that the fundamental goal of drafting a future Building Act would be to include the matters of the previous law supplemented by new requirements. In 1948, the ministry proposed and the government adopted the 'Basic Decree on Construction' and the 'Decree on Construction Inspection.' Upon coming to power, the Communist Party of Yugoslavia defined three primary goals: renewal, industrialisation, and electrification of the state. These goals, stated in 1946, were incorporated into the first five-year plans (1947–1952) (Dawson, 1987).

The laws that marked the planning activities of the second stage of development include the law by which all property was converted into state² (public) property (in cities it was public and administrative areas) and the Basic Law on Expropriation, which would significantly affect the spatial system and urban planning in later years. During this period, the role of urban planners was limited to defining spatial structures and determining the function of cities but without active participation in social planning. The guiding principles at the city level included the standardisation of building norms, proper city size, the focus on the role of the city centre, and neighbourhood (community) planning (Fisher, 1962; Nedović-Budić and Cavrić, 2006). Urban development projects were funded by federal investments and implemented through the centralised economic planning commissions on state-owned land (Pajović, 2005; Nedović-Budić et al., 2011).

In this period, the first republican and federal bodies in charge of urban affairs were established with the aim of consolidating spatial planning organisations in the country. The Federal Planning Commission was formed on June 4, 1946. This was the first planning institution in Yugoslavia, which meant professional planners and urbanists could hold official positions. According to the Constitution, the President of the Commission

was a member of the government, which illustrates the importance and role of planning activities and institutions in the post-war reconstruction system. The scope of work and obligations of the planning bodies were defined by the Law on the National State Economic Plan and State Planning Bodies. According to that law, the Commission was the highest state body for preparing and drafting national economic plans. The law further stipulated an obligation to harmonise the planning documentation with the federal programme and enable a more balanced development between the republics. Social planning was led by the principles of egalitarianism and planned urbanisation – it aimed to decentralise industry to underdeveloped regions and establish large national enterprises in major urban centres in each republic (Nedović-Budić and Cavrić, 2006).

Urban planning institutions were formed on the basis of the Law on State Administration, as administrative bodies within the Ministry of Construction. The primary document that regulated the work and responsibilities of planning institutions was the Decree on the Liquidation of State-owned Enterprises and then the Basic Law on Institutions. In 1945, the Department of Urbanism at the Ministry of Construction was established. In the coming years, the first urban planning institutes were formed in almost all Yugoslav republics: Serbia (1946), Bosnia & Herzegovina (1947), Croatia (1947), and Slovenia (1955). By the Decree of the Government of the People's Republic of Bosnia & Herzegovina, on September 23, 1947, the Urban Institute of Bosnia & Herzegovina was established by separating it from the National Design Institute of the Ministry of Construction. The main activities of urban institutes were to study and address urban problems on the territory of their respective republics through the preparation of regulatory plans, reconstruction studies, and regulatory sketches.

The Third Stage - Early Planning Legislation

The period between 1949 and 1961 marks the era of early planning legislation. The first steps towards decentralisation in all forms of management and planning were indicated by the introduction of a system of workers' self-management (Grbić, 1975). Decentralisation was further strengthened by the introduction of the communal system in 1955. With this reform, all previous municipalities, which were only territorial units with negligible powers, were transformed into 'communes', organised as political and socio-economic

sub-regional communities with self-governing powers, their own jurisdiction, and a budget.

With the significant reorganisation of the government in 1951, the Federal Planning Commission was abolished, which was only one in a series of measures towards decentralisation and the abandonment of administrative methods. The tasks of the Commission were taken over partly by the government's Economic Council and partly by the General Directorate for Planning. The institution responsible for coordinating and establishing a system of cooperation between the various levels of government around urban planning in 1949 was the Directorate for General Urban Planning within the Ministry of Communal Affairs. One of the determinants of the planning activity in this period was the unique policy of urban construction, which was centralised and realised by sending each draft plan for approval to the Minister of Communal Affairs and the General Directorate. The obligation of the Committee for Local Economy and Communal Affairs was to issue instructions for the development of general urban plans though it never fulfilled this obligation (Krstić and Pajović, 1987).

The crucial law from this period was the Law on Planned Management of the National Economy and the General Administration, which defined the obligations and tasks of all planning bodies. The General Directorate was abolished by the 1953 Law on the Implementation of the Constitutional Law and ceased operation on January 15 of that year. The Federal Institute for Economic Planning took over its affairs. All of these changes led to the decentralisation of the economic system and the gradual introduction of market mechanisms.

The new societal concept of self-government and a one-party system had the most significant influence on the content of urban legislation in this period. The first urban regulation passed in the country was the Basic Decree on the General Urban Plan.³ It was adopted in 1949 and remained in force until 1964. It was the first, only, and last urban act at the federal level. The Decree was based on Soviet political ideology but was constituted through extensive consultations with Western planning regulations, particularly German, English, Swedish, Dutch, American, and French planning legislation (Nedović-Budić and Cavrić, 2006). It was a clear, operational act made up of sixteen articles based on the distinctly voluntarist assumption that all settlements should have an urban plan. For that purpose, the General Urban Plan (GUP) was introduced into the planning system and would be the primary

planning instrument for many years to come. The GUP was a comprehensive strategic document that laid out the main development directions for urban settlements. While it lacked a land-use zoning component (Marinović-Uzelac, 1989; 2001), the Decree stipulated that the principal aim of urban masterplanning was to support socio-economic development plans while complying with the socialist institutional framework (Nedović-Budić and Cavrić, 2006). The Basic Decree on the General Urban Plan from 1949, together with the Basic Decree on Construction and the Basic Decree on Design from 1948, formed the legal skeleton behind the regulation and planning of space and settlements. However, some archival materials indicate that planning professionals had certain objections to the Decree, which were mainly related to the lack of regulations related to the physical planning of settlements (Krstić and Pajović, 1987). For instance, Piha (1973) points out that the General Urban Plan could not determine or regulate general construction but only capital facilities and plants.

In this period, all enterprises acquired the status of an economic entity based on which they had to draft and adopt development plans with respect to the system of basic planning proportions and indicators determined in the social plan. Parallel to the system of self-governance in Yugoslavia, social planning was introduced based on the assumption that planning is an economic and democratic right and obligation of the working class. This doctrine also influenced the redefinition of planning activity. Its new purpose was to provide the physical, spatial basis for socio-economic development at the local level. The previous planning system evolved into a social planning system dominated by two types of plans:

- 1) social plans (macroeconomic) and
- 2) independent, corporate self-management plans (microeconomic).

All enterprises were obliged to develop their own self-management plans, while municipalities and republics planned general socio-economic development through social plans. Their integration and compliance were supposed to be achieved through social negotiation and 'cross-acceptance' (Stojanović, 1983; Dabović et al., 2019). Social plans took precedence over general urban plans in terms of content and objectives (Dabović et al., 2019).

During the 1950s, urban institutes were established in all major cities of Yugoslavia and

the planning system acted as polycentric and indicative. The establishment of the Regular Conference of Urban Planners of Yugoslavia in 1952 greatly strengthened the profession. The exchange of experiences and establishment of a network of planners and urbanists amplified voices from the profession. At the third conference, held in Ohrid in 1954, a delegation of urban planners met with Federal Vice President Kardelj and proposed a new official structure for the urban service (Petrović, 1954). After the meeting, urban planning was determined to be an obligatory part of social planning and necessary to the establishment of urban services at all levels of government. Around that time, the Urban Institute of Bosnia & Herzegovina started to operate at the territorial level of the republic as a self-governing institution with independent financing. Funding was provided through contracts with the local municipalities that required their professional services (Bojić, 2018). The Institute actively participated in solving important urban problems and tasks in the republic and worked on developing urban planning studies, methodologies, and planning legislation.

An essential event during this period was the Sixth Conference of the Association of Urbanists of Yugoslavia, held in 1957 (Nedović-Budić and Cavrić, 2006). There, planning professionals from across the country pointed out the negative consequences caused by the absence of a comprehensive spatial planning system, manifested by irrational land use, functional-spatial imbalances, missed economic opportunities, and a general decline in quality of life (Bojić, 2018). Accordingly, they advocated for establishing the regional planning approach and integrating spatial planning into the socio-economic planning system of the country, thereby initiating the inception of the integrated-comprehensive planning model (Trkulja et al., 2012; Marjanović et al., 2021).

Furthermore, the Law on the Nationalisation of Rented Buildings and Construction Land of 1958 significantly influenced the urban planning processes of the period. With this law, all built and unbuilt areas in cities were nationalised and turned into public property to improve social and economic planning at the local level. However, the law itself encapsulated some major contradictions. The principal problem arose in cases where buildings and other facilities on nationalised land were not nationalised. Cities had to buy those facilities if they wanted to repurpose

the land, which was a major obstacle (Simmie, 1989). Based on this law, the construction land (includes both constructed land and land designated for construction in relevant planning documents) was nationalised in 70 cities and 110 urban settlements in Bosnia & Herzegovina between 1959 and 1967 (Krstić and Pajović, 1987).

The end of this period was marked by the adoption of legal acts in urbanism and spatial planning at the level of the republics. Bosnia & Herzegovina adopted the Law on Urban Planning in 1959. Other socialist republics passed similar legal acts: the Law on Urban Projects (1958) in Slovenia, the Law on Urban Planning (1958) in Macedonia, the Law on Urban and Regional Spatial Planning (1961) in Croatia, and the Law on Urban and Regional Spatial Planning (1961) in Serbia. For the first time in the history of urban legislation in the Yugoslav countries, the terms spatial plan, urban plan, urban permits, and approvals were introduced and officially verified. Also, the concept of public participation in the planning process appeared and was to take place through public discussions. City and municipal administrations were redelegated authority over the development and adoption of urban plans with the prior approval of the Ministry of Communal Affairs. However, this would prove to be an aggravating circumstance since smaller and underdeveloped municipalities did not have the necessary capacity (Burton et al., 1966).

The Fourth Stage - The First Republic Law on Urban Planning

The social processes that dominated the 1960s such as intensive urbanisation, construction of capital facilities, and massive housing development caused the need to redefine and adopt new legislative frameworks for planning in Yugoslavia. This stage, which lasted from 1961 to 1973, we label as the stage of the first republic law on urban planning. It was marked by strong republic level legislation while the federal level was only responsible for general policy harmonisation (Pajović, 2005; Nedović-Budić et al., 2011). In 1961, the General Law on Spatial Planning was drafted, and the Law on Construction of Investment Facilities was adopted. Furthermore, new planning acts were passed in each of the six Yugoslav republics (Nedović-Budić and Cavić, 2006). In 1962, Bosnia & Herzegovina adopted the Law on the Construction of Residential and Commercial Buildings in Rural Areas, which highlights the special attention given to rural areas in the planning system of this period

compared to urban centres (Živak, 2021). The Urban Institute of Bosnia & Herzegovina continued to work and gained stronger political and institutional competence in spatial planning. The Institute performed the tasks of providing technical assistance to develop plans and evaluate the degree of their compliance.

The adopted laws introduced several innovations. For example, with the strengthening of the self-governing system, the idea arose for local communities to receive the status of self-governing organisations. At the same time, municipalities were given a legal obligation to enable all interested organisations to participate in developing plans. However, in practice, the public was involved only in the last phase of planning through public hearings with a specific deadline for submitting comments and remarks (Krstić and Pajović, 1987).

Moreover, the differences between urban and regional plans were specified. Urban plans were defined as long-term planning documents that determine the purpose of urban areas; set the conditions of construction, reconstruction, and sanitation; and direct the spatial development of urban settlements. The Urban and Regional Planning Act of 1961 introduced the regional plan as a new kind of planning document. Regional plans determined the organisation and development of regions. However, these plans were not under the jurisdiction of any regional authority since there was no such planning level established in the country (apart from inter-municipal regional communities,⁴ which were administrative-statistical units). Instead, regional spatial plans (regulatory) were developed for the areas of specific national interest such as natural parks, large-scale infrastructure projects, and touristic regions (Marjanović et al., 2021). Examples include the regional plan for constructing the hydroelectric system Đerdap in Serbia (Tošić, 2012) and regional plans for the Adriatic area in Croatia, Slovenia, and Montenegro (Radeljak, 2012).

In the 1960s, there was an intensive strengthening of all sectors of activity through legislation, institutions, and policies (Piha, 1973; Dabović et al., 2019). Social planning formally became the umbrella concept for all forms of planning. Spatial planning in this period, therefore, was subordinated to social planning, whose role was to direct urbanisation processes, plan infrastructure, and optimally distribute essential economic capacities and social service facilities across the network of settlements. The new

planning system defined seven types of plans: federal, republican, regional, municipal, corporate plans, association plans, and spatial plans (Rendulić, 1966). The planning process involved complex analyses of the natural, social, and economic conditions of planned areas. During this stage of development, it was architects who primarily worked on preparing and drafting spatial plans, while experts from other fields (mostly economists, geographers, sociologists, and cartographers) began to take on a more prominent role. Professionals praised the laws but constantly pointed to their poor implementation in practice, which was a consequence of the still underdeveloped awareness of the importance of urban and spatial planning (Krstić and Pajović, 1987).

The Fifth Stage - '2000' Plans

The slowdown in economic growth, rising unemployment, and spontaneous urbanisation in the early 1970s accelerated reforms and intensified the search for solutions to halt these negative trends. In 1974, a new Constitution was adopted, which further increased the autonomy of the republics. The system of local self-government was additionally strengthened through the reorganisation and increased powers and responsibilities of municipalities. Primary public institutions (health, education, traffic, police, etc.) were transformed into self-governing interest communities. This was also when spatial planning was included in the unified system of self-governing socialist planning in Yugoslavia (the so-called socio-economic planning). Its principal role was to provide integrated territorial development of individual sectors (Dabović et al., 2019). Plans became an important mechanism for controlling the development of space and providing long-term projections of constructions and arrangements for entire settlements (urban plan) or wider areas (spatial plan). Spatial plans were adopted at the territorial levels of the republic, the province, the region, the inter-municipal community, and the municipality.

Following the constitutional changes, a new set of legislative acts was developed in the field of urbanism and planning, which addressed planning matters very thoroughly and were often accompanied by guides and manuals that stipulated specific provisions (Cavrić and Nedović-Budić, 2006). Between 1968 and 1970, the Commission for Urbanism and Physical Planning and different groups of experts were preparing two urban policy documents. After 30 regional

consultations and 154 meetings with town and city councils (Krstić, 1982), the Basic Policy of Urbanism and Spatial Ordering was adopted in 1971. The Standing Conference of Yugoslav Cities stated that the goal of adopting the Basic Policy was twofold: to establish a long-term policy for spatial planning and the construction of settlements in a socialist society; and provide consistent and harmonised practice, legislation, and organisation of physical planning (Krstić and Pajović, 1987). A year later, the Commission adopted another legal act – the Legislative Matter of Urbanism, Human Environment and Physical Planning. The document was prepared as a legislative interpretation of the Basic Policy, both in terms of concept and content.

In the new political and professional circumstances of institutional decentralisation, new urban laws were constantly being drafted, while provincial laws were also being introduced. In 1974, the Law on the Physical Planning of Bosnia & Herzegovina was adopted. It consisted of eight chapters: Fundamentals of Urbanism and Physical Planning, Protection and Improvement of the Human Environment, Spatial Planning and Settlement, Construction Land, General Provisions, Building Approval, and Construction Bodies and Organisations. In terms of content, the Law was the same as the Legislative Matter passed at the federal level. The only difference was that it also referred to the use of construction materials. It also introduced the category of location permits for construction and land use and allowed for a more substantial inclusion of citizens in the planning process. Moreover, the Law imposed the obligation that urban plans be adopted for all urban settlements. This increased and intensified planning activity throughout the country and by 1977, 85 urban areas in Bosnia & Herzegovina had already adopted spatial plans (Krstić and Pajović, 1987).

The Spatial Plan of the Socialist Republic of Bosnia & Herzegovina was adopted at the Council of Associated Labour and the Council of Municipalities of the Assembly of the Socialist Republic of Bosnia & Herzegovina on April 8, 1982. The Plan was developed for the period from 1981 to 2000 and was proclaimed by a decree, which equated it to a law. The Plan indicated significant disparities in the development of Bosnia & Herzegovina, particularly in the border areas, and various planning measures were proposed to achieve territorial cohesion and balanced development. Interestingly, this plan is still in use in the Federation of Bosnia & Herzegovina.

Namely, under Article 115 of the Law on Spatial Planning and Land Use of the Federation of Bosnia & Herzegovina, the Spatial Plan of Bosnia & Herzegovina (1981 – 2000) remains in force to the extent that it is not in contravention with the Constitution until a new Spatial Plan is adopted (Marjanović et al., 2021).

The first regional, spatial plan in Bosnia & Herzegovina was made for the area of the 'Upper Drina,' which encompasses the present-day municipalities of Rudo, Višegrad, Goražde, Čajniče, and Foča. The main aim of the plan was to prepare for the construction of a system of hydropower facilities on the upper Drina River and evaluate its impact on the region. A special impact study accompanied the plan. While the 'Višegrad' hydropower plant was built and is the most valuable energy facility in Bosnia & Herzegovina (Živak, 2021), the actual plan was never adopted (Marjanović et al., 2021). Other plans at the regional level were also drafted during this period, such as the Spatial Plan of the City of Sarajevo and several spatial plans for special-purpose areas (national parks, reservoirs, and areas for the exploitation of mineral resources).

Nonetheless, planning activity in this period was mainly carried out at the municipal level. Municipalities were in charge of drafting and adopting plans but they needed to consult and obtain opinions from a designated republic body on each proposal. For the first time, legislation prescribed which organisations could make plans depending on the competencies of their staff, giving planners greater legitimacy than ever before. The level of public participation in this period was quite high and was achieved through the active involvement of legal entities and individual citizens, both during the plan preparation and through public hearings that lasted at least 45 days. The plans were required to uphold mutual harmonisation with respect to three principles: obligation, simultaneity, and continuity in planning. This was stipulated by the Instructions on the Obligatory Methodology for the Preparation and Adoption of Spatial Plans. These instructions contained five areas: Procedure and Manner of Preparation of the Spatial Plan, Process of Development of the Spatial Plan, Procedure and Manner of Adoption of the Spatial Plan, Realisation of the Spatial Plan, and Minimum Obligatory Unique Indicators of Spatial Planning.

In 1986, a new reform of the social planning system took place, which, among other things, resulted in the adoption of the Amendments to the 1981 Law on Physical Planning. These

amendments defined detailed regulations on the content and form of plans, spatial standards, and urban norms. Tasks in the field of spatial planning could be performed only by those organisations that were registered for spatial planning activities with the Ministry of Construction and specialised administrative bodies, such as the Institute for Spatial Planning. Formally and essentially, planning documents' quality significantly increased in this period (Krstić & Pajović, 1987). Some of the system's shortcomings were related to the actual implementation of plans by basic organisations of associated labour and self-governing communities, whose interests often differed from the interests of the plan makers.

Overall, the 1970s and 1980s are often labelled as the golden age of spatial planning in Yugoslavia (Vujošević et al., 2000). Cavrić and Nedović-Budić (2006) note several achievements of Yugoslav planning in this period. First, various national, republic, provincial, and local agencies and institutes were established as well as many professional associations (Bakić, 1988). Second, domestic experts were educated locally and abroad in the countries of Western Europe and North America. Third, there was a notable increase in publications and the organisation of professional conferences and symposia. Fourth, the planning profession in the country started to embrace an integrated, interdisciplinary character (Vrišer, 1978). Last, planning became a socially accepted practice, leading to greater public participation in planning activities (Piha, 1986). The authors (Cavrić and Nedović-Budić, 2006) point out that such advancements in the planning system and practice were largely made possible by the broader political and societal transformation processes that underpinned them. In particular, they highlight the facilitating influence of 'the more relaxed version of communism, the political decentralisation in the 1970s, and a semi-market-based economic system (i.e., self-management),' which 'provided for a material affluence and a social and political milieu that stimulated the local professionals to advance the theory, methods, and practice of urban and regional planning' (p. 410).

Epilogue - Spatial Planning System and Institutions in Bosnia & Herzegovina Today

In the aftermath of the break-up of Yugoslavia and the inter-ethnic conflict that followed it, Bosnia & Herzegovina was established as an independent country. The signing of the Washington and Dayton Agreements defined this state union, with

a very complex organisational and functional structure. Today, the country consists of two entities, the Federation of Bosnia & Herzegovina and Republika Srpska, which have a high degree of autonomy in performing governmental and administrative functions. The Brčko District is a third unit with a unique constitutional position compared to the two entities.

The formation of new political and societal institutions in Bosnia & Herzegovina had to contend with many adverse processes brought about by the post-socialist transition. These include 'political democratisation, reintroduction of market principles, commercialisation, privatisation, the state's fiscal crisis, discontinuation of 'welfare state' programmes and intensified international financial transactions and investments' (Nedović-Budić et al., 2011, p. 429). The contemporary spatial planning system of Bosnia & Herzegovina, therefore, appears to be the product of many different factors, such as the changing political environment, the altered territorial organisation, new constitutional order, and reformed legal framework. Moreover, the legacy of the Yugoslav period is still largely evident in the planning system through similar planning procedures and types of spatial plans (Đorđević et al., 2008; Trkulja et al., 2012).

According to the Constitution of Bosnia & Herzegovina, territorial organisation and spatial planning are within the competence of the two state entities. There is no institution in charge of spatial planning, law, or strategy at the national level. The only decision made at the national level was that in both entities, spatial planning would be regulated by legislation and additional provisions, including the relevant methodology for the preparation of spatial planning documents from 1986, until the adoption of new laws. It was also decided that existing spatial plans would continue to be implemented until new ones are developed and adopted. In this sense, the formal spatial planning methodology and some spatial plans developed in the previous period remain in force even today. For instance, since the spatial plan of the Federation of Bosnia & Herzegovina is not yet adopted, the entity legislation stipulates that the Spatial Plan of Bosnia & Herzegovina (1981-2000) will be in effect until that happens (Marjanović et al., 2021).

The institutional frameworks for spatial planning differ significantly between the two entities. In Republika Srpska, the umbrella institution at the national level is the Ministry of Physical

Planning, Construction, and Ecology. At the local level, designated municipal departments are responsible for spatial planning and are part of the municipal administration. In the Federation of Bosnia & Herzegovina, the Federal Ministry of Physical Planning operates at the entity level. At the same time, each canton has its own ministry in the domain of spatial planning. Departments for spatial planning at the municipal level are under the jurisdiction of these cantonal ministries. At the same time, the Urban Institute of Bosnia & Herzegovina continues to operate as a joint-stock company, though with largely reduced competences in the planning domain. Corresponding urban planning institutes have also been established in both entities as public enterprises.

Furthermore, in Republika Srpska, there are two planning levels (tiers of government) – the municipal and entity level, while in the Federation of Bosnia & Herzegovina there are three – the municipal, cantonal, and entity level. Apart from cantons, which are not genuine functional regions, there is an apparent lack of the regional level of planning in Bosnia & Herzegovina. The only form of regional planning in both entities happens through spatial plans for special-purpose areas/ areas with spatial features. Marjanović et al. (2021) note that these plans "bear a strong resemblance to the regional spatial plans of former Yugoslavia as they are neither devised nor implemented by a region but only serve as planning tools for the areas of national interest (e.g., national parks or large infrastructure projects)" (p. 58).

Apart from special purpose spatial plans, all other planning documents prepared in both entities are defined by entity laws and follow the administrative division of their respective territories. There is no obligation to harmonise any of the planning documents between the entities, which leads to high rates of non-compliance between them and potential conflicts in achieving integrated spatial development at the national level (Bijelić and Đorđević, 2018). As during Yugoslav period, planning activities mainly occur at the level of municipalities and at the urban level. While the drafting of entity spatial plans and cantonal plans is foreseen by spatial planning legislation, their development and implementation have been somewhat problematic, particularly in the Federation of Bosnia & Herzegovina, where it is hard to reach political consensus for their adoption (Marjanović et al., 2021). The system of planning documents at the local level, on the other hand, although more

comprehensive, faces considerably less political opposition. Together with the spatial plan of the local self-government unit (or municipal spatial plan), the General Urban Plan (GUP) has remained the principal strategic planning instrument at the municipal level. In addition, some regulatory plans from the previous system were kept, such as the zoning plan, general regulation plan, detailed regulation plan, urban project, and parceling plan.

The spatial planning system of Bosnia & Herzegovina is based on constitutions, laws, and bylaws. In Republika Srpska, the fundamental law is the Law on Spatial Planning and Construction, passed in 2013 and preceded by the laws of 1996, 2002, and 2010. The Federation of Bosnia & Herzegovina implements spatial planning activity based on the Law on Spatial Planning and Land Use from 2006, which has been amended several times (2007, 2008, and 2010), as well as a series of laws on spatial planning adopted at the cantonal level. Similar to the Yugoslav period, laws are accompanied by a number of bylaws, known as ordinances⁵ in Republika Srpska and decrees⁶ in the Federation of Bosnia & Herzegovina.

Although the adoption of new laws has sought to break with urban legislation from previous eras, our analysis indicates that the entire legislative framework of Bosnia & Herzegovina is still based mainly on the tradition of urban legislation from the former Yugoslav republics. This is primarily visible in the structure of new laws and in taking over and further developing the basic legal institutes from the previous system. There are also significant similarities with the planning systems of other ex-Yugoslav countries, such as Serbia (Marjanović, 2017) and North Macedonia (Ivanišević et al., 2021).

Conclusive Discussion - Current Situation and Future Prospects

This review of the development of planning legislation in Bosnia & Herzegovina as a part of Yugoslavia shows a strong correlation between the political and societal processes of different periods and the evolution of the planning system. The Building Act of 1931 represents the initial step in establishing a planning system in the country. It reflects the modernisation attempts of the Kingdom of Yugoslavia by bringing in legislative elements from its political patrons in the West, such as France and Great Britain. However, planning activities during this time still had a strong technical and engineering character and were narrowly focused on the construction

and sanitation of urban and rural settlements. A notable change occurred after WWII, when the planning profession had to bear the brunt of rebuilding the war-torn country. While the Building Act remained in force, a new set of urban laws were already being prepared to support the communist efforts of renewal and reconstruction. In the following period, the new societal concept of self-management was introduced. Municipalities were transformed into communes with self-governing powers. This brought about a need for greater attention to planning activities in urban settlements. As a result, the GUP was instituted as the principal planning instrument at the urban level. However, intensive urbanisation in the 1960s, coupled with a strong political push for decentralisation, resulted in establishing the republican and regional planning levels to regulate accelerated development across the country. While the spatial plans for the Socialist Republic of Bosnia & Herzegovina (or the regions within it) would not be drafted before the 1980s, a more comprehensive, interdisciplinary, and polycentric planning model was already taking shape. This process culminated in the 1970s and 1980s following further political and institutional decentralisation and accompanied by a more market-oriented economic system.

However, what is important to note is that the planning system did not witness a complete overhaul with each change in societal circumstances during these periods. Instead, the planning system evolved more incrementally as some old elements were kept while other novel ones were introduced. This corresponds to a particular form of path dependence known as 'reactive' (Mahoney, 2000) whereby 'successive events within a sequence react to those that precede them' (Booth, 2011, p. 21). Even the 1931 Building Act witnessed a prolonged use after WWII, even though it was largely obsolete by then. On the other hand, planning instruments, methodologies, and procedures in use today are largely based on the legislative framework that was in force back in the 1980s. This can possibly explain why the planning and other institutions of society in Bosnia & Herzegovina (and some other former Yugoslavian states) could not recover quickly from the strong shock of the abolishment of state socialism at the beginning of the 1990s. Namely, the search for a different *modus operandi* and establishment of new institutions in the post-socialist period have primarily happened within a milieu of the old habits, only this time promoting new ideological and political mantras (Vujošević, 2010; Vujošević et al., 2012). This has generated

'a moment of discontinuity' in the development of the planning system, resulting in a period where the structure and function of the system has not corresponded to broader contextual circumstances (Thomas, 1988; Nedović-Budić et al., 2011; Nedović-Budić et al., 2012). Consequently, instead of a more modernising and emancipatory 'planning-supporting-complex-transformation of society' model, we have witnessed the emergence of 'quasi/pseudo planning' exercises embedded in the 'planning-supporting-the-wild-privatisation-and-marketisation' model (Vujošević, 2004, p. 12). It has not been the sole force of the external shock that has put the system in limbo, but rather its own inflexibility and insistence on preserving redundant parts, thereby building anew on largely outdated foundations. It is, therefore, not surprising that Vujošević and Nedović-Budić (2006) note that even 'by the end of the 1980s, both the system and the practice of socio-economic and spatial planning in Yugoslavia was dysfunctional despite its innovative features' (p. 279).

In summary, the evolution of the planning system in Bosnia & Herzegovina seen from the perspective of planning legislation can be understood as more of a patchwork rather than a continuous and comprehensive process of sensible and purposeful development and integration. Legislation has mainly been adopted to answer the external needs of the societal and political environment, while the internal requirements for consistency and functionality have not been met. Instead of a system that enables, channels, and organises broader societal processes, we have one that merely reflects what happens outside of it. By doing so, it largely limits its capacity to have a more genuine say in societal development processes and precludes the possibility for a more substantial transformation to occur. While we acknowledge that, in principle, planning should answer to the pressing societal demands, it will only be able to do so by first addressing its own internal inconsistencies before attempting to placate the needs of political and social processes at large. More specifically, the present-day planning system of Bosnia & Herzegovina should not only be adapted to changing societal circumstances but requires a complete overhaul from within, which should enable the operation of a more functional and integrated system before tailoring it to the specificities of the external political environment.

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Notes

- ¹ What would become the Kingdom of Yugoslavia in 1929.
- ² Later named 'societal' (Nedović-Budić and Cavrić, 2006).
- ³ Referred to 'Master Urban Planning Regulation' by Nedović-Budić and Cavrić (2006).
- ⁴ There were four inter-municipal regional communities in Bosnia & Herzegovina (Pejanović, 2014).
- ⁵ Law on Spatial Planning and Construction is accompanied by two ordinances: Ordinance on the manner of preparation, content and formation of spatial planning documents and Ordinance on content, holders of spatial information system, methodology of data collection and processing.
- ⁶ Law on Spatial Planning and Land Use is accompanied by three decrees: Decree on unified methodology for drafting spatial planning documents, the Decree on special conditions that must be met by companies and other legal entities in order to be able to register for professional development of planning documents, and the Decree on the content and holders of a single information system, methodology for data collection and processing, and unique forms on which records are kept.

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Obstacles to Cross-border Cooperation and Integration in Western Balkan Countries

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Summary

In EU candidate countries, policymaking frequently focuses on internal affairs and the overall achievement of accession preconditions. In the EU, the importance of cross-border cooperation has been increasingly acknowledged as one means to improve resilience and development perspectives of border areas. Cross-border integration is a multifaceted and contextually contingent process that also matters for candidate and potential candidate countries. There is an increasing interest in identifying and tackling the negative impacts of border obstacles and solutions to boost cross-border integration. The European Commission (DG Regio), for instance, has launched a study on these obstacles in enlargement countries.

This article illustrates some of the dominant obstacles identified by the study. Obstacles to cross-border cooperation in the Western Balkan countries range from political, legal, and administrative to geographical, economic, and socio-cultural. They matter for many sectors and policy fields including emergency and risk management, environmental protection, education, and health care, to name a few. The obstacles' root causes vary greatly and require distinct solutions. Overcoming or at least lessening the impact of these obstacles often requires complex governance solutions. This article illustrates several entry points through which to improve the perspectives for cross-border integration in the Western Balkans.

Keywords: cross-border cooperation, border obstacles, Western Balkans, EU external borders

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Introduction

The focus of policymaking in EU candidate and potential candidate countries frequently focuses on internal affairs and the overall achievement of accession preconditions. EU policymaking, however, also demands additional and explicit cross-border cooperation and integration to contribute to cohesion. From this perspective, cross-border integration is central to improving the resilience and development perspectives of border areas. In the EU, this has been increasingly acknowledged by policy makers and is relevant for borders between EU Member States and beyond, including for instance, border with candidate and potential candidate countries. In the course of accession negotiations, candidate countries have to determine their ability to apply EU legislation (*acquis communautaire*) divided into 35 chapters. Cross-border cooperation and its policies are a cross-cutting theme underlying different chapters. Enhancing cross-border integration is frequently hampered by obstacles to cooperation, which limit the latter's potential benefits for border areas, both in the EU and beyond. Thus, addressing obstacles for cross-border cooperation is central to preparing candidate countries for EU membership.

In 2021, non-EU Member States in the Western Balkans benefit from the Instrument for Pre-Accession Assistance (IPA), which aims to prepare these countries, *inter alia*, for using Cohesion Policy instruments in the future. The cross-border strand of IPA programmes ('Interreg IPA') is part of this preparation with a focus on implementing measures that may support the mitigation of obstacles to cross-border cooperation. To highlight the relevance of obstacles as well as potential means to mitigate or even overcome them, the European Commission has launched a study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'¹. This article illustrates some of the interim results of this study².

To put the study and its analysis into context, this article briefly reviews the political context for cross-border cooperation and describes the methodological approach towards identifying and structuring these obstacles. By means of examples, the article then illustrates some of the dominant obstacles identified by the study for border areas between EU Member States and candidate and potential candidate countries³. These illustrations look into the particular roots of selected obstacles as well as their effects and potential ways to mitigate them to support cross-border integration in the long run.

Political Context for Cross-border Cooperation

In recent decades cross-border cooperation has been gaining increasing attention in the EU due to the importance of its border regions. EU internal border regions cover 40% of EU territory and produce 30% of the EU's GDP. They are home to 30 % of the population and host almost two million cross-border commuters (European Commission, 2017a). Many of these regions are underdeveloped, due to their distance from administrative centres and insufficient infrastructure that negatively affects their connectivity. These regions face four principle types of obstacles: socio-economic disparities; cultural obstacles, including linguistic barriers and cultural differences; obstacles arising from legal and administrative differences; and physical obstacles limiting cross-border access (European Commission, 2016a)⁴. Estimations show that these obstacles have considerable negative effects. Economic losses due to legal and administrative barriers in cross-border are estimated to account for 3% of the EU's GDP and 8.8% of cross-border regions' GDP (Politecnico di Milano, 2017), which also negatively affect the number of jobs available in these regions. Other estimations illustrate the positive effects of removing obstacles – for instance removing 20% of the obstacles to cross-border cooperation in the EU would add 2% to the regions' GDP and create up to one million jobs (European Commission, 2017a). The same communication highlights ways in which the EU and its Member States can reduce the complexity, length, and costs of cross-border interaction and promote the pooling of services across internal borders. Experience shows that the opening of borders can create 'transition zones' with new opportunities for border regions' residents who may benefit from cross-border work, residential mobility, shopping, and health care, among other opportunities. This, however, requires facilitating framework conditions that are not sufficiently available in all border regions.

In view of the severe effects of obstacles for cross-border interaction, many initiatives have been taken to facilitate better cross-border cooperation between internal EU border areas⁵. This focus on internal EU borders is driven by the underlying principle to ensure a seamless functioning of the internal market and of the related 'Four Freedoms' (i.e., free movement of goods, free movement of capital, freedom to establish and provide services, and free movement of persons). Recently, this focus has shifted in two directions:

- Rather than identifying obstacles and challenges and trying to understand their

origins, initiatives are increasingly looking into what needs to be done or improved to ensure that border citizens can take full advantage of the opportunities offered on both sides of the border.

- Despite continuous efforts along internal EU border, the perspective has been widened towards external borders of the EU either by extending the analysis of EU-focused projects (e.g. ESPON (2019)) or explicitly looking at EU external borders (e.g. ESPON (2021)).

The study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries', on which this article draws, addresses both new directions. On the one hand side, it builds on accumulated knowledge about existing obstacles at internal EU borders and the efforts made to help border regions overcome them. Thereby, it combines an awareness and understanding of challenges for border regions with the intention to enable better cross-border cooperation and integration. On the other hand, it acknowledges that internal and external EU borders differ. Day-to-day problems caused by border obstacles are much more diverse and often more accentuated in external EU border areas such as the Western Balkans. Thus, obstacles as well as means and ways to facilitate better cross-border cooperation differ from what can be observed along internal EU borders, both in terms of the variety and quantity of obstacles and the efforts necessary to mitigate them.

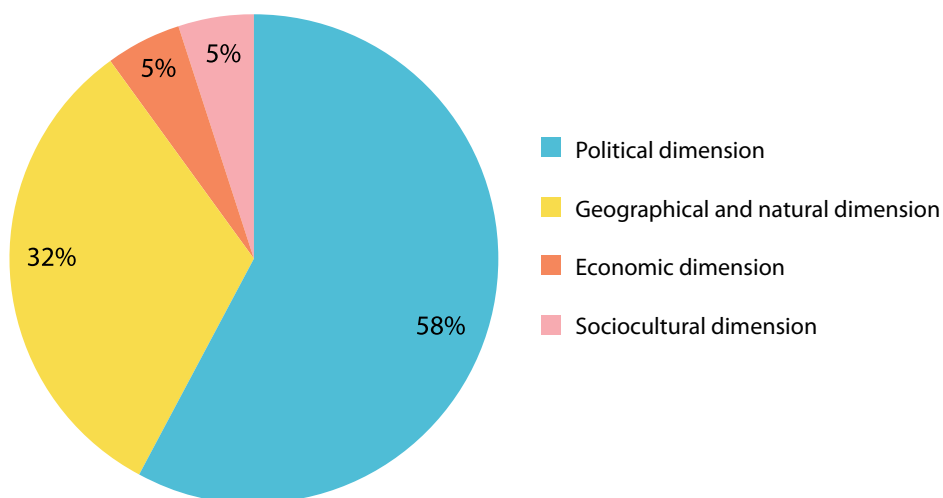
The four principal types of obstacles introduced above show that cross-border integration is

a multifaceted and contextually contingent process. The greater the differences between neighbouring countries are, the more relevant this is, as can be assumed for many borders of the Western Balkans. Asymmetrical relations based on significant differences and disparities may lead to strong interactions or may hinder them. Here, functional and perceptual dimensions matter. While differences may give rise to functional interactions between social, political, and economic actors, perceptions of residents and other actors may also affect actual interactions. The next section looks into the structures of these different influences.

Dimensions and Roots of Border Obstacles

The multifaceted character of cross-border cooperation matters for candidate countries in their aim to prepare for an eventual EU membership. The 'multi-dimensional border reality' concept assumes that all land borders have a simultaneous political, geographical and natural, economic, and socio-cultural dimension. Each dimension creates specific border effects that can prevent or hinder cross-border exchange relations (closure effects) or enable or further advance cross-border exchange relations (opening effects). Closure and opening effects may not only occur simultaneously between different dimensions but also within one dimension. Border obstacles are therefore specific closure effects emerging from these four border dimensions, but the 'roots' and scope of existing border obstacles are different throughout Europe. The combination of features matters for this.

Figure 1. Share of Obstacles by Dimension of the Root Obstacle (n=222)



Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Obstacles to cross-border cooperation in Western Balkan countries may also be rooted in any of the four dimensions as observed at the borders between EU Member States. The study identified 222 obstacles in the Western Balkans with a focus on borders between candidate and potential candidate countries and EU Member States⁶. Most obstacles are rooted in the political dimension and relatively few can be linked to economic, social, and cultural dimensions (figure 1). This does not imply, however, that focusing on mitigating obstacles rooted in the political dimension is sufficient. Effects of obstacles of any dimension may be manifold and can be related to many sectors and policy fields, as outlined below. The following section presents, in more detail, obstacles to cross-border cooperation typically found in the Western Balkans by differentiating them across the four main dimensions while focusing on the political dimension to address its significance.

Legal and Administrative Obstacles

The politically defined nature of borders may lead to legal and administrative obstacles

hampering cross-border cooperation. Political disputes in the Western Balkans may be linked to a country's interpretation of borderlines and recognition. This implies, inter alia, complex or difficult relationships between some countries in the region, which are in turn visible in different obstacles to cross-border cooperation. Legal roots occur because of different national laws and in relation to introducing European Union law. Administrative conditions typically hampering cross-border cooperation are based in different and insufficient governance and administrative structures and adverse behaviour. The analysis shows that these adverse conditions frequently affect cross-border cooperation negatively in the Western Balkans. Without claiming to be comprehensive, table 1 summarises typical political obstacles observed in the Western Balkans. The box 1 complements the table 1 with selected insights.

About two-thirds of these types of obstacles are relevant for a specific border between two countries in South-Eastern Europe, which illustrates the importance of adequately harmonised rules and frameworks between

Table 1. Frequent Types of Political Obstacles in the Western Balkans

Border & recognition	Legal conditions	Administrative conditions
<ul style="list-style-type: none"> • Maritime border settings • Land border disputes on small border segments • Physical barriers and border control / custom / visa routines • Differences in status between EU Member States and Enlargement Countries • Smuggling of goods and migrants 	<ul style="list-style-type: none"> • Lacking harmonisation of legal framework in specific sectors (e.g., health, labour market, education, protected areas, and civil protection) • A lack of adequate introduction of the '<i>acquis communautaire</i>' hinders tackling joint challenges (e.g., in the fields of water, waste, and wastewater) • Pending conclusion or implementation of bilateral agreements • Travel restrictions due to border closures (including COVID-19) 	<ul style="list-style-type: none"> • Complex / time consuming administrative processes hampering cooperation and exchange in many sectors (e.g., emergency & disaster management and mobility) • Lack of capacities to engage in cross-border cooperation, either generally or in specific sectors (e.g., disaster management, infrastructure, and spatial planning) • Fragmented or unbalanced administrative structures hampering cooperation • Poor policy coordination (willingness) threatening biodiversity & environmental protection in border areas • Ineffective cooperation of administration (e.g., police) • Weak cross-border cooperation structures

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'

Box 1. Selected Illustrations on Political Obstacles

Smuggling hampers smooth cross-border cooperation and interaction as a result of the **different status of countries** in the European integration process. The differences in status lead to a need for control at cross-border check points and cooperation. The analysis at the Greek-Albanian border showed that a lack of control and cooperation facilitates smuggling, which is exacerbated by socio-economic structures.

Obstacles resulting from a lack of consistent **legal frameworks or bilateral agreements** are evident in the case of **health care**. The analysis highlights the variety of harmonisation needs in terms of legislations, standards, and procedures. A lack of harmonisation prevents the development of a more efficient and inclusive system of cross-border health care services.

Weak cross-border **governance systems** hamper cooperation in border areas in the Western Balkans at different levels. Several **Euroregional structures** in South-East Europe exist only theoretically and do not facilitate cross-border cooperation, which negatively affects the effective implementation of Interreg IPA measures.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries.'

neighbouring countries, which is, inter alia, to be enhanced through the introduction of European Union law.

Geographical Obstacles

Obstacles of the geographical and natural dimension may be rooted in a lack of infrastructure to overcome natural barrier effects due to topographic conditions or inadequate natural resource management. In South-East Europe, most of these obstacles are rooted in the lack of cross-border (transport) infrastructure. Many of them refer to specific border crossings and illustrate the hampering effects of a lack of

efficient infrastructure and equipment at border crossings. These may be found along all borders in the Western Balkans and affect travel times for the transport of goods and people both along the main transport routes of the extended TEN-T network and other transport connections and crossing points. In some cases, this is furthered by unfavourable topographic conditions that require additional infrastructure investments.

The Western Balkans are rich with natural resources, many of which having a transboundary character. As such, inadequate or even a lack of cross-border natural resource management is another frequent obstacle in South-East Europe.

Box 2. Selected Illustrations on Geographical Obstacles

Lacking transport infrastructure may refer to different elements to facilitate cross-border mobility. Often this refers to inefficient border crossing infrastructure. In some cases, such as some connections between North Macedonia and Bulgaria, or North Macedonia and Greece, this is also about the need for further connections between the Orient / East-Med TEN-T core network to facilitate transport capacity. Current limitations of this network lie in damaged road and rail and partially missing rail infrastructure.

South-East Europe is rich with **environmental resources** in terms of its biodiversity; specific river, lake, and mountainous ecosystems; large forest areas; and cultural landscapes, to name a few. These resources include, inter alia, various transboundary river basins, which are an important common asset in terms of both climate change challenges and water quality. This makes transboundary rivers an important area for regional cooperation. The lack of transboundary river basin management along many borders is further hampered by a lack of harmonised legislation. Environmental rules and further transposition of EU rules into national legislation of Enlargement Countries is considered by Chapter 27 of the Acquis Communautaire.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries.'

This refers to natural resources in general as well as protected areas, the pollution of rivers and the sea, the building and energy production of hydropower plants, and illegal logging activities. While these obstacles are present along all borders in the area, their occurrence can be quite specific and concentrated on smaller parts of a border between two countries.

Economic Obstacles

Economic obstacles usually result either from barriers to the coordination of economic and sector policies supporting economic development or from socio-economic discontinuities, notwithstanding simultaneously occurring opening effects of discontinuities for cross-border cooperation. In South-East Europe, socio-economic discontinuities seem to be most relevant for cross-border cooperation obstacles linked to the economic dimension and appear particularly between EU Member States and Enlargement Countries. These disparities may hamper different spheres of life, from imbalances in funding infrastructure to skills development, cross-border labour market integration, and

business opportunities in border regions, and often represent a complex relation between sources of the obstacle and its effects as illustrated in the box 3.

Obstacles due to a lack of coordination of policies often result from a lack of human and financial resources. The identified obstacles show that countries and regions in South-East Europe are not prepared for such cooperation activities. Despite the low number of specific obstacles identified in this context, they tend to be evident in many parts of the region.

Social and Cultural Obstacles

Obstacles of the socio-cultural dimension may be rooted in different perceptions of belonging, historical legacies, cultural traditions, and languages, which are all quite visible in South-East Europe (see e.g. Lindstedt and Wahlström (2012), particularly expressed in bilateral disputes and nationalistic narratives. Some of these obstacles may be relevant more generally in South-East Europe while others can be linked to specific bilateral legacies, such as the example in box 4.

Box 3. Illustration of the Complexity of Obstacles resulting from Socio-economic Discontinuities

Spatial discontinuities are visible, for instance, in terms of GDP, GDP per capita, employment, unemployment, wage levels, and poverty. A comparison of GDP per capita in the multilateral border region Croatia-Montenegro-Bosnia and Herzegovina-Serbia reveals that GDP per capita amounted to about 30% of EU average in 2018 in Bosnia and Herzegovina, less than 40% in Serbia and still below 50% in Montenegro compared to over 60% of the EU average GDP per capita in Croatia (Bonomi, 2020, p.4). Based on these disparities, the analysis emphasises the limitations on employment and labour mobility, which are accompanied by other discontinuities in terms of skills, capacities, funding of businesses and infrastructure, and innovation, among others.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Box 4. Illustration of a Bilateral Socio-Cultural Obstacle resulting from Historical Legacy

The analysis identified a bilateral double-sided obstacle at the Greek-Albanian border. The role and status of the Greek minority in Albania and – to a lesser extent – the Albanian minority in Greece influence cross-border relations between the two countries. In addition to other different political matters and perceptions, mental barriers can be observed stemming from **different perceptions and interpretations of the historic legacy**, cultural traditions, and biases towards people living across borders. This may directly affect the social inclusion of specific groups, as well as in overall political and cultural exchanges between the countries.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Mitigating Obstacles in Selected Policy Areas

The previous sections have illustrated that many different roots exist for obstacles to cross-border

cooperation in the Western Balkans and South-Eastern Europe more generally. These matter for many sectors and policy fields including, above all, transport and mobility, natural resources and

environmental protection, and civil protection and public security. These and the many other policy areas affected are illustrated in figure 2.

The different root causes of cross-border obstacles and their effect on policy areas vary and often require complex governance solutions to mitigate their impact. The following sub-sections illustrate these variations for selected themes and obstacles relevant for enhancing resilience in light of contemporary challenges such as climate change and the pandemic, focusing on those that are particularly important for addressing cross-border integration in the Western Balkans.

Natural Resource Management

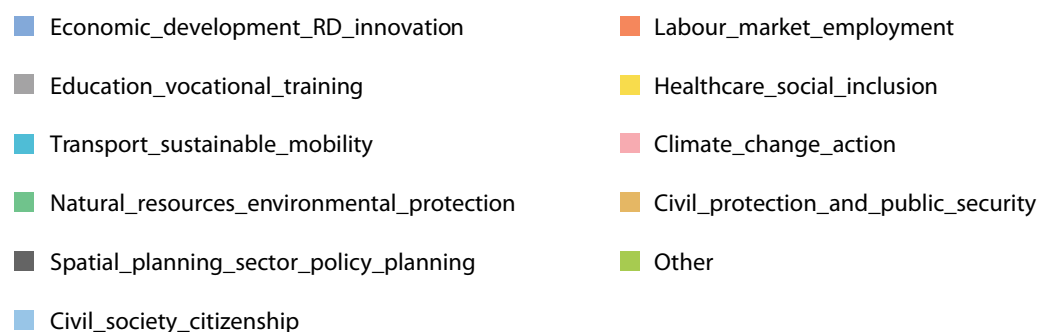
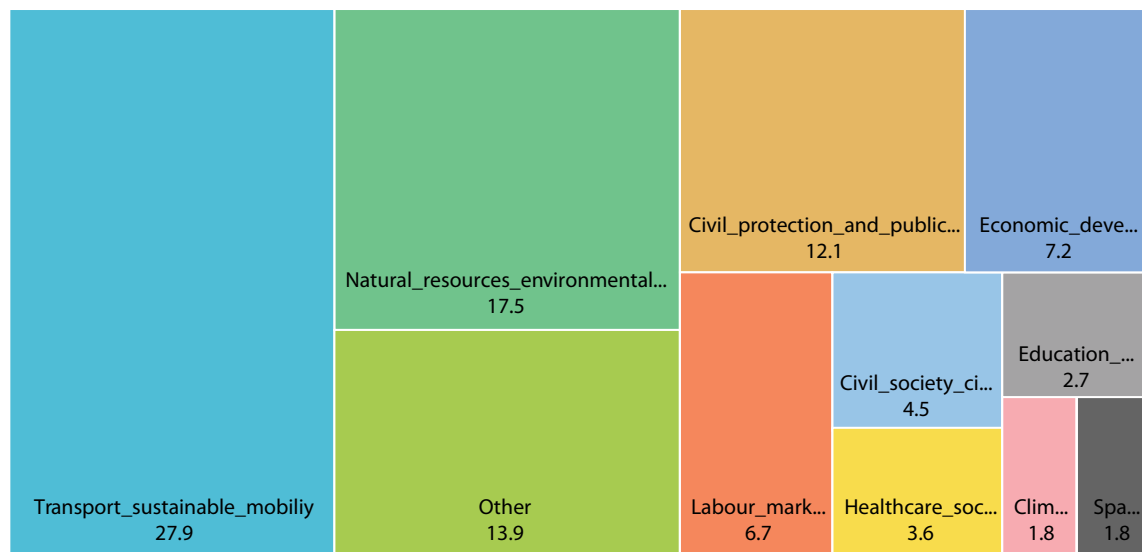
Box 2 highlighted the rich environmental resources of South-East Europe that do not respect administrative borders, such as lakes, rivers, forests, and mountains. Various transboundary river basins as well as many protected areas stretching across borders are important common assets. These resources are important for eco-system services as well as in

view of climate change challenges. Considering the transboundary nature of these resources and their importance for sustainable development, they need to be protected and managed in the context of cross-border cooperation. Different obstacles for transboundary natural resource management can be observed widely in the Western Balkans. They may be grouped as outlined in box 5. Further, related obstacles may be relevant for specific border segments.

Many of these obstacles are rooted either in a lack of harmonised legislation or insufficient administrative structures and behaviours, and often imply quite complex relations between the sources, problems, and effects of the obstacle. The negative effects of these obstacles are multiple. Citizens in border regions and beyond are affected as are the agriculture, tourism and other sectors relying on a healthy natural environment.

In light of this complexity, solutions to these obstacles may only be achieved if national and local authorities of the concerned

Figure 2. Relevant Policy Areas as % of all Identified Obstacles (n=222)



Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'

territories cooperate and involve other actors, such as environmental agencies, relevant non-governmental organisations, and authorities managing protected areas (i.e., national parks). Governance solutions need to be specifically

adapted to the actual obstacle, the territory affected, and the legal and administrative framework. They may even change over time depending on the different measures to be implemented.

Box 5. Major Types of Obstacles for Transboundary Natural Resource Management in the Western Balkans

- Lack of human resources and coordinated approaches for planning and implementing integrated regional climate change strategies.
- Lacking or not fully developed transboundary river basin management.
- Lacking cross-border cooperation of protected area management.
- Fragmented administrative responsibilities in natural resource management hampering cross-border cooperation.
- Low wastewater treatment coverage is causing river pollution across borders.
- Inadequate solid municipal waste management is causing cross-border pollution of rivers and the sea.
- Extensive planning of hydropower development is threatening river systems with high conservation value.
- Threats to biodiversity due to the neglect of environmental needs in spatial planning and sector policies.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'

Box 6. Illustrations of Effects of a Lack of Cross-border Natural Resource Management for Border Regions

Insufficient levels of wastewater treatment coverage cause local health problems and is a key source of pollution of local surface and groundwater bodies in the Western Balkan region. Consequently, untreated municipal and industrial wastewater contributes to cross-border river pollution since many rivers in the Western Balkans are of a transboundary nature.

Weak transboundary water cooperation tends to increase the magnitude of various climate change related risks implying social, economic, and environmental effects, such as:

- significant economic and livelihood losses;
- lower productivity and economic losses in the agricultural sector due to rising temperatures;
- loss of crop yields and livestock due to water scarcity and droughts;
- displacement of the population;
- increased mortality and morbidity;
- decreased public safety; and
- impaired ecosystem functioning and loss of species.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'

Box 7. Illustration of Governance Arrangements to Enhance Transboundary River Basin Management

A transboundary 'nexus approach' enabling cross-sectoral and cross-country intervention is needed to address **transboundary river basin** challenges. Coordination between the water, energy, food, and environment sectors within one country (already encountering difficulties at the national level) is further challenged by the substantially increased complexity of transboundary basins. The 'nexus approach' to managing interlinked resources has emerged as a way to enhance water, energy, and food security by increasing efficiency, reducing trade-offs, building synergies, and improving governance while protecting ecosystems.

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The Western Balkans can build on several existing agreements and initiatives. Many of these initiatives require further implementation in cross-border contexts and greater involvement of local actors. Examples include:

- International Commission for the Protection of the Danube River;
- Framework Agreement on the Sava River Basin;
- Disaster Preparedness and Prevention Initiative; and
- Initiatives for transboundary conservation by the International Union of Conservation of Nature

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Civil Protection and Public Security

Although civil protection is mainly addressed at a national level, there are several cases where coordination across borders is deemed necessary, with implementation heavily depending on cross-border cooperation at the local level. Cases where citizen security and protection challenges (or their consequences) do not recognise national borders include organised crime activities such as the smuggling of products, illegal human trafficking, and illegal migration routes across borders. A second set of challenges relate to environmental threats and extreme weather event management, such as natural hazards and risk management. The Western Balkans is one of the regions of Europe in which challenges of both types of civil protection occur at transboundary level. It is a transit area for organised crime routes and activities and a region with a rich and vulnerable transboundary natural environment, frequently subject to extreme weather phenomena, such as fires, floods, earthquakes, landslides etc. The importance for resilience and sustainable development in the area highlights the necessity to look beyond national borders and opt for more coordinated efforts, which gives rise to different obstacles along different border segments in the Western Balkans. These obstacles underline the overall lack of coordination in civil protection. They can be grouped in the following two broad categories, as outlined in box 8.

The roots of these obstacles vary. The roots of organised crime are rather deep and can be

socio-economic, such as post-conflict instability and its economic challenges, continuous corruption, the presence of criminal organisations, the presence of important seaports and coastlines that enable the movements of illegal products across borders, and the price differentials of those products along and beyond EU borders (Transcrime and Università Cattolica del Sacro Cuore, 2019). Notwithstanding the state of national or local disaster management (beyond the scope of this analysis), the roots of a lack of common border disaster management may relate to the lack of national and local capacities in dealing with cross-border disasters, the lack of appropriate legal context, the lack of cooperation between national governments and NGOs, vulnerability of information, and insufficient monitoring and early-warning systems. These limitations and their resulting obstacles produce various economic, environmental, and social effects as illustrated in box 9.

Given the overarching character of the civil protection sphere, solutions may be achieved through the cooperation not only of different governmental levels, but also through coordination of the national, regional, and local authorities with citizens' groups and civil society and across borders. Solutions should always be adjusted to the different border specificities and frameworks, which will also indicate the most relevant cooperation structures. The box 10 touches upon two obstacles related to organised crime activities to highlight the necessity for stronger cooperation. The example of illegal migration shows how a nationally-oriented

Box 8. Major types of Obstacles for Transboundary Civil Protection in the Western Balkans

- Ineffective policy cooperation against organised crime, such as smuggling products, illegal migration routes, and human trafficking.
- Lack of common disaster management and inefficient measures for risk emergencies, natural hazards, and disasters.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

solution may pose further challenges and threats to the region. The example of smuggling activities shows that cooperation efforts can be promising for both sides of the border.

Box 9. Effects of a Lack of Common Border Disaster Management and Insufficient Measures for Risk Emergencies

A lack of coordinated disaster management may pose greater damages to the territories of the region, the people, the economy, as well as further threats to the overall environment. Various effects include:

- A risk to people's safety, such as injuries, accidents, and casualties resulting from high risks of water scarcity and more frequent flash floods as projected for South-East Europe in view of climate change;
- Technical and technological accidents or hazardous accidents, for instance, resulting from chemical pollution from agricultural activities and the illegal discharge of industrial wastewater;
- Further environmental damage, such as pollution and the destruction of forests and ecosystem services taking into account, for instance, different levels of wastewater treatment South-East European countries;
- Loss of income due to hazards on businesses and agricultural land, mirroring the high importance of agriculture as a source of income and employment in the region, which in turn contributes to higher consumer prices;
- Citizens' wellbeing at risk as ecosystems are destroyed, e.g. in regions where income and employment depends on natural resources (agriculture, tourism).

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries' and United Nations (2011).

Box 10. The Cost of Non-Cooperation in Addressing Illegal Migration vs Joining Forces for Combating Smuggling

Several borders around the Balkan peninsula served as **entry points for illegal migration** during the peak of the migration crisis in 2015 and 2016. As a temporary solution, different countries erected fences in different parts of their borders with other neighbouring countries to prevent people from entering their territory. Relevant examples are the fences between Greece and North Macedonia, Greece and Turkey, as well as Hungary and Serbia. Such approaches, however, had wider consequences than merely hindering migration. With these areas being home to a rich wildlife, the new 'man-made physical barriers' reduced ecological connectivity in the area. As a result, border fences along the 'green' EU's external borders increases the threat of habitat fragmentation and hinders the migration of larger mammals, especially wide-ranging animals such as bears and wolves. Therefore, this cost of non-cooperation is showing in wider and equally important further challenges.

As a counterpoint, Greece and Albania have initiated promising steps for **joint efforts towards combating smuggling**, particularly the smuggling of products. Increased controls and coordination efforts involving responsible national ministries as well as the police and customs offices of both countries have been considered to overcome the obstacle. Albania and Greece agreed to establish a new 'contact centre' located on the land border between the two countries, aimed at strengthening cooperation between the police and customs forces. More precisely, the centre will be based at the Kakavia border crossing on the Greek side of the border and will be staffed by police and customs officers from both countries. It will coordinate on illegal migration, human trafficking, and smuggling, among other activities. This cooperation effort has been formalised through an official agreement between Greece's Deputy Minister for Citizen Protection and Albania's Deputy Interior Minister for border issues, signed in January 2021. As of June/July 2021 the centre is still under development and efforts to staff it are under way. In addition to formal agreements, further cooperation at the local and municipal levels across the border will benefit coordinated actions against organised crime.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Health Care

The obstacles related to cross-border cooperation between EU and candidate or potential candidate countries in the field of health care are primarily linked to insufficient coordination and harmonisation across countries and are rooted in the different national laws and regulations. This lack of coordination generates negative impacts on the cross-border area, affecting citizens who want to have access to medical treatment in neighbouring countries.

Since the fall of communism in the late 1980s, South-East European countries have maintained highly centralised health care systems, meaning that health care is primarily dealt with by national governments in an independent and autonomous way.

Moreover, the accession to the EU of only a few of these countries has made the administrative differences difficult to manage, leading to the creation of severe inefficiencies and producing further gaps and inequalities between neighbouring states with regard to health care accessibility and quality. These substantial differences usually generate significant flows of patients from candidate and potential candidate countries towards neighbouring EU Member States that offer higher quality health care systems, creating an imbalance that is difficult to correct.

This obstacle has an impact on various policy intervention fields, such as cross-border access

to health care services, hospital cooperation, and cross-border access to health insurance for cross-border workers. In the long term, the legal obstacles and insufficient cross-border coordination and cooperation at the regional and national level may lead to inadequate access to health services, the lack of continuity and quality of care and, overall, risk a good state of health of the population.

The framework conditions and challenges in the field of health care in the Western Balkans have numerous common features across countries. These can only be adequately and sustainably resolved through close cooperation⁹ not only at the national level, but also involving the regional and local level and possibly cross-border governance structures, such as Euroregions and Interreg IPA programmes. Actions towards removing barriers and allowing better access to health care should therefore be taken iteratively and at different levels. Efforts might include, for instance:

- collection and analysis of patient flows and health care needs in the cross-border area to map the actual needs coming from the territories;
- the organisation of knowledge exchange and trainings;
- coordination among relevant regions/counties on possible joint solutions guided by cross-border governance structures such as Euroregions; and
- the achievement of an agreement between national insurance companies removing administrative and legal barriers to accessing health care.

Box 11. Direct Effects of a Lack of Coordination and Harmonisation in the Access to Health Care Services across Borders

The main direct effects of a lack of coordination in health care are:

- restrictions in accessing services on the other side of the border;
- loss of time in accessing health care services, exacerbated by the presence of the Schengen border and the longer procedures at border crossing points;
- additional costs for services and procedures (e.g., the lack of agreements on cross-border access to health care forces patients to seek health care services in private clinics across the border);
- inefficient use of public infrastructure close to the border (e.g. hospitals).

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Box 12. Example of Cross-Border Health Care Accessibility Challenges between EU Member States and Enlargement Countries

The Hungarian-Serbian border, in particular the border within the DKMT⁸ Euroregion area, is characterised by a high number of Serbian citizens who travel across the border to access health

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care services in Hungary because of the higher quality of services. However, since Serbian citizens do not have access to public health provision in Hungary, they are obliged to seek treatment in private clinics. The overall situation at this border has two main implications:

1. The one-way flow of patients from an IPA to an EU country.
2. Access to better health care can only be afforded by people with the necessary financial means to cover the expenses of private health care.

The first factor hindering cooperation between the countries is economic in nature. Since the number of patients coming from Hungary towards Serbia is minimal, this unbalanced flow of patients towards Hungary makes it difficult for the national health insurance companies to reach an agreement on broader use of public health services by Serbian citizens, as costs would be disproportionately higher for Hungary. This obstacle further negatively affects cohesion objectives, and particularly social cohesion.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries' and United Nations (2011).

Box 13. Illustration of an Approach to Overcoming the Lack of Cross-Border Health Care Accessibility

The experience of the DKMT⁸ Euroregion in 2005 provides an example of an attempt to achieve a concrete solution and the challenges that remain unaddressed. In the framework of the 2000-2006 Hungary-Romania-Serbia-Montenegro Programme, the DKMT Euroregion developed a cross-border project to find solutions to the lack of cooperation in health policies by replicating an initiative implemented by the Meuse-Rhein Euroregion (Belgium, Germany, and the Netherlands). The project aimed to create a Euroregional health insurance card for people living in the DKMT Euroregion, allowing them access to the health care systems across the whole area, without national distinctions. However, due to the unbalanced flow of patients towards Hungary, the initiative was not supported by the national health insurance companies.

The involvement of active cross-border governance structures such as Euroregions can therefore be a possible way to initiate actions towards the elaboration of a concrete solution and build momentum for an agreement at the national level that would eliminate administrative and legal obstacles in the long term. The involvement of border hospitals, universities, and research institutions will also be key to understanding the actual needs of the territory.

Source: Authors based on the study 'Analysis of Cross-border obstacles between EU Member States and Enlargement Countries'.

Conclusions

The study behind this article highlights the need to move from national considerations, analyses, and policy making towards a more explicit consideration of cross-border issues. This move may not only benefit border regions but an enhanced cooperation experience may also be beneficial for national policies. Overall, this conclusion is taking a long-term perspective, as EU experience with increasing cross-border cooperation and integration shows.

Cross-border cooperation in the Western Balkans is still a sensitive matter in some border areas due to the enduring tensions linked to war legacies and different interpretations of recent history,

which persist among the younger, post-war generations through the educational system. The path towards improved cross-border cooperation cannot ignore these underlying issues; an open dialogue among institutions at all levels and among local communities, as well as concrete trust building activities should be encouraged in those areas where ethnic and religious divisions are still observable. The EU can play a crucial role in this through the enlargement process and cross-border cooperation programmes in the region (Interreg IPA), which can represent a powerful stimulus.

Experience with cross-border cooperation and integration along internal EU borders shows that solving obstacles requires **time, realistic**

objectives, and acceptance among stakeholders and citizens. Whether governance arrangements are straightforward or require more complex approaches, several tailored steps often need to be taken before actually overcoming the obstacle. Examples of such preparatory steps include:

- the creation of an adequate knowledge base through needs assessments, monitoring etc.;
- specifying the needs for cooperation on a particular obstacle and cooperation's benefits for the affected population;
- identifying initiators and important stakeholders to address the obstacle; and
- working on the specifics of the legal framework to garner further support from higher administrative levels on local challenges. (See e.g. Hermanek, 2015).

Based on these findings a few policy pointers can be detailed. Interreg IPA programmes are important for cross-border cooperation in the Western Balkans. Most programmes are bilateral, an element which does not sufficiently consider functional areas. In some cases, trilateral programmes would be better for considering functional economic or environmental areas. Alternatively, territorial flexibility of bilateral programmes could be promoted to involve stakeholders from outside the programme area, including stakeholders from neighbouring countries when it would be beneficial for a project and justified by functional links.

This finding is closely linked to the identified need for capacity building and awareness raising about the opportunities of Interreg IPA programmes, which should be particularly targeted to the regional and local levels of government, as they usually have less capacity. In this context, actions aiming to address obstacles hampering cross-border cooperation and integration in a strategic manner may be favoured. Finally, national authorities may have to reconsider adequate levels of decision-making. In line with subsidiarity principles, more responsibility may need to be decentralised to regional and local levels. Decisions, for instance, related to cultural exchanges, events, and Balkan Forums may benefit from more local involvement and broader scope.

Western Balkans transboundary organisations should also amplify their communication role. Flagging cooperation topics of concern among communities to Interreg IPA programmes and their authorities could support targeting

programme activities. This could be facilitated, for instance, if these organisations act as observers to these programmes.

Finally, border regions need stronger cross-border cooperation structures. These can facilitate many cooperation processes and initiate measures to tackle challenges specific to border regions on behalf of their members. This will help bridge the interests of citizens, local governments, and national decision makers across borders.

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Notes

¹ https://ec.europa.eu/regional_policy/en/newsroom/news/2021/03/03-03-2021-cross-border-obstacles-between-eu-member-states-and-enlargement-countries-fill-the-survey

² The focus of this paper is on the Western Balkans. However, the analysis of this study was carried out for the whole of South-East Europe (excluding Cyprus) and relations between all these countries. Whenever the paper refers

to South-East Europe, findings go beyond the Western Balkans but are also relevant for the countries of the Western Balkans. Thus, South-East Europe in this paper refers to all enlargement countries plus Bulgaria, Croatia, Greece, Hungary, Italy, and Romania.

³ The study focus is not on relations and cross-border obstacles between IPA countries. Thus, they are not explicitly or separately addressed.

⁴ The Eurobarometer survey 2015 identified five challenges (% of respondents): Language differences (57%), social and economic differences (46%), legal and administrative differences (45%), cultural differences (32%) and the accessibility obstacle (30%) (European Commission, 2016b, pp.5–6).

⁵ Examples include 'Easing legal and administrative obstacles in EU border regions – ELABOR' (European Commission, 2017b), 'Cross-border Cooperation – Capitalising on existing initiative for cooperation on cross-border regions' (European Commission, 2018), ESPON Cross-border public services (ESPON, 2019) and the b-solutions initiative (<https://www.b-solutionsproject.com/>).

⁶ This inventory of obstacles does not claim to be complete since its compilation is subject to available literature and documents and information gathered through a survey in Spring 2021. In addition, the inventory refers to the situation in the first half of 2021 without further differentiation over time and includes not only the Western Balkans but the EU's external border with Turkey as well.

⁷ <https://www.ekathimerini.com/news/261359/greece-albania-establish-cross-border-crime-prevention-center/>

⁸ Danube–Criş–Mureş–Tisa

⁹ <https://library.fes.de/pdf-files/bueros/belgrad/10758.pdf>

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Seasonal Workers in the Western Balkans: Permanent Challenges and Cooperation Opportunities

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Summary

Seasonal workers, either formally or informally engaged, comprise a large share of the labour force in the Western Balkans (WB). Seasonal labour brings considerable development benefits including: frequent employment, remittances, enhanced skills, as well as territorial cooperation. Yet, the transition economies of the WB are unable to meet the seasonal working challenges manifested at various levels. These range from a lack of proper governance for seasonal workers' rights, obligations, and mobility, to greater global challenges, such as migration, climate change, intensive agriculture, etc. In a nutshell, seasonal workers in the WB are at risk of increased vulnerability.

European Union (EU) countries, with only 4% of the EU citizen labour force engaged in seasonal labour, find the seasonal workforce from the WB an attractive opportunity for their economies. In 2014, the EU adopted a 'Directive on Seasonal Workers' to regulate their activity (Zoeteweij, 2018). However, this directive is controversial in that it transforms people into temporary economic inputs, promoting a void of skills and workforce for the WB economies (Marsden, 2014).

This article analyses this complex context by comparing WB countries and examining the possibility for cooperation and regional approaches. It also suggests that state and non-state actors should pay close attention and take up further initiatives to maximize the benefits of seasonal labour mobility, while also improving seasonal labour governance nationally and within the WB region and monitoring the impacts of reform.

Keywords: seasonal workers, regional cooperation, Western Balkans

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Introduction

Seasonal labour, though no commonly agreed definition exists, is a kind of temporary, short-term employment expected to occur only during certain periods (or seasons) of the year. (Mandl et al., 2015; ILO, 2016; Directive 2014/36/EU). Seasonal work usually refers to working in labour sectors traditionally understood to be 'seasonal' in nature, such as agriculture and tourism. However, the range of seasonal work is continuously expanding in other sectors such as construction, entertainment industries, catering, and even housekeeping, bringing new challenges and complexity to deal with.

The share of seasonal workers in the EU has been substantially increasing in the last decade. As reported by Augère-Granier (2021), an estimated 800,000 to 1 million seasonal workers are hired each year in the EU territories (mainly in agriculture). Another 200,000 undeclared seasonal workers are estimated in tourism, accommodation, and food services in EU countries. Each year, around 650,000 to 850,000 EU citizens¹ carry out seasonal work within the EU. Over 100,000 non-EU seasonal workers, needed to help out in tourism, agriculture, and horticulture (sectors where labour from within the EU is difficult to find), are formally engaged in the EU.

In the Western Balkans, this increasing trend appears as well, though no formal registry of seasonal worker exists in these countries and a major part of this labour force operates as part of the shadow economy.² Based on estimations³ made occasionally by individual countries in the WB, approximately 12,000 seasonal workers in Montenegro and around 15,500 in Albania are engaged in the tourism sector; while there are around 88,000 agriculture workers in Albania and around 80,000⁴ in Serbia (Đoković et al., 2020; Bejko et al., 2020).

This illustrates two key aspects of seasonal labour. The first is that seasonal workers, formally or informally engaged, comprise a significant share of the labour force in the EU and in Western Balkans economies. Given their working nature, level of skills required, and relatively low wages, seasonal workers are a must for the labour structure in specific seasonal sectors such as agriculture, tourism, and construction. Secondly, the EU seasonal economy is strongly reliant on third country seasonal workers, draining the substantial potential that seasonal workers could offer in developing economies.

The above is especially sustained by the fact that economic sectors such as agriculture and tourism (economic pillars for the WB countries) require a specific form of employment, being that they are typically seasonal in nature, with labour activities happening in a restricted amount of time. This means that in a very short time (a few weeks and in some cases a few months), a large number of employees is needed, who must be trained quickly and, at the same time be available on short notice. After this high demand period, this labour force it is not needed until the next season. The core challenge of managing seasonal employment therefore is to ensure seasonal workers' availability for future rounds of recruitment.

In addition, this labour force, is particularly vulnerable to exploitation and abuse for several reasons:

1. they are in a country for a short period of time and are usually not informed about their rights and rules that protect them;
2. they often live in temporary housing that does not comply with national standards, and;
3. they frequently live on their employer's premises (especially in the agricultural sector), making them highly dependent on their employer.

On an administration/management level, a series of other challenges pile up, such as;

4. the costs of setting up adequate systems for employment registration;
5. provision of accommodation and transport;
6. improvement of insurance systems; and
7. competitive wages etc.

In this regard, where agriculture or tourism cannot operate in the absence of the seasonal workforce, Western Balkan economies may need to shift focus to further support and encourage seasonal workers. On the other hand, the EU might do the same in fostering better integration and working policies for this specific group.

To shed light on this discussion, this research paper analyses and compares existing situations and policy approaches towards seasonal labour engagement in WB countries and gives insight on the possible co-development of territorial/regional opportunities within the region, examining at the same time mutual challenges and needs for reform.

Policy recommendations are given in the

conclusion addressing: i) requirements and options that can be adapted nationally to meet seasonal labour needs; ii) recommendations that neighbouring countries could follow in enabling better cooperation among them; and iii) insights on how the EU could pursue a more cohesive approach on dealing with seasonal labour issues.

EU Approaches to Seasonal Workers

In the EU perspective of engaging seasonal labour forces, a broad geographical division can be observed between Central and Eastern European member states as 'sending' countries and Western European countries as 'receiving' countries.

The majority of EU countries rely on workers from developing/transitional countries (such as Serbian workers in Slovakia, or Albanian workers in Greece and Italy etc.), who provide a cheaper workforce to fill lower-skilled jobs, often replacing EU citizens who have sought more lucrative jobs - particularly in Germany, the United Kingdom or the Netherlands.

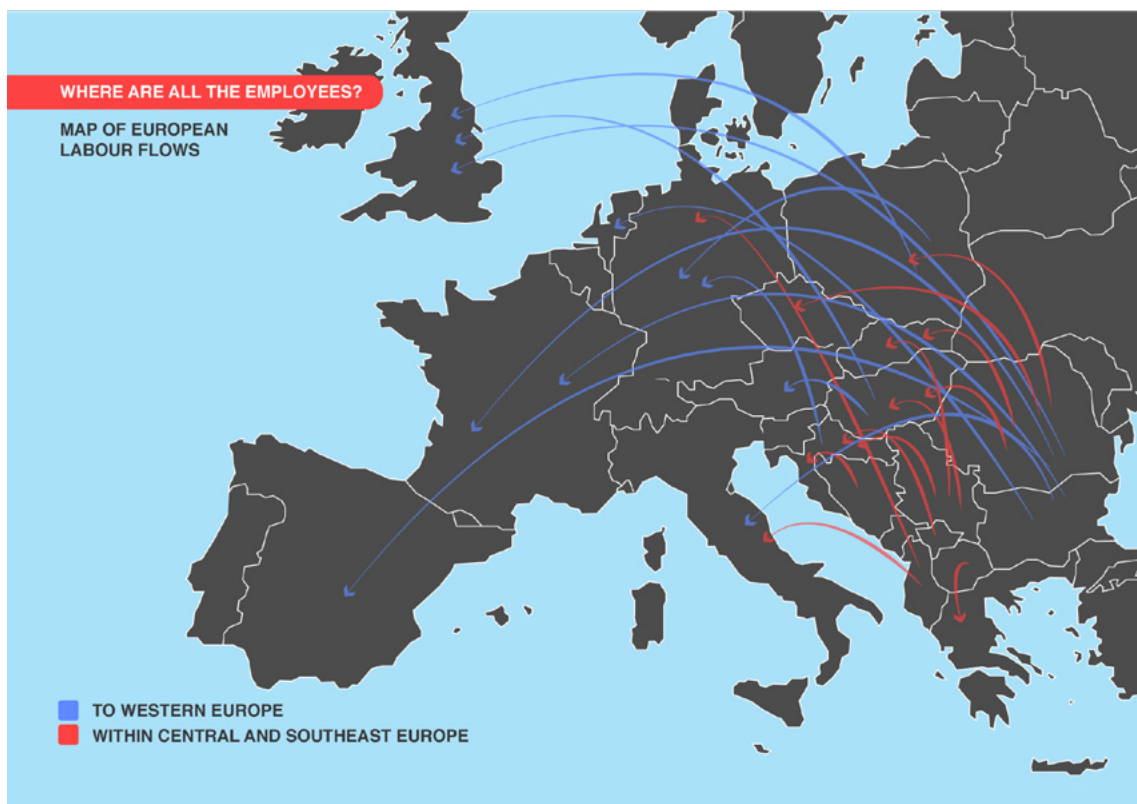
Between 2011 and 2017, more than 1.3 million national farm workers left the EU agriculture sector, an outflow partially off-set by inflows of

both intra-EU and extra-EU migrant workers. These two migrant worker groups increased by 58,500 (+36%) and 83,700 (+31%) respectively over the same period. This corresponds to an increase from 4.3% to 6.5% in the share of migrants in total employment in EU agriculture (Augère-Granier, 2021).

These activities are to some extent covered by bilateral agreements between countries. But that is only true between the EU member states and third,⁵ 'sending' countries.

For instance, Italy has so far concluded five framework (bilateral) agreements with Tunisia (2000), Moldova (2003), Morocco (2005), Egypt (2005), and Albania (2009), covering all seasonal activities for which there is a shortage of national workers in the country. The *Direzioni Provinciali del Lavoro*⁶ (DPL) of the Italian Ministry of Labour and Social Policies is responsible for granting authorisation to Italian employers intending to employ seasonal workers who are nationals of those countries with which Italy has concluded bilateral agreements. The DPL verifies that the conditions offered to the worker meet the standards established by the national collective work contracts applicable to that kind of activity.

Figure 1. Diagrammatic map of seasonal labour flows in Europe



Source: BIRN infographic, 2020, accessed on balkaninsight.com, authors own visualization

Similarly, Greece concluded bilateral agreements covering seasonal labour immigration from Egypt in 1984, Bulgaria in 1996, and Albania in 1997 (Kasamis, 2005). Similar agreements were put in place with Greece and Albania, even during the 2020 pandemic situation, when the engagement of Albania's seasonal workers was crucial between April and September. Employers wishing to employ an immigrant worker need to apply to their municipality each year by informing the authorities of the number and specialisation of employees they need for the following year. The municipality, prefecture (nomarhia) and the regional directorate for foreigners and immigration (perifereia) work in close collaboration with the Organisation for the Employment of the Labour Force (OAED) in controlling Greek labour market vacancies for these positions. The OAED report on labour market vacancies is then sent to the region (perifereia) (Maroukis, 2009)

Germany also has two bilateral agreements (with Poland and Albania) on seasonal employment for agriculture and tourism. Employers must submit employment contracts to the local labour offices, which examine the proposed wages and working conditions, including provisions for housing,

meals and travel agreements. Another interesting initiative in Germany has been developed in the context of the project 'Fair seasonal work,'⁷ in which a web portal (seasonal-work.org) was launched to provide information on agricultural enterprises that employ individuals under fair working conditions. (Carrera, and Faure-Atger, 2010).

To address the aforementioned concerns, the EU initiated many early attempts to regulate seasonal labour migration flows by drafting multiple drafts of the EU Directive for Seasonal Workers.

The first proposal for a Directive 'On the conditions of entry and stay of Third Country Nationals (TCNs) for the purpose of paid employment and self-employed economic activities' was presented by the Commission in 2001.⁸ This proposed Directive would have established a general regime treating all labour migrants equally. However, due to a lack of support for the proposal in the Council, the Commission withdrew the proposal in 2005, with the aim of tackling the issue sector by sector in the upcoming years. It was not until 2010, after Directives on the entry and stay (and employment) of students, trainees, volunteers, researchers, and highly qualified workers had

Box 1. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 - *On the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers*

Seasonal Work, is defined as:

"a third-country national who retains his or her principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State" (Article 3/b, p.2)

The directive provides the following main protections to non-EU seasonal workers:

- Seasonal workers retain their principal place of residence in a third country, and stay legally and temporarily in the EU to carry out an activity depending on the passing of the seasons, typically in agriculture or tourism;
- Member States must determine a maximum period of stay for seasonal workers of between five and nine months in any 12-month period;
- To be allowed to enter the EU as seasonal workers, third-country nationals must have a work contract or a binding job offer;
- Seasonal workers who are already in an EU member state are able to extend their work contract or change their employer at least once;
- Re-entry of third-country nationals who return every year to the EU to do seasonal work is facilitated;
- Seasonal workers are entitled to equal treatment as nationals of the host member state with regard to terms of employment, minimum working age, working conditions, wages and dismissal, working hours, leave and holidays, and health and safety requirements at the workplace; and
- Equal treatment with nationals will also apply to branches of social security (benefits linked to sickness, invalidity, and old age).

been adopted with unanimity in the Council, that the Commission proposed the introduction of legislation harmonising member states' legislation on unskilled migration. (G.Menz, 2015) Yet the Directive was only adopted in February 2014 with a deadline for implementation by the member states in their national legislation by 2016. So far, no substantial changes have been undertaken by member states (besides a few countries transposing the directive). No definitive conclusions can yet be drawn with regard to the implications of the Seasonal Workers Directive in practice.

In summary, the Directive seeks to cater to the member states' fluctuating but persistent demand for a low-skilled migrant labour force, without giving the labour migrants falling within its scope the prospective of integration and long-term residence in the host member state. As a result, without its implementation in the national legislations of EU member states, the Directive is and will remain a paper tiger, as it does not provide the seasonal worker with directly enforceable rights. (Zoetewij, 2018).

Since the EU's Seasonal Workers Directive makes the third-country national applicant largely dependent on the specific application of the directive of the member states, this substantially increases the vulnerability of this category of employment, as well reinforces the need for 'sending' countries to shift attention to their national efforts in reinforcing seasonal workers' position in relation to these issues.

To better illustrate this, the paper will look into the Western Balkan seasonal workforce's struggles, opportunities, and future challenges in the following section.

Seasonal Workforce in the Western Balkans

Following the trends of engaging seasonal workers in the EU, neighbouring countries in the Western Balkans have as well increased the number of seasonal workers they welcome. A great number of seasonally engaged workers can be found in Western Balkan economies and a much greater number can be perceived to be engaged informally.

For example, though unfortunately no proper reporting of the cases can be noted, a large share of seasonal workers from Albania work in the tourism and/or construction sector in Montenegro, and many workers from Kosovo are actively engaged in the collection of medical

herbs in the northern areas of Albania, in addition to the share of the national labour workforce each of these countries engage as seasonal workers.⁹

According to a survey conducted by the Central Bureau of Statistics in the North Macedonia, the number of seasonal workers¹⁰ hired within the country was 185,237 in 2017; approximately 15,000 were formally engaged in the agriculture sector. In Kosovo, the estimated number of seasonal workers in the agriculture sector was about 9,500 in 2020, though these estimations should be taken with some reserve given that they were estimated with very little field data (NALED, 2018).

In Serbia, the number of seasonally engaged labourers in the agriculture sector is estimated to reach up to 80,000 employees. Yet only 3,500 of them were formally registered in 2018, prior to the implementation of the seasonal worker's reform in agriculture. It was only after 2019, when this reform was fully introduced and the platform for registering seasonal workers was made functional that the number of registered workforce skyrocketed to 26,000 in 2019 and 31,000 in 2020 (NALED, 2018).

Unlike the majority of WB countries, Montenegro employs the majority of its seasonal workforce in the tourism sector. According to the Annual Work Report of the Employment Service of Montenegro, employers reported 29,366 job vacancies in 2018, of which about 22% (or 6,498) were related to seasonal work. As expected, most vacancies are in the accommodation and catering sector (around 22% of those advertised) (Đoković et al., 2020).

In Albania, on the other hand, it is difficult to identify the sector engaging the largest seasonal workforce, as both tourism and agriculture engage a considerable share of formally registered seasonal work (around 15,500 in tourism and around 88,000 in agriculture in 2019) (Bejko et al., 2020).

Lastly, unfortunately, there are no detailed statistics on the labour market in the Federation of Bosnia and Herzegovina, nor is there information on employees from which seasonal labour insights can be drawn.

All cases, albeit not thoroughly explained in terms of share of GDP or percentage (%) of the total workforce in the WB economies, show the increasing importance of seasonal workers as a specific type of employment. This becomes even

Box 2. Seasonal Workers in the Agriculture Sector in Albania

The agriculture sector is of crucial importance to socio-economic development in Albania as it contributes 23% of the country's GDP and accounts for 42% of overall employment.

The Fruits, Vegetables, Medicinal and Aromatic Plant (MAPs) and Small Ruminants Value Chains (SRVC) are among the most important sub-sectors of Albanian agriculture. The production of greenhouse vegetables has increased considerably between 2000 and 2018. Additionally, exports from the greenhouse industry have increased substantially during recent years, making Albania an important international/regional player for greenhouse vegetables products. Vegetables constitute about 21% of total agro-food exports, marking a significant increase when compared to just less than 3% in 2005.

A similar picture is visible in the MAPs Value Chain. Albania has a strong tradition in the production and export of MAPs. More than 95% of the total MAPs that are collected and cultivated in the country are exported, making Albania an important supplier of raw material or half-finished products for many EU and US industries. Yet the increase in exports and growing supply is associated with several challenges related to modernization, labour availability, high costs of production, organization, and coordination between and among actors (SRD, 2020).

more evident when trying to analyse the typical seasonal sectors (mainly agriculture and tourism) in these countries.

For example, in 2019 the share of agriculture production in GDP varies from 7% in Serbia to 21% in Albania, while the share of employment in agriculture varies from 7% in Montenegro to 38% in Albania (figure 2).

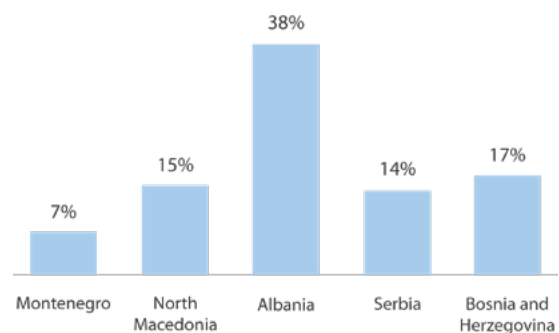
While it is difficult to aggregate data for seasonal employment only, the seasonal character of engagement in agriculture is clearly emphasized by observing quarterly data on the number of employees in Serbia, where the number of employees in Q3 is around 60,000 higher than in Q1 (figure 3).

The situation is similar for the tourism sector. Except for year 2020 and the influence of the Covid-19 pandemic, the share of tourism in GDP was relatively high (figure 4). For instance, in Montenegro the tourism share of GDP was 9% in 2018 and 9.6% in 2019, and in Albania 2.7% in 2018 and 3.1% in 2019.

The share of GDP was followed by employment in this sector, which also increased in the aforementioned countries. The seasonal character of the work in tourism can be noticed when observing quarterly data in Montenegro, where the number of employees in Q3 was around 7,000 higher than in Q1.

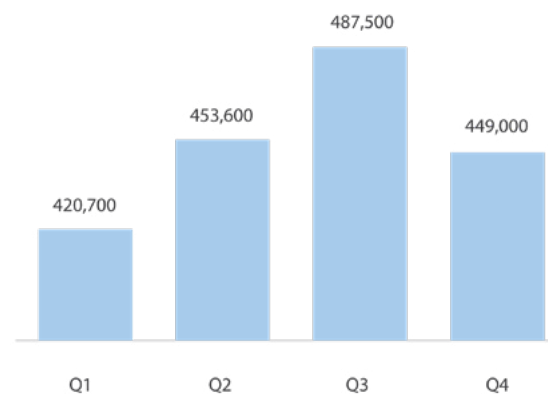
While the EU has been investing substantially in the automatization of different process in the agricultural sector and exploiting new technologies with relation to intensive

Figure 2. Share of Employment in Agriculture (%) per Total Employment (%) in the Western Balkans



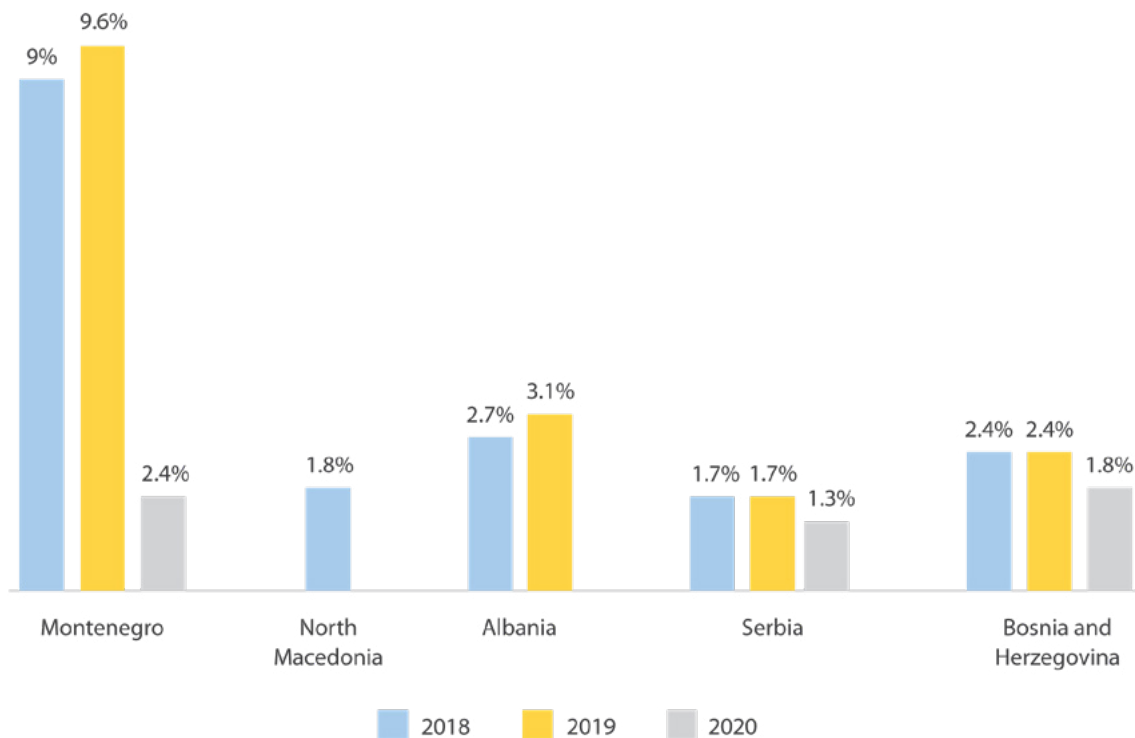
Source: NALED 2019, author's own interpretation

Figure 3. Share of Employment in Agriculture (%) per Total Employment in Serbia during four quarters of 2019



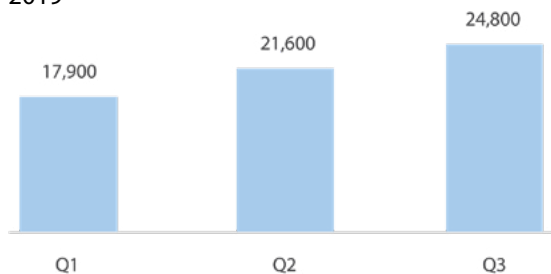
Source: NALED 2019, author's own interpretation

Figure 4. GDP Share of Tourism Sector in the Western Balkans in 2018 and 2019



Source: NALED 2019, author's own interpretation

Figure 5. Total Employment in the Tourism Sector in Montenegro with reference to Quarterly Data, 2019



Source: NALED 2019, author's own interpretation

farming, for the relatively poor economies of the Western Balkans these processes remain at a quite rudimentary level (with the exception of a few initiatives). Besides that, the level of fragmentation of the agricultural land, lack of networking initiatives for exportation, difficulties in absorbing agricultural destined funds from third parties etc. add to the issues that agriculture sector faces in these economies. In this context, the main agricultural processes (harvesting, planting, shredding etc.) are usually provided by manpower, hence seasonal workforces. Yet, the number of employees in the agricultural sector is, in general, declining as a result of internal migration as well as emigration. WB

countries are experiencing large labour losses (including seasonal ones) as a result of the better opportunities, working conditions, pay, and social benefits offered in other EU countries.

The same situation is mirrored in the tourism sector as well. In this situation of multiple challenges, Western Balkan economies have only recently started to reflect on the importance and challenges of engaging and supporting their seasonal workforces.

The key challenges and issues to reflect upon are grouped into three priority areas, further detailed below.

Seasonal Work and Registration Issues

Seasonal work is, by definition, temporary and occasional work where employees work for a limited period of time for any given employer. Usually, these kinds of workers are not highly educated or qualified, especially in the sector of agriculture. Taking into consideration the nature of seasonal work, engagement on a casual or temporary basis, and sometimes by different employers, seasonal work in WB countries becomes difficult to monitor and registered.

According to official statistical data from 2016, there were a total of 2.7 million employees in

Serbia, of which 22% were informally engaged. The majority of informally engaged employees are from the sector of agriculture (around 287,000 workers). Not all informal employees in agriculture are seasonal workers. It is estimated that there are around 65,000 to 80,000 seasonal agriculture workers in Serbia, out of which 95% are informally engaged (NALED, 2018). One of the causes of the shadow economy has been overly complicated procedures that do not suit the dynamic environment in which farmers work, which largely depends on weather conditions. Namely, until the adoption of a new law on seasonal engagement in 2019, employers in agriculture (both legal entities and agricultural farms) had a Temporary & Intermittent work (TI work) contract through which they could hire seasonal labour. This contract involved hiring workers for a maximum of 120 working days during a calendar year to perform a single job. Signing a contract on TI work does not represent the establishment of an employment relationship and therefore the conditions that the employer must comply with are somewhat less stringent than in employment contracts. This procedure meant that the employer spent about five hours of his time and about 10,200 dinars per month on taxes and contributions for one worker, no matter how many days the worker actually worked in any given month.

The situation is similar in all WB countries. Even though seasonal work is different from normal employment, the majority of WB countries (except for Serbia and North Macedonia) do not recognize seasonal work as a specific type of

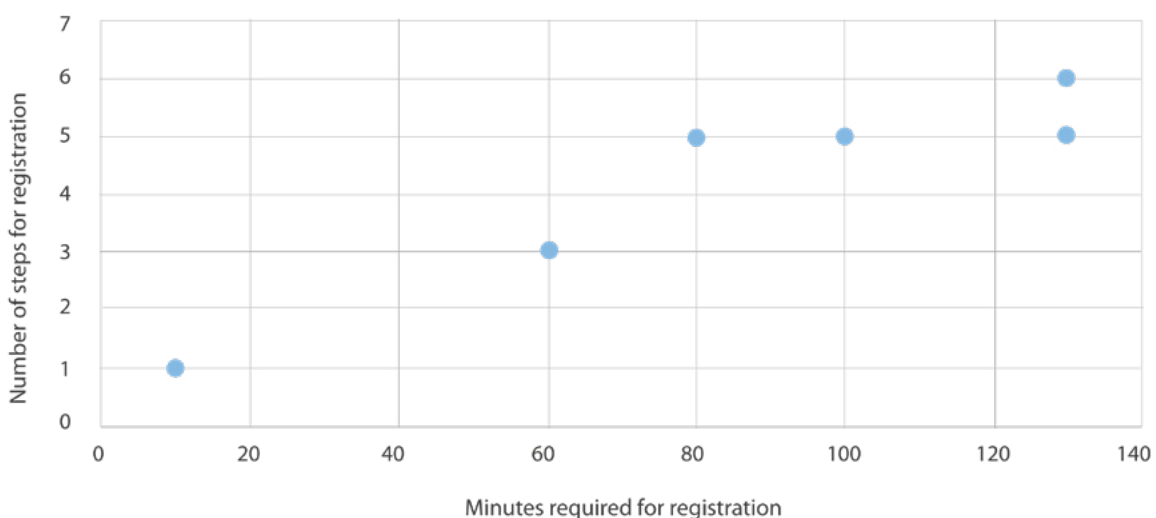
employment. Acknowledging seasonal work as a separate type of employment can simplify the employment process for seasonal workers and could create additional encouragement for the registration of the workers.

The majority of countries are using contracts for casual or temporary jobs or fixed-term contracts to employ seasonal workers. These contracts are often not flexible enough to follow the dynamics of hiring seasonal workers, especially in agriculture where hiring is conducted on a daily basis. In Serbia, before the 2019 reform, it took around five hours to register one worker, which is too long for the dynamic conditions of seasonal work. Based on data for all WB countries, the number of steps that employers need to take to register an employee vary from one in Serbia (after the reform in 2019) to six in North Macedonia. At the same time, the net time invested in the registration process for one worker varies from ten minutes in Serbia to over two hours in North Macedonia and Montenegro (NALED, 2019).

Seasonal Workers' Engagement Issues

With regard to the employer – employee relationship, different approaches are being pursued in WB countries. Without strictly regulated seasonal work, workers are formally employed in another way, such as by causal or temporary job contracts or by fixed-term contracts. In Serbia for example, contracts were previously concluded orally, while in North Macedonia as registration of workers is conducted daily the probation work and period

Figure 6. Total Time Required (in minutes) and Registration Steps Needed for Employment Registration



Source: NALED 2019, author's own interpretation

of notice (both start and termination) is reduced. Yet the procedures they need to follow for the registration remain a high burden for both employees and employers. As a result, seasonal workers do not seize this opportunity (as it is too complicated for them), and try to seek out other employment opportunities or migrate to other EU countries instead, where employment procedures are usually conducted by private employment agencies.

In most economies where fixed-term contracts are used, there are no daily time limitations for seasonal workers. Serbia and North Macedonia (along with the Federation of Bosnia and Herzegovina) impose daily work limitations on seasonal workers that are usually longer than daily or weekly limitations prescribed for workers with employment contracts. That limitation is 12 hours a day (considering the specific nature of seasonal work) while for workers with employment contracts, it is usually up to a maximum of ten hours a day.

These facets reflect the overall observation that the working, health, and living conditions of seasonal workers (and especially those of seasonal migrants) are often poor and inadequate. Moreover, due to more stringent supervision and weak bargaining positions, seasonal workers are often forced to accept such conditions. Seeking to maximize their incomes (to then be transferred as remittances to their families in their home countries), seasonal migrants face serious housing problems with most settling for very low budget housing.¹¹ In the WB, the majority are accommodated in large, shared barracks/containers. Furthermore, because of their working hours (when employed in the tourism sector, for example) and their geographical location (when active in agriculture), seasonal workers are often socially and spatially isolated from the rest of society. All the issues mentioned above form a vicious circle linking intensive (sometimes even hazardous) working conditions, poor housing, social disruption, and the risk of spreading diseases among seasonal workers. The short-term relationships between seasonal workers and employers encourages the latter not to take responsibility for providing a safe and healthy workspace (MSF, 2008).

Policy-related Challenges of Seasonal Labour

On a policy level, the WB are lagging behind in providing good political coverage of seasonal workers' issues.

The majority of legal frameworks in the Western Balkans do not define the problem of seasonal work or it defines it very indirectly. In some cases, differentiation between seasonal and other types of nonstandard employment is not simple (for example, when an employee is employed during an entire season). To illustrate, the legal framework of North Macedonia contains a definition of seasonal work as labour that is not being conducted during the entire year, but during specific periods and seasons, depending on natural or climatic conditions, with a duration of up to eight months in the period of twelve consecutive months. The legal framework of the Republic of Serbia also acknowledges seasonal work but through a separate regulation.¹² In Albania, Kosovo, or Bosnia and Herzegovina, seasonal work operates under the umbrella of 'part time labour engagement' with no clear definition of what constitutes this type of engagement. The identification and definition of seasonal work, its categorization, and recognition in legislation, is crucial in order to design policies that address seasonal labour needs properly.

Pandemic and Seasonal Workers Vulnerability - Highlighting the need to Take Action

While seasonal workers have proven essential (particularly to the developing/transition economies of the Western Balkans), their vulnerability has intensified during the last year in the context of the COVID-19 pandemic. As the coronavirus spread across Europe, low-skilled workers were usually the first to see their wages cut and foreign workers were among the first to be laid off and eventually sent home. In this way, the pandemic has had a triple negative effect on the Balkans: it reduced remittances from abroad, increased local unemployment, and put additional pressure on social services (Vladislavljevic, et al., 2020). On the one hand, as intra-EU borders were closing, third country nationals' inability to reach host countries at the beginning of the harvest season for fruits and vegetables caused member states to panic (Sommarribas, A., Nienaber, B. 2021). In several countries, farmers were struggling to bring in the seasonal workers they rely on to harvest their fruits and vegetables. Attempts to recruit workers locally to replace them often failed, as the work requires physical strength, endurance, and speed that only experienced seasonal workers can provide; the long hours, low wages, and hard-working conditions partly explains why a large part of EU agriculture relies on non-national labour

Box 3. Best Practice Example – Serbian Seasonal Workers Registration System

Since January 2019, Serbian employers who hire seasonal workers in agriculture can hire them through a simplified procedure. In June 2018, the National Assembly passed the ‘Law on Simplified Employment for Seasonal Jobs in Certain Activities,’ which regulates the simplified manner of employment and payment of taxes and contributions for persons who work seasonal jobs in the agriculture, forestry, and fishery sectors. The goal of passing this law was to make it easier for employers to hire seasonal workers and enable seasonal workers to benefit from all the rights granted through having a work engagement.

This reform introduced a small revolution in the hiring of seasonal workers in Serbia. Employers and workers now conclude an oral contract with the obligation to register workers through the online portal before starting work. Registration and deregistration of workers is done electronically in one place via the portal in just a few minutes, and hiring costs are reduced by more than 40%.

More specifically:

- The law enables the registration of seasonal workers on a daily basis via an electronic portal (sezonskiradnici.gov.rs) with just a few clicks. The employer can hire seasonal workers this way for 180 days in one calendar year, with the restriction that a single seasonal worker may not be hired for more than 120 days a year. In order to hire a seasonal worker, the employer is no longer obliged to sign a written contract, but the employee’s application is based on a verbal agreement with the worker.
- The calculation of taxes and contributions is done only for those days when the seasonal worker was actually engaged, which has motivated employers to register their workers. Taxes and contributions are paid by the 15th of the month for the previous month and are based on a tax return that the portal automatically creates without any additional effort by the employer.
- The law prescribes that a seasonal worker in agriculture, during seasonal work, does not lose the right to unemployment benefits or the right to social assistance and is not deleted from the unemployment register, which motivates workers to ‘agree’ to formal engagement.

Such an approach has resulted in the number of registered seasonal workers increasing from 3,500 to 26,609 in the first year, which is about a third of the total estimated number of seasonal agricultural workers in Serbia. This positive trend continued in 2020, with 31,394 seasonal workers legally engaged. The total amount of taxes and contributions paid for these workers amounted to 2.1 million EUR in 2019 and 2.7 million EUR in 2020.

(Augère-Granier, 2021). On the other hand, the Western Balkans were also struggling to sustain the domestic issues related to typical seasonal sectors such as agriculture and tourism due to domestic rules for fighting the pandemic.

For example, in Serbia, the lockdown was in force for more than three months for all citizens older than 65 during the state of emergency.¹³ Elderly farmers had to engage a large number of seasonal labourers¹⁴ just to process their fields. These workers played a crucial role in keeping up with domestic agricultural production in 2020.

Along with Albania and Kosovo, who could not provide any data on seasonal labour migration, Montenegrin officials still have no data on migrant flows, especially on those employed or not during the pandemic. However, the Central

Bank of Montenegro reported that remittances from abroad in the first half of 2020 totalled 256.2 million EUR, down 15 million EUR (or 7%) from the same period last year (Vladislavljevic, et al., 2020). Even in the absence of official statistics, anecdotal evidence shows that the pandemic has had a significant influence on labour movements across Southeast Europe, which highlights the crucial need to foster new and adequate policies for better opportunities for seasonal workers.

Conclusions and Recommended Policies for the Future

While the necessity to engage seasonal workers in agriculture and tourism all over the EU and in other developing countries (including the WB) is increasingly important, the reality of seasonal

agricultural work is a harsh one. The coronavirus pandemic, which affected harvests in the spring of 2020 due to travel restrictions, emphasized seasonal (and migrant) workers' critical role in agriculture and tourism, as well as their (often times) poor working and living conditions. While the EU has made some attempts to regulate seasonal labour through the introduction of the Seasonal Workers Directive, only recently has some attention been shifting towards regulating these worker's conditions in the Western Balkans. As such following the discussion above, this paper tries to summarize some of the recommended policies at three different levels.

1. At a domestic level, Western Balkan countries should firstly recognize 'seasonal work' as a specific type of work and integrate and adapt the adequate regulations to labour legislation, creating in this way new possibilities and incentives to tackle this target group. While some good practices are currently being recorded (see Box 3), and further actions at domestic level are being supported by the ORFMM programme, a wider extension of such examples should be introduced in all WB countries, taking into consideration the typical domestic, seasonal work dominant in these countries.
2. Cooperation should be reinforced between Western Balkan countries. Further cross border cooperation is necessary to analyse the work of seasonal labour agencies or (even informal) networks/flows of seasonal workers returning year after year to the same workplace. This would enable and promote the future exchange of information for better matching of skills with the requirements of the job market in the countries of destination.
3. Lastly, the 'territorial' dimension of EU immigration policy should be reinforced, promoting cooperation and dialogue among regions within the EU as well as between those of seasonal workers' origin/sending countries. In the perspective of reducing the effect of labour loss in the developing countries (usually due to high migration rates to member states), EU initiatives on enhancing technological levels or making use of the specific funds could be used by these countries.

At a general level, improving access to information about labour rights is essential for seasonal workers. In this regard, working closely with national agencies or the adequate institutions,

close collaboration with embassies of sending countries. or making use of regional initiatives (such as the Berlin Process¹⁵ for example) can also help to increase workers' awareness of their rights and obligations.

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Notes

¹ Referring to the study on Intra-EU Mobility of Seasonal Workers: Trends and Challenges by the

European Commission (Directorate – General for Employment Social Affairs and Inclusion), March 2021.

² Refers to the informal parallel economy, including unreported economic activities, incomes, and even employment of individuals.

³ Figures represented here reflect the estimation given by the report in the framework of Increasing Opportunities of Seasonal Workers in the SEE countries project, carried out during 2019 by NALED and financed through the ORFMM programme.

⁴ Out of that, in 2020, 31,394 seasonal workers (circa 40% of the total estimated number) were engaged through the official portal in Serbia following the government initiative on drafting the new legislation on seasonal workers and adapting for the first time an on-line registering portal in 2019.

⁵ A country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union's right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code). Albania is not a third country in the EU context.

⁶ Provincial Labour Directorates

⁷ For more information, see the website of the project 'Fair Seasonal Work' <http://www.pecoev.de/saisonorg/index.php?content=Publikationen>.

⁸ European Commission, Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities, COM (2001).

⁹ Share of national workforce engaged only seasonally within own country of residence.

¹⁰ Due to the lack of a proper registry database, no additional information could be given whether the numbers reflect North Macedonian citizens or other neighbouring country nationals. The same issue remains in the data of the other Western Balkans country reporting on seasonal labour.

¹¹ Some EU countries have systems where seasonal workers (often migrants) are receiving vouchers for their temporary work. These vouchers are providing them some kind of discounts regarding rent. Voucher systems are implemented in Austria, Belgium, France, and Germany.

- ¹² The Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities provides for the implementation of the reform and encouragement of seasonal workers' registration.
- ¹³ The state of emergency in Serbia was in spring (April, May, June) when all agriculture activities take place. The majority of farmers in the country are older than 65 years old.
- ¹⁴ This was the case in the first month of the state of emergency. Yet in the upcoming months, small farmers in particular complained that they did not have the funds to hire seasonal workers so inspectors allowed them to leave the house with the condition of working in the nearby fields.
- ¹⁵ The Berlin Process is an initiative aimed at stepping up regional cooperation in the Western Balkans and aiding the integration of these countries into the European Union. It was launched on August 28, 2014, by the German Chancellor Angela Merkel. For more information, see [ONLINE]: <https://berlinprocess.info/about/>

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Improving the Governance and Administration of Agricultural Land in Albania

Sherif Lushaj^a

Summary

Agricultural land in Albania occupies about 24% of the total area of the territory, with about 0.17 ha per inhabitant. The tiers of agricultural land governance, administrative bodies, basic legislation, and property rights have changed in proportion to the economic and political system, the forms of organization, agricultural planning and distribution, as well as the implementation of privatization reforms. There are considerable issues in agricultural land governance that require efforts in terms of management, the establishment of an administrative system and database, and in relation to progress in the transition years. These issues include: pressure from informal urbanization and continuous fragmentation; degradation phenomena in 25% of the total surface area; cultivation at the rate of only 70-75% of the surface area; low rate of property ownership; and environmental changes.

This article seeks to highlight the main issues pertaining to agricultural land governance at all levels, as well as the role and responsibilities of law enforcement institutions and agencies for property management, property rights, and property certification for agricultural land. The purpose of this article is to analyze the forms of agricultural land governance, the organization of management bodies, ownership, productivity per unit of surface area, and the implications for good governance.

Keywords: Albania, agricultural land, land governance, land administration, land management, property ownership

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Introduction

Agricultural land remains an irreplaceable asset in function of agricultural production, but not only. Governance, implementation of long-term policies and strategies, building of management and investment capacities, as well as improvement of technologies are aimed at protecting agricultural land from urban consumption or from use destination change, as well as limiting environmental impacts on land and production.

This article seeks to highlight the main issues and findings with regard to agricultural land governance at all levels in Albania, as well as the roles and responsibilities of law enforcement institutions and agencies for property management, property rights, and property certification. The purpose of this article is to analyze the forms of agricultural land governance, the organization of management bodies, ownership, efficiency of production per unit, and the potentials for the application of good governance principles.

This study employs a few methods for policy research, including evaluation of cross-cutting legislation, evaluation of reported and archival information, as well as a revision of international policy papers on the issue of (agricultural) land governance.

According to the Food and Agriculture Organization (FAO, 2009), by 2050, the world population is expected to grow by 2.3 billion people compared to 2009, while projections on food production suggest an increase of 70% compared to 2005. In the production of cereals alone, the needs are projected to increase by about one billion tons. Moreover, global agricultural production over the last 50 years has increased on average 2-4% per year, while cultivated area has only increased by 1 % per year (FAO, 2009).

Establishing a sustainable balance between economic development in rural areas and the way agricultural land is used is a condition to ensure sustainable development and protect land resources and the environment. In general, in a neoliberal governance context, stakeholders, land users, and governments aim to achieve economic growth. Due to its productive qualities and capacity, agricultural land, as the basic asset of agricultural and livestock activity, remains the main source of food production with respect to the growing needs of the population. This

requires the cultivation of plants, which adapt to the climate and soil of the respective regions in the country, but also the preservation of the soil for future generations, as an irreplaceable precondition for sustainable development.

Land governance, especially agricultural land governance as a structured policy, has been implemented since the 1980s in Albania but ideas, discussions, actions, and cadastral documents date back further. Land governance addresses: rules, processes and decision-making and management institutions, legal institutions, implemented reforms, property ownership, legislation, conflict resolution, administration, and land policies. Good governance guarantees transparent and inclusive decision-making, where ownership and land use efficiency disputes are resolved amicably. Governance is a conceptually broad term, which includes state and private actors, experts, society as a whole, law and customary rules, as well as cooperation with key actors at the international level in joint actions. Palmer (et al., 2009, p.9) states that "land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which decisions are implemented and enforced, the way that competing interests in land are managed." Land governance is considered as a necessity for the accomplishment of economic, social, and environmental objectives, sustainable development, clear ownership of land as an immovable property, property ownership inheritance and transfer within the household, implementation of land protection policies, and economic growth. Good governance of land administration does not occur in isolation from other levels of social, political, and economic development. Burns and Dalrymple (2008, p.7) argue, for instance, that:

"Weak governance in land administration is a key contributor to issues of: informal models of service provision, corruption, illiquidity of assets, limited land markets, tenure insecurity, inaccurate and unreliable records, informal settlements, unrealized investment potential in property, land speculation and encroachment, idle and unproductive use of land, inequitable land distribution, social unrest, and inadequate provisions of infrastructure" (Burns and Dalrymple, 2008, p.7).

Agricultural land governance issues in Albania

need to be a priority for development policies at all government levels. While agriculture is a key activity for the national economy, the country has limited agricultural land (among the lowest among EU countries). The current surface area of agricultural land (around 696 thousand ha) constitutes 24% of the total surface area of the territory, while in most EU countries this ranges from 30-55% (Ministry of Agriculture, 2018). At a national level, Albania has experienced a decrease in agricultural area per inhabitant: from 0.32 ha per capita in 1950; to 0.28 ha per capita in 1975; and 0.17 ha per capita in recent years (Ministry of Agriculture, 2018; State Planning Commission, 1975). Meanwhile, globally, there is an average of 0.21 ha of agricultural land per capita, with Europe averaging 0.39 ha per capita (FAO, 2020). The potential for the further extension of agricultural land in Albania is limited due to its geographic layout. Moreover, the demand for urban land is much higher than that for agricultural land, due to the increasing demographic trend and the high economic value of that land. Until the middle of the 20th century about 22% of the country's population lived in cities and 78% in rural areas. In 2011, over 58% of the population lived in the urban area, a figure which is expected to have increased since (Instat, 2014). The demographic movement of the population from rural areas to urban areas has been accompanied by agricultural land abandonment, especially in the remote rural areas of Kukës, Tropoja, Gjirokastra, Dibra, and Mirdita, among others. Also, the peri-urban area (mainly agricultural until 1990) has been rapidly transformed into high density urban

area. Moreover, urban sprawl in the coastal area has significantly fragmented agricultural land with a fertility rate of 1-5%, i.e. land with a high production capacity. Due to the reduction of the quantity and use of agricultural land, as well as the increase of factors limiting agricultural development and production, imports of agricultural products have been higher than exports for many years now. Foreign trade data for 2020 suggest that the value of imports for food, beverages and tobacco is 2.84 times higher than that of exports (INSTAT, 2020).

Sources for Agricultural Land Creation in Albania

According to national statistics (Instat, 2018), the agricultural sector in Albania provides 18-20% of the gross domestic product (GDP). Agricultural lands are mainly found in rural areas, as well as in lagoons, environmentally protected areas, urban areas, and forests (albeit in smaller proportions). From 1950 to 1990, agricultural land area approximately doubled in size (to 713,000 ha in 1985).

Data shows that between 1950 and 1990 about 322,000 ha of agricultural land was created, most of which (about 98.6%) was created before 1980; only 1.4% was created between 1980 and 1990. Partial studies conducted in this period, aiming to identify new sources of agricultural land, showed that this growth was insignificant in terms of agricultural production (MoA, 1987). In total, about 250,000 ha were obtained from wetland reclamation, deforestation, and pastures.

Table 1. Dynamics of Agricultural Land Area Increase and its Use

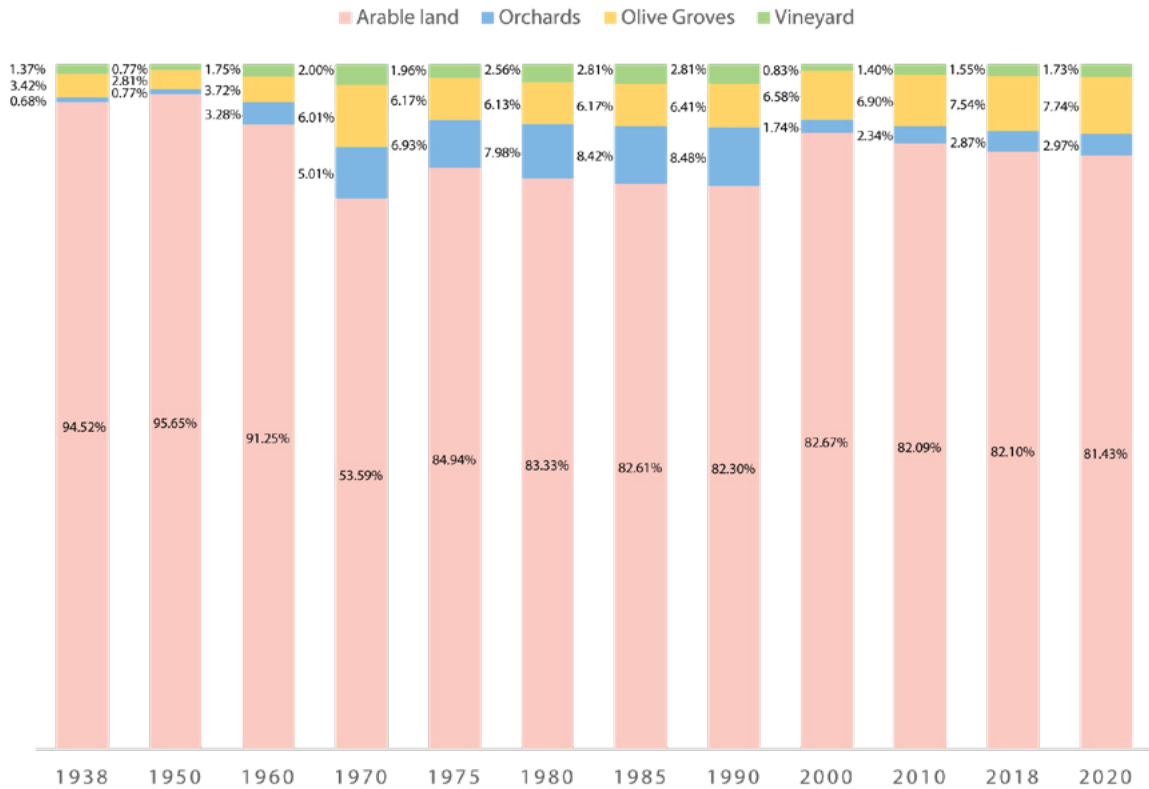
No.	Year	Agriculture land in ha as per cadastral divisions					
		Agriculture land (total)	Arable land	Orchards	Olive Groves	Vineyard	Others
1	1938	292,000	276,000	2,000	10,000	4,000	0
2	1950	391,000	374,000	3,000	11,000	3,000	0
3	1960	457,000	417,000	15,000	17,000	8,000	0
4	1970	599,000	321,000	30,000	36,000	12,000	200,000
5	1975	664,000	564,000	46,000	41,000	13,000	0
6	1980	702,000	585,000	56,000	43,000	18,000	0
7	1985	713,000	589,000	60,000	44,000	20,000	0
8	1990	703,699	579,158	59,696	45,088	19,757	0
9	2000	699,000	577,854	12,167	46,000	5,824	57,155
10	2010	695,520	570,954	16,300	48,000	9,712	50,554
11	2018	696,000	571,435	19,958	52,505	10,787	41,315
12	2020	695,500	566,372	20,658	53,802	12,002	42,666

Source: State Planning Commission, 1838-1990; 'Statistical Yearbook', Ministry of Agriculture 2000, 2010; 'Statistical Yearbook' and INSTAT 2018, 2019.

However, the increase in agricultural area was accompanied by many environmental problems, such as flood exposure and physical degradation in wetlands and forests. After 1990, agricultural land area declined (table 1 and figure 2) due

to a lack of creation of new agricultural land and, more significantly, because of the change in land use from agricultural to urban land. Furthermore, the maintenance of drainage and irrigation infrastructure deteriorated after 1990.

Figure 1. Use of agricultural land



Source: State Planning Commission, 1838-1990; 'Statistical Yearbook'; Ministry of Agriculture 2000, 2010; 'Statistical Yearbook' and INSTAT 2018, 2019. Elaborated by author.

Figure 2. Change in Agricultural Land Area for the period 1938-2020, in ha



Source: State Planning Commission, 1838-1990; 'Statistical Yearbook'; Ministry of Agriculture 2000, 2010; 'Statistical Yearbook' and INSTAT 2018, 2019. Elaborated by author.

The supporting infrastructure of agricultural land, especially irrigation and drainage, is only partially operational today. Thus, the potential irrigation capacity and irrigation ratio in 2020 were respectively 45% and 55% less compared to 1990 (table 2). Policies aimed at improving irrigation capacity remain weak and no significant measures have been taken in this regard (table 2).

Thus, given the limited agricultural land per capita, policies need to focus on using 100% of the existing land, protecting it from degradation, and providing infrastructure and rehabilitation through an action plan covering all tiers of governance.

With the change of the political and economic

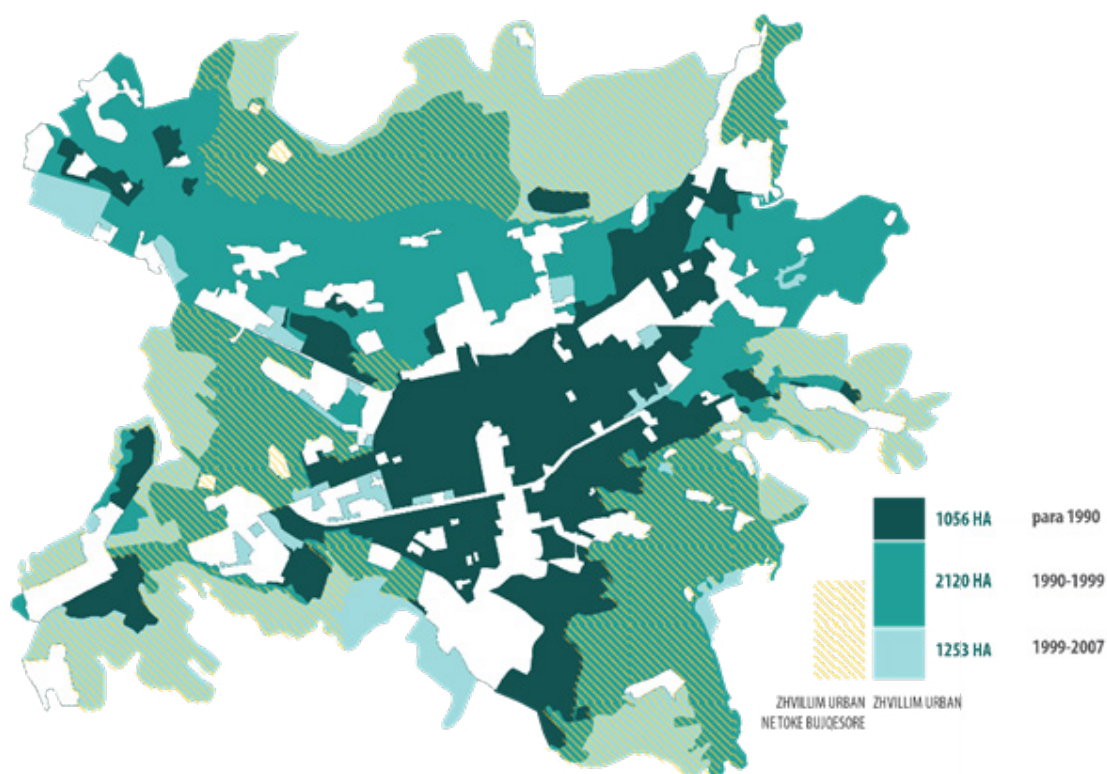
system in 1990, internal migration from rural to urban areas (migration rate of 20-25%) and mass emigration generated: (i) population pressure on agricultural lands near cities and informal urbanization; (ii) agricultural land abandonment, resulting in land degradation and loss of its productive capacity; (iii) rapid transformation of the peri-urban area around Tirana, Durrës, Fier, Vlorë, Elbasan, Lezha, Shkodra and other cities from a land with a mainly agricultural function to urban land; (iv) reduction of agricultural land in areas with a high productive capacity, rated 1-4 in terms of fertility level, specifically in typical agricultural areas in Shkodra, and in the areas Tirana – Fushë Krujë – Lezhë, Fier – Vlorë, Tirana – Durrës, among others (Shutina, et al, 2014). Though the

Table 2. Potential Irrigation Capacity and Actual Irrigated Area, in ha

No.	1938	1960	1970	1980	1990	2000	2010	2018	2020
Current potential irrigation capacity	29,100	135,300	238,800	370,800	440,000	203,530	204,544	232,376	242,653
Actual irrigated area	29,100	135,300	238,800	350,800	410,000	68,880	125,664	175,926	181,704

Source: State Planning Commission, 1938, 1960, 1970, 1980, 1990 (Statistical Yearbook), printed by the Tirana Polygraphy Plant. Ministry of Agriculture and Rural Development, 2000, 2010, statistical yearbook, INSTAT 2018, 2020

Figure 3. Effect of Extension of City Development towards Agricultural Land, Tirana, 1990-2007



Source: Co-PLAN (2014), elaborated by author.

consumption of agricultural land has been high due to urbanization in the last 30 years, the change from agricultural to urban use is not reflected in the tenure system. Legally, this process is expected to be updated on a yearly basis. Under these circumstances, the competent land administration bodies such as the ministry in charge of agriculture and rural development, the cadastral agency and the municipalities must verify and record all the changes in the agricultural land category and the actual surface area at a national, local and regional level in the basic cadastral documents.

Agricultural Land Governance, Reforms and Issues to be Addressed

Agricultural land preservation has increasingly been the focus of international institutions and organizations. The European Green Deal envisages that by 2030 the transformation of the EU economy into a sustainable economy will take place. The European Climate Pact and the Biodiversity Strategy aim for 75% of EU land to be healthy and fertile by 2030 through: conversion of up to 25% of it into organic farming; improvement of up to 50% of degraded land; the reduction of pollution from the use of pesticides and chemical fertilizers from 20% to 50%; a reduction of the total agricultural land that is occupied by buildings and infrastructure by 2050; and the reduction from 20% to 40% of the EU ecological impact globally (EC, 2020). Albania has a long way forward in terms of protection and improvement of land, especially agricultural land, due to the low surface area per capita and areas losing productive capacity as well as the fact that the processes of land desertification and degradation are active in a large part of the territory. Organic agriculture only occupies 1-1.5% of the total agricultural area, and the level of soil is estimated to be two to three times higher than in the Mediterranean countries, even though anti-erosion policies are not yet fully in place. Coastal erosion and sea advancement is present at high levels from Velipoja to Saranda, but especially on the Adriatic coastline. Marine erosion is also higher compared to accumulation. For this purpose, it is necessary to draft a national and regional plan for the protection of soil from erosion and landslides, and for the improvement of soils with limited production capacity, ie: saline, acidic, stony, etc, which amounts to about 100 thousand ha.

Another aspect to be considered is the rehabilitation of river bedding to stop the annual floods, which will be intensified due to

climate change. It is necessary to work for the rehabilitation of agricultural lands affected by heavy metal pollution around the abandoned chemical, metallurgical, and mining industries spread over 8,000-9,000 ha. In particular, as previously mentioned, the preservation of agricultural land from urbanization is one of the most prominent issues of the last 30 years of transition. With the approval of the Guidelines for Sustainable Land Use, Albania is one step closer to achieve some of the objectives of the FAO in terms of the sustainable use of agricultural land (FAO, 2017). These objectives include: reduction of pesticide use by 50%, reduction of soil and water pollution from nutrients by up to 50%, reduction of use of chemical fertilizers, and stopping soil degradation. Pesticide use practices need to be improved in the Albanian agriculture sector, not only to stop the introduction of informal pesticides that are not EU-certified, but also to prevent the harvesting and use of products earlier than the time allotted from vegetation to harvesting. The irrigation capacity of agricultural land is very low and remains an impeding factor to land productivity and agricultural quality.

In 2020, the European Commission, through the Joint Research Center, established the EU Soil Observatory, which will collect high-resolution, harmonized, and quality-assured soil information from all Member States and guide policies for the sustainable use and distribution of agricultural crops according to land ownership. This observatory will also facilitate the monitoring of soil fertility through a standard number of indicators. Therefore, Albania needs to strengthen and expand its soil laboratories in order to systematically monitor the indicators of soil fertility and quality.

The following chapter addresses the way agricultural land in Albania is governed across various territorial levels and seeks to highlight if this governance meets the environmental ambitions for land use. In more detail, it reviews the reforms on agricultural land before and after 1990, including the administrative bodies and legislation after the change of the economic system.

Reforms and Change of Ownership over Agricultural Land until 1990

Land ownership in Albania has undergone changes in line with the political and economic system as well as different forms of governance and reforms. During the Ottoman Empire and

until 1912, land was included in the general land fund of the Turkish state and was given for use to peasants and clerks from whom the state received revenues generated from production. During the reign of King Zog, a land reform was introduced (similar to the agrarian reform), whereby large owners would be deprived of a part of their property, which would be redistributed to the population that did not own any land. This initiative faced the pressure of the feudalism of the time and failed to be implemented.

After World War II, some land reforms were initiated in Albania. The first agrarian land reform in 1945-1946, expropriating land from large and foreign owners, distributed land to 314,000 households in possession of little or no land. From 1946, the first village-based agricultural cooperatives and state-owned agricultural farms were established. By 1950, about 91.4% of the land belonged to the private sector and only 8.6% was owned by the public sector and cooperatives. With the completion of agricultural collectivization in 1967-1968, village-based agricultural cooperatives and state-owned agricultural farms were established. Gradually, the small cooperatives were merged and enlarged. In 1983, there were 420 agricultural cooperatives in place with an average size of 300-5,000 ha that, until 1990, used 75.7% of the arable land. Meanwhile, state-owned agricultural enterprises (with an average size of 300-11,000 ha) owned 21.4% of the agricultural land.

In 1974, the Constitution of Albania declared all land as state property, which was given for use to agricultural enterprises and cooperatives, institutions, and state and social organizations. The nationalisation of land and the centralization of the economy, with top-down planning and distribution, created a positive milieu for increasing investments in land, including agricultural infrastructure for land reclamation and use. Over 600,000 ha of land were adapted and serviced with infrastructure, including parceling, construction of drainage and irrigation systems, and roads, for example. This process protected the land against floods and facilitated a cultivation rate of 100% of the land area. These measures brought progress in the national economy and land quality for a certain period of time. Yet, on the other hand, policies that prioritized 'fulfilling the need for agricultural products in the country' encouraged land creation from swamp reclamation, deforestation, and pastures, which had ecological and environmental consequences that are still present today. Until 1990, agricultural cooperatives and state agricultural farms, as the

main forms of agricultural organization, managed about 95% of the agricultural land area, with the remaining 5% being managed by central institutions (ministries), research institutions, and schools, among other institutions. Some of these specific institutions included the Ministry of Agriculture (10,694 Ha); Forest Enterprises (2,084 Ha); Ministry of Defense (28,014 Ha); Ministry of Interior (1160 Ha); Ministry of Trade (246 Ha); Ministry of Food Industries (2,154 Ha); and the Ministry of Education (1894 Ha) (Cadastre Offices, 1990).

Privatization of Agricultural Land and Consequences in its Administration

In 1991, Law no. 7501, dated July 19, 1991 'On Land' stipulated the reallocation and privatization of the agricultural land owned by former agricultural cooperatives, which amounted to around 570,000 ha. DCM no. 452, dated October 17, 1992 'On the restructuring of Agricultural Enterprises' allocated the lands of state agricultural farms (152,000 ha) to former farm workers. Following Law no. 8053, dated December 21, 1995 'On transferring ownership of agricultural land without compensation' the land became privately owned with the exception of areas that remain under the status of 'in use,' as not based on law. In terms of size, purpose, and radical change of property rights, this reform is considered to be the largest land reform in the country after collectivization following the Second World War. About 400,000 families were allocated agricultural land from this reform and by 2003, about 394,849 small family farms were established, with an average area of 1.26 ha per farm (MoAF, 2003). In 2010, this area is estimated to have been reduced to 1.21 ha per farm (MoAFCP, 2010).

The land allotment reform gained the consensus of political parties but failed to capitalize on models that guaranteed good governance of agricultural land. Also, no solution was provided to the former owners who used to possess land before the agrarian reform of 1945-1946. The land was allocated on the 'land per capita' principle and was implemented by 3,000 village commissions nationwide, which were unqualified to deliver this kind of work and felt under pressure due to social and political groups' reaction. The measurements were performed with tools with low levels of precision, and thus the cadastral maps and the distributed land area contained many errors. The implementation of the reform also caused a massive fragmentation of agricultural and land ownership. Each household received on average

4.4 land parcels and in extreme cases up to 12 land parcels. Such a division made it difficult to efficiently manage and administer agricultural land and led to the cultivation of only 70% of the total area in 1990 (Statistical Yearbook 1990, INSTAT 2015). Farmers also gave up using the agricultural plots located far from their homes. For example, in the 11 administrative units of the municipality of Fier (with the largest agricultural area among the municipalities), the distance from homes to family parcels varies from two to 22 km. Meanwhile, the process of land allotment itself has been accompanied by flaws and legal violations. Thus, several issues of poor governance arise. Firstly, from 1991 to 1997, the government was unable to manage the free movement of the population from rural to urban areas. This phenomenon was faced ineffectively by weak institutions, which did not have the capacity to prevent informal construction on about 30,000 ha of agricultural land. Due to the movement of about 20-25% of the population, the lands left uncultivated were subjected to erosion, degradation, and loss of their productive capacity. Secondly, during and after the land allotment reform of former agricultural cooperatives, border conflicts were identified in 124 villages in an area of 1,430 ha, mostly in the regions of Shkodra, Fier, and Vlora. About 4,000 ha were illegally occupied by around 5,000 people mainly in Shkodra, Tirana, and Durres. In parallel to this, people started to occupy undocumented lands (19,500 ha), which were not granted an ownership title. Contrary to the law, the land allotment commissions carried out illegal actions, providing inhabitants with forest land, pasture, or barren land even when Law no. 7501 did not apply to these categories. Finally, 80 villages were given more land than required by legal norms (Government Land Commission, 2007).

The land allotment reform of the former state agricultural enterprises faced similar problems with the former agricultural cooperatives, such as: disputes in 50 villages over the borders of 1,310 ha of land; illegal occupation of land in 7,300 property titles for 2,100 ha; illegal provision of an ownership title for forest or pasture land; provision of use titles beyond legal deadlines (March 1996) in 5,200 cases; and provision of an ownership title without previously being granted a use title in 4,500 cases. In addition, illegal possession of land occurred through the transfer of ownership of land that was principally used for tourism purposes, stipulated as such in the DCM no. 88, dated March 1, 1998.

Other issues identified during the process

include many ownership conflicts between farmers caused by the prolongation of the land registration process and as a result of the allotment of the same property title to several owners. Conflicts also arose from the discrepancy of the land surface area in the ownership title act with the terrain, or from discrepancies between the parcel number, the map, and the terrain. Many property disputes, which have been in litigation for years, extend to coastal areas where the land value is high. These disputes and the lack of tenure security hinder investments by farmers, applications for agricultural loans, land transactions, and the contribution of foreign investors.

Issues accumulated over the years since the land allotment reform have affected the low level of registration, land transactions, and the provision of farmers with an ownership certificate, which is limited to only 50% of properties (State Cadastre Agency, 2021). The initial registration of land in 19 cadastral zones is still ongoing although it should have been completed by 2007, which reflects the low level of agricultural land transactions. Currently about 5-6% of total transactions are recorded. The lack of an ownership certificate has incentivized an informal rental market among undocumented farmers, which has hampered legal land transactions in some areas, mainly in the north of the country. Although they have received an ownership title under Law 7501, farmers often carry out agricultural activity on the properties they owned before the agrarian reform and in a tacit agreement amongst themselves. Meanwhile, restitution and compensation issues for owners expropriated during the 1945-1946 agrarian reform have been partially resolved. This category was not included in the basic Law no. 7501 'On Land', but was addressed later, with a special Law no. 7698, dated April 15, 1993 'On the restitution and compensation of property to former owners'. Given that the land reform was quite dynamic and implemented at a faster pace, this second reform relied mainly on the monetary compensation of former owners rather than providing them with a property or worse, providing them with non-productive (rejected) land.

Are the land registration bodies and legal frameworks consolidated today?

Until 1990, property registration documents for urban areas were archived in the immovable property registration offices in courts and in the cadastre of the district executive committees in rural areas. After the privatization of land and

housing, the immovable property registration and cadastral system could no longer legally manage the major changes in ownership. Another specialized body for immovable property registration was needed. The immovable property registration system was established by Law no. 7843, dated July 13, 1994 'On the registration of immovable property'. In 1996, a central office was established and gradually local offices as well. In 2001, the Government of Albania with the support of USAID established the 'Initial Project Management Unit for the registration of immovable property' according to a new model gradually transitioned to a registration system. The project continued until 2005 and, in 2006, the work was taken over by the Central Office of Immoveable Property Registration. The territory of the country is currently divided into 3,064 cadastral zones, of which 80% (2,928 zones) are rural (Musta et al., 2006). Despite the establishment of the new registration system and the gradual modernization of technology and digitization, this process is still challenged because of property documents that were damaged while being transferred from the cadastre to the property registration office. 1996-1997 was the most difficult time period due to the chaos caused by the fall of financial pyramid schemes. Field measurement errors and the development of a basic registration map at the scale of 1:2,500 from the cadastral map of 1:5,000 also led to cartographic errors.

Issues and the Need to Improve the Management of Agricultural Land

"The essence of land administration typically involves processes that: manage public land record and register private interests in land, assess land value, determine property tax obligations, define land use and management governance systems, and support the development application and approval process for land use. Land administration systems should perpetuate policies of tenure security and access for all" (Burns and Darlymple, 2008, p.3).

The agricultural land administration system in Albania remains a key target to improve governance at the central, regional, and local levels, which has undergone continuous changes under almost every government that has come into office in the last 30 years and has not yet been fully consolidated. Government institutions include legislative and decision-making institutions at all levels and law enforcement agencies.

The Parliament of Albania is the highest legislative body adopting basic legislation around land reforms, budgets, and their respective sector strategies. The Ministry of Justice develops policies on property rights through the institutions responsible for property registration, restitution, and compensation of property and in cooperation with other institutions. The government program defines the objectives, priorities, and investments in land and irrigation and the drafting of laws and bylaws in this field. The State Cadastre Agency is responsible for the registration of immovable assets, for the certification of property titles and for land transactions. The Ministry of Agriculture and Rural Development is the highest state authority responsible for drafting and implementing policies and legislation on agricultural land and development in rural areas.

A short overview of the operation of agricultural land governance institutions and bodies suggests that they have undergone frequent organizational changes in the last 30 years. For instance, between 1990 and 2021, the Ministry of Agriculture and Rural Development has changed its name, form of organization, structure, dimensions, competencies and deconcentrated institutions five times, without first conducting studies of causes, effects, and expectations. From 1960 to 1992 it was called the 'Ministry of Agriculture' and focused on ensuring production in the country. From 1992 to 2021, under different governments, it was called the 'Ministry of Agriculture and Food', the 'Ministry of Agriculture, Rural Development and Water Administration', the 'Ministry of Agriculture, Food, and Consumer Protection', and the 'Ministry of Agriculture and Rural Development'. These name changes reflect changes in the areas of competence and consequently in the ministry's deconcentrated agencies and institutions. The fact that these changes have happened so frequently and in a relatively short period of time for a country in transition like Albania has led to confusion, instability of the administration, setting of short-term objectives, and a lack of continuity in strategic programs and investments.

At the local level, until 1990, the administration of agricultural land was the responsibility of the agricultural sections in 26 districts of the country and the Ministry of Agriculture. After 1997, agriculture directorates were organized in 36 districts and with the creation of the counties, 12 agriculture directorates were added at this level, as well as the 'Land Protection Inspectorate' at the regional level under the ministry. Following Albania's territorial organization into 61

Municipalities in 2015, agriculture directorates were established in large municipalities. In 2018, four regional agriculture directorates were established under the competent ministry. Irrigation boards, which operated in 12 counties under the ministry until 2013, are now established in four regions.

Decentralization and various forms of territorial organization in accordance with development policies are theoretically positive for increasing the quality of services and reducing socio-economic disparities. However, these interventions have faced a lack of capacity and funding at the local level. Land administration and protection offices have been established in each municipality and since 2015 have been performing reduced functions at the municipal level. The county council has limited capacity when it comes to identifying and reflecting changes in land use. Thus, despite the many changes made, they are not reflected in the agricultural land cadastre each year, even though it is a legal requirement. The failure to reflect these changes meets another issue: the shrinking of the statistical directorate in the Ministry of Agriculture into a small-sized office (department), as well as the weakening of the bodies in the administrative municipality units. Meanwhile, the directorate in charge of land management and protection in the Ministry of Agriculture has been reduced to one ill-staffed office with a low impact on subordinate institutions for many years now. Scientific and research institutions for land issues have been merged with a DCM in 2006 and research in this field is almost non-existent.

Frequent changes in the structure and objectives of competent institutions at each level have made it difficult to coordinate between them. In order to increase the sustainability of the sector and improve the performance of management capacities, there is an urgent need for institutions to durably consolidate the structure and responsibilities while also strengthening human resources.

In 1993, the United Nations Economic Commission, with the instruction 'On the establishment of the land administration system in the countries of Eastern and Southeastern Europe,' set out the task for every country to establish their respective administration system. In Albania, this system has been established on two-thirds of the agricultural land area (MoARD, 2020), but this established system needs to be supplemented with other indicators and made usable by all stakeholders.

In the last 30 years, land legislation has made significant progress in Albania with the adoption of more than 45 laws and bylaws on land. However, implementation remains insufficient and legal clashes remain frequent. In 2008, with Law 9948/2008, 'On the verification and revocation of ownership titles,' the Albanian government tried to start the process over from scratch. This further complicated the situation and was eventually not implemented. Due to the low level of agricultural land ownership certificates, the Albanian Parliament adopted Law 20/2020, which defines the procedures and institutions in charge of completing the registration of ownership titles as well as their inventory, transfer, processing, and final registration. By law, the rules and procedures for agricultural land registration, including the completion of the land transfer process from use to ownership, have been simplified. During 2021, it is expected that 24,000 households will be provided with an agricultural land ownership certificate and work will be intensified to ensure the initial registration of 19 cadastral zones not previously included. However, it is necessary to legally address the 'consolidation of land,' as well as the property inheritance issue in the Civil Code of the Republic of Albania to prevent further fragmentation of land within households. In 2016, the Strategy for the Consolidation of Agricultural Land was adopted by the Ministry of Agriculture, Food and Consumer Protection. This strategy needs to be significantly improved as it has not managed to catalyze the consolidation process.

The system for agricultural land valuation and taxation is only partially operational. The agricultural land tax is based on land class, but implementation is partial. Land tax is not only a financial resource but also an instrument for land protection and care (FAO, 2007). Although the Albanian legislation stipulates that not less than 40% of the annual financial fund generated by the agricultural land tax should be used for protection measures for agricultural land, this has not been implemented yet. In the agricultural land fund only 40.5% of the area is classified as high potential land falling under grades 1-4, which should be protected from switching to other uses. Work should also be done to increase the capacity of low-capacity lands. The value of land increases with increases in production capacity, ownership certification, and irrigation, for instance.

Conclusions and Recommendations

Agricultural land in Albania should be a priority of the government because agriculture remains

an important economic activity. The country has limited land resources and the area of agricultural land per capita is declining. From 0.32 ha per capita in 1950, agricultural land cover decreased to 0.28 ha per capita in 1975 and 0.17 ha per capita in 2018, compared to an average of 0.38 ha per capita in Europe. Since the sources that can be used to increase the agricultural land fund in Albania are limited, the focus of the respective institutions should be on maintaining and improving it.

After 1990, with the change of the political and economic system, the demographic movement of the population from rural to urban areas and abroad was accompanied by the abandonment of agricultural land, the rapid transformation of the peri-urban area from a mainly agricultural to urban area (largely with informal constructions), and urban settlement of about 30,000 ha of agricultural land with high production capacity. Ownership of agricultural land also underwent constant changes, which today results in the high fragmentation of agricultural land, its cultivation in 70-75% of the area, as well as numerous ownership disputes. With the 1991-1992 land reform, about 390,000 family farms were established with an average surface area of 1.26 ha.

Although the reform was implemented with the consensus of all political parties, due to unconsolidated institutions on the reform models did not guarantee good governance of agricultural land. During the reform, 114,000 ha of agricultural land was 'rejected' by owners due to its low production capacity. Meanwhile, the maintenance of agricultural infrastructure was low, reducing irrigation capacity and actual irrigation in 2020 by 45% and 55% (respectively) compared to 1990. The accumulated legal issues related to agricultural land allotment and the prolongation of the reform have caused a low level of registration and ownership certificates among farmers. To date, this has been achieved in about 50% of properties, which significantly reduces tenure security, cultivation, long-term investments, transactions, farm enlargement, land consolidation, implementation of the fiscal system, and possibilities for rehabilitating land infrastructure. Legally speaking, the agricultural land administration system and the establishment of administrative bodies has seen progress, but its implementation is associated with significant flaws, especially with regard to property ownership. In addition, land governance institutions and bodies have undergone frequent

organizational changes over 30 years, impacting their management ability and reducing the long-term continuity of objectives undertaken by various governments.

Finally, in relation to fiscal policy, the agricultural land tax, which has important implications on development, the improvement of local finances, and increased interest in land, is not only low but stands at a minimum level of collection (on average 40-60%). Although the law stipulates that up to 40% of the land tax should be used for the protection and rehabilitation of land, this is not the reality.

Under these conditions, political interventions related to the improvement of governance and administration of agricultural land should be carried out in several directions.

First, the ministry in charge of agriculture and its deconcentrated bodies, in coordination with the municipalities and the State Cadastre Agency, must clarify agricultural land ownership. This requires the setting of a legal deadline for the completion of land registration and the provision of owners with ownership papers pursuant to the law 20/2020 'On the completion of transitional ownership processes in the Republic of Albania', as this process currently only includes 50% of ownership titles. In addition, agricultural land area that has been transformed into other categories of use during the 30 years that followed the allotment and privatization reform in 1991 must be verified and reflected in the basic legal and cartographic documents. In 2020, the Ministry of Agriculture and Rural Development reports 8,200 ha less of agricultural land compared to 1990 (INSTAT, 2020). On the other hand, the former agricultural area currently occupied by construction or transformed into other categories by government decisions is much bigger than it is officially reported.

Secondly, institutions, bodies, and agencies in charge of land issues need to be consolidated at the central, regional, and local levels. Frequent organizational and structural changes have reduced efficiency and sustainability. In this context, the department in charge of statistics and the department in charge of land issues in the Ministry of Agriculture need to be reorganized. The agricultural land fund should be specified at all territorial levels and scientific research should be significantly linked to policy-making processes. This would help link and coordinate knowledge of agricultural land with territorial planning processes, which have a direct impact

on land use transformation and construction or fragmentation.

Finally, the Ministry of Agriculture, in coordination with other institutions and sectors, should draft rehabilitation plans for rejected, saline, acidic, and abandoned agricultural lands. Measures should also be taken to treat contaminated land, which includes an area of about 8,000 ha, degraded due to the presence of polluting industrial facilities or mineral extraction. (Lushaj, et al, 2002)

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Sarajevo: The Post-war City in Transition Future Scenarios for the Post-Pandemic City

Nataša Pelja Tabori^a

Summary

The COVID-19 pandemic is a special challenge for Sarajevo, a post-war city in transition in Europe. Like the stranded Noah's Ark, this city survived the destruction of war but, as a system, is still in a fragile transition. The spatial planning system was also challenged with the transition process, and now might need additional enhancements to prevent future catastrophes and pandemics. A spatial planning system analysis for Sarajevo directs us toward an understanding of the seriousness of our present situation and to think about ways to re-evaluate our existing system in order to renew and prepare our city for the future. This is not only a matter of institutional and governance resilience, but of finding a guided path towards the 21-century city. Our symbiosis with other species is one of the future scenarios for a city in transition since uncontrolled urban sprawl is threatening not only human systems. Our consciousness of planning in Sarajevo and 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 the absence of spatial planning strategies, land use plans, and legislation in accordance with EU and global sustainable spatial planning guidelines, the post-pandemic period might become the critical moment for Sarajevo to begin genuinely redefining the system.

Keywords: socialist, spatial planning, post-war city, transition, reforming, Sarajevo

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Introduction

At the beginning of November 2021, heavy rainfall caused flooding in Sarajevo. In certain parts of the city citizens were temporarily evacuated, landslides activated, and electric power and water supply problems occurred. The need for more controlled urban development appears more clearly when climate changes are actually happening.

Almost two years into the pandemic, Sarajevo resembles a stranded Noah's Ark. As one of the city's most known planners, Aganović (1993, p 112; author's translation), once said: "The towns that can develop themselves in peace are lucky. Sarajevo has had bad luck." The city survived the horrors of war at the end of the twentieth century and with everyone now 'safe on the Arc,' it lives through the challenges of transition from the socialist system to the market economy. These challenges are particularly strong in the field of spatial and urban planning, which needs to be supported by clearly governed, organized, and interconnected institutions, and with the "city as a system" (Gausa et al., 2003, p.583).

The combination of industrialization and the socialist state constitution after the Second World War, rapidly transformed Sarajevo from a small European town into the industrial center of the Socialist Republic of Bosnia and Herzegovina (SFRY) that attracted a quarter-million people to come and settle. From 1948 to 1991 the city's urban territory grew 1,500%, while population growth reached 300%. Such intensive urban development, mostly guided by the newly established socialist spatial planning system in the 1970s, cumulated in problems associated with air pollution, informal settlements, an inadequate water and sewerage system, lack of a sanitary dump for communal waste, and inadequate transportation. These identified problems were decanted into the Environmental Protection Program in 1978, the same year Sarajevo won the candidacy to host the XIV Winter Olympic Games in 1984. The complex organization of such an event implied the preparation of specialized spatial planning instruments, done, at the time, in accordance with European colleagues.

Shortly after the Olympics, political and social crises came to a head in SFRY. The Yugoslav wars that began in 1991 spread to the Socialist Republic Bosnia and Herzegovina (SRBiH) in 1992. Sarajevo was bombed and kept for three years in siege (the longest siege since WWII) without running water, electricity, and food. It was the first urbicide in Europe after WWII. According to an IMG Report

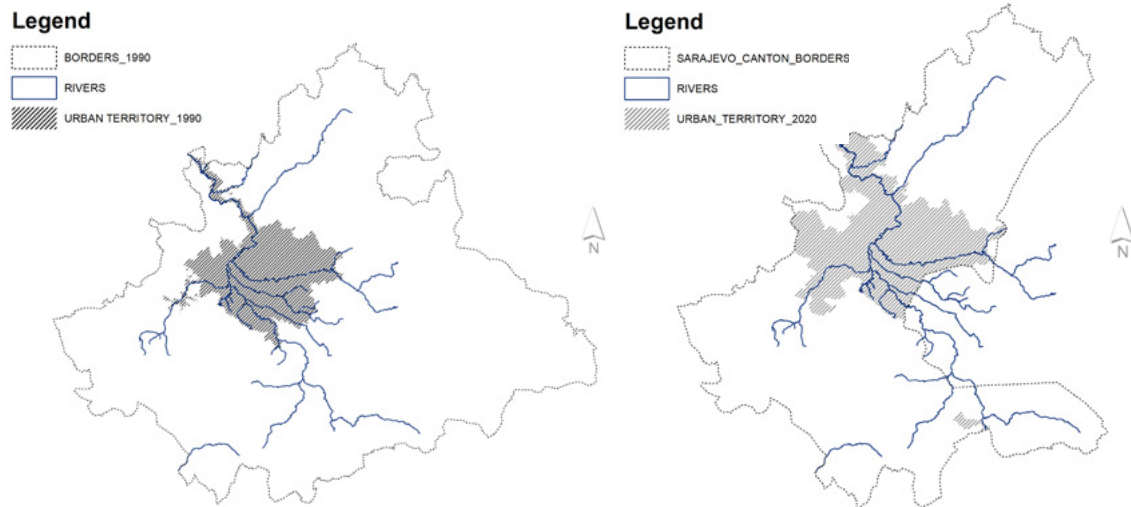
(1995) "Over 59% of housing buildings were demolished, 23% of industry, infrastructure and technology buildings destroyed, 64% of which heavily demolished, and 13% were registered with minor damages. The city had to organize itself to manage reconstruction in a condition of economic collapse and existential threat to tens of thousands of city households" (p. 54-71).

Today Sarajevo still has visible war wounds, although they can be seen only sporadically in some building facades and streets. The more profound scars on the urban tissue, the city's population, and the economy are those triggered by the war and transition. The lack of a sustainable spatial planning approach and a void in planning continuity is hampering spatial planning systems from being synchronized with the new socio-political and economic circumstances. These conditions emphasize a need for institutional and governance resilience in order to overcome private and public interest disparities affecting the lack of investments in public buildings, public transport, renewable energy, social housing, and the protection of natural and cultural heritage.

Sarajevo's urban territory has increased by 126% since 1986, as well as the portion of construction land (figure 1). Such an enlarged urban territory poses questions of adequacy of traffic and communal infrastructure and a re-evaluation of agriculture land (mainly transformed into construction land), green spaces, and planning regulations in general. To answer these challenges, one must position the local planning approach and its coding instruments within a wider regional and macro-economic European context.

The outcomes of building permit procedures indicate that reform of the weak spatial planning sector is needed to control and reduce potential hazards and climate change impacts. Coronavirus is changing our living, working, and learning habits irreversibly. Our houses, for instance, are abandoning their unique residential function and combining it with our working and learning environment. This multifunctionality of the house might become a strong social factor for future families. We will probably need to rethink our housing, business, commercial, and educational zones. Sarajevo Canton (SC) within Federation of Bosnia and Herzegovina (FBiH) has already noted negative demographic trends (figure 2). The population is more elderly and young people are migrating to Europe. This phenomenon is going to affect our cities very soon.

Figure 1. Urban territory and the boundaries of the City of Sarajevo in 1990 and Sarajevo Canton today



Source: Institute for Canton Planning, Pelja-Tabori own representation

Figure 2. Statistics for the Federation of Bosnia and Herzegovina: Births and Deaths in the last three years. Figures for Sarajevo Canton are presented in the brackets.

FBiH (Sarajevo Canton)	Births	Deaths
2020	17,264 (4,223)	26,026 (5,254)
2019	18,088 (4,355)	22,024 (4,425)
2018	18,967 (4,544)	21,442 (4,437)

Source: Institute for Statistics FBiH and Agency for Informatics and Statistics of Sarajevo Canton, Pelja-Tabori own representation

As a result, we might witness rapid urban change in the coming decades because of socio-political and economic changes caused by this transformation in human living, working, and learning habits. These meaningful changes are affecting and will continue to affect the spatial planning system in Bosnia and Herzegovina (BiH). The question is whether that very system will be capable of responding more efficiently to multiple transitions.

The global health crisis has lifted the resilience question to the top of the planning agenda once again. Will we be able to survive future catastrophes? Are we prepared to deal with other disasters and crises if our spatial planning system is not adapted to this new reality after all?

This paper aims to address the major gaps between the socialist and the current socio-political circumstances and planning framework. The first part focuses on the larger country scale of Bosnia and Herzegovina, while the second part delves into the city scale of Sarajevo. The conclusion contains reflections on potential

future directions for reforming the spatial planning system in the country and in its capital.

The Doom of the Socialist Spatial Planning System, What Next?

Bosnia and Herzegovina is in the middle of multiple transitions. The Former Socialist Republic of Yugoslavia – SRBiH has become an independent state – BiH and the pre-war, socialist economy is transitioning to a post-war, market economy.

The Socialist Federal Republic of Yugoslavia was organized as a federation of six republics (Slovenia, Croatia, Serbia, Bosnia and Herzegovina, Montenegro, and Macedonia) and two autonomous provinces (Vojvodina and Kosovo). The socialist spatial planning system was based on the Agrarian Reform, Colonization Law, and the Workers Self - Management Law. The concept of the state as the main investor and the executor of all construction works functioned from 1945 until 1990. A clear hierarchy between the national/federal, republic, and city/municipal

level had been operationalized through a top-down approach. As explained in figure 3, the Yugoslav Institute for Urban Planning, Communal, and Housing Policies was responsible for drafting the national sectoral plans. The republic institutes and committees for urban planning, construction, housing, and services in each of the six republics were responsible for republic-bound spatial plans accompanied by republic social development plans and midterm programs (five-years) for regulating the construction land. The city committees for urban planning adopted city spatial and land use plans accompanied by city social plans and programs for regulating the construction land. Regulatory plans were produced and adopted on a municipal level.

According to Antić et al. (1966, pp. 610 – 615; author's translation) the legislative framework in Yugoslav spatial planning followed the governmental hierarchy. On the federal/national level there were fourteen laws and bylaws binding on the lower governmental levels:

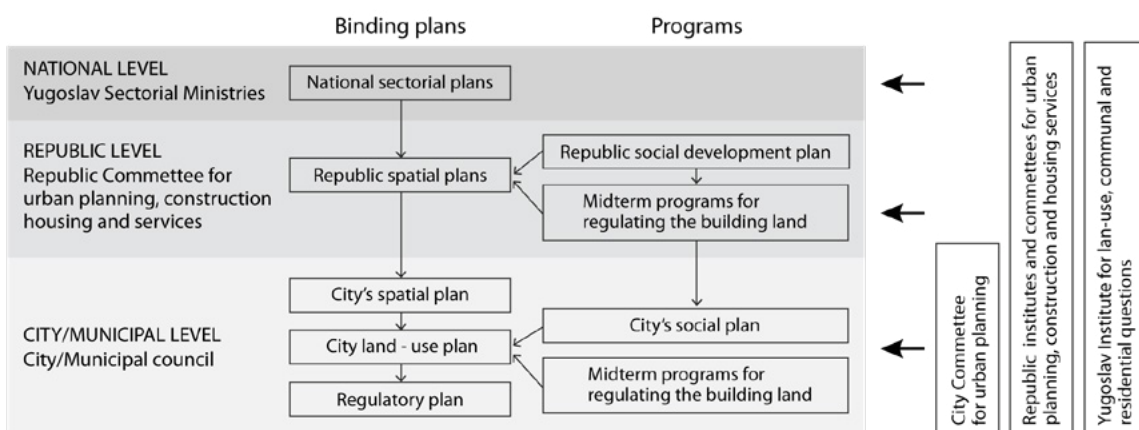
- Decree on General Land-Use Plan (Federal People's Republic Yugoslavia (FPRY) Official Gazette no. 78/949)
- Construction Law for Investment Buildings (FPRY Official Gazette no. 45/1961, amended SFRY Official Gazette no. 5/65),
- Expropriation Law (FPRY Official Gazette no. 12/957),
- Law on Application of Regulations of Construction Law when Financing Socio-Political Communities through Housing Construction Funds (SFRY Official Gazette no. 15/65),
- Law on Contribution for Construction Land Utilization (SFRY Official Gazette no. 10/65),

- Law on Nationalization of Lease Buildings and Construction Land (FPRY Official Gazette no. 52/958, amended SFRY Official Gazette no. 1/65),
- Water Law (SFRY Official Gazette no. 13/65),
- Railway Construction Law (SFRY Official Gazette no. 9/65),
- Law on Air Protection (SFRY Official Gazette no. 30/65),
- Flood Protection Law (SFRY Official Gazette no. 16/65),
- Law on Nature Protection (SFRY Official Gazette no. 24/65),
- Law on Construction of Investment Buildings (FPRY Official Gazette no. 45/1961, amended SFRY Official Gazette no. 5/65),
- General Law on Public Roads from 1961 (FPRY Official Gazette no. 12/961), and
- Temporary Technical Regulations for Construction in Seismic Areas (SFRY Official Gazette no. 39/64).

Each republic had its own laws in the sector of spatial planning. For the Socialist Republic of Bosnia and Herzegovina the following laws regulated spatial and land-use planning:

- People's Republic of Bosnia and Herzegovina Planning Law (People's Republic Bosnia and Herzegovina (PRBiH)¹ Official Gazette no. 41/959, amended SRBiH² Official Gazette no. 4/65),
- Rulebook of Binding Elements of the Decision of Municipality People's Council which replaces Land Use Plan from 1961 (PRBiH Official Gazette no. 41/1961, amended SRBiH Official Gazette no. 35/65) and
- Law on Determining Construction Land (SRBiH Official Gazette no. 41/64).

Figure 3. Spatial Planning Instruments in the period of Socialist Federative Republic Yugoslavia



Source: Institute for Canton Planning Archive, Pelja-Tabori own presentation

Land was nationalized³ based on the aforementioned laws and bylaws, which was the first precondition of so-called socialist planning. This was also the reason for creating republic level, five-year social development plans. Social plans were basically programs that accompanied spatial plans and that set out sectoral programs for housing, the regulation of construction land, construction of infrastructural systems, transport development, construction of industrial buildings, 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 construction land, which were also created for a five-year period. Local social plans and programs followed the goals of the republic ones. Local midterm social plans defined the guidelines and measures for achieving the local social and land use plans.

According to Antić et al. (1966), "Regulations in Yugoslav republics were coherent with the general guidelines defined by the federal decision on the general land use plan from 1949. All republic laws treated land use in the same manner in relation to the sequential process of creating the plans: land use program, general land use plan, and detailed land-use plan, as well as regional plans" (p. 610, author's translation). The socialist spatial planning system had been established hierarchically, with well-defined planning instruments from the national/federal to municipal level, and

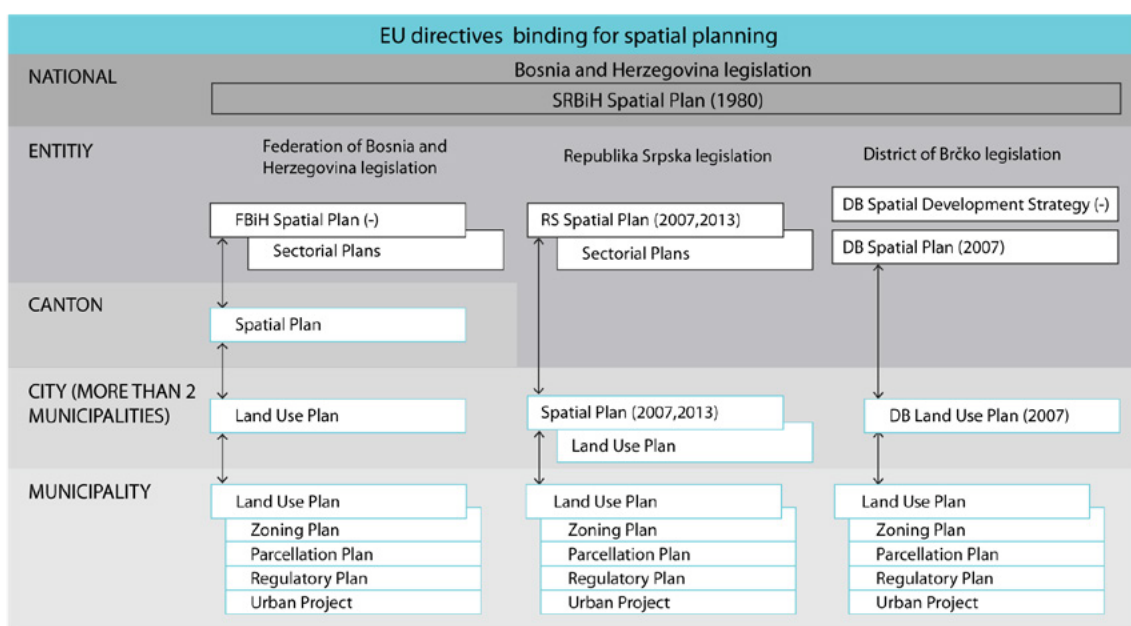
clear measures for mobilizing construction land for new socialist neighbourhoods built for 'the workers' by the state. Private investments and private land were not the focus of the socialist spatial planning system.

The republic social plans from 1959-1990 and midterm programs for regulating and construction land were accompanied by spatial and land use plans as separate documents enabling their implementation.

Local programs for the construction and spatial development of the City of Sarajevo defined the five-year activities of the local Construction Institute regarding the preparation and equipment of construction land with communal buildings and installations, as well as individual installations. Two thirds of the total civil works defined by the local programs were conducted in new residential areas with collective residential buildings (community buildings), while one third of the civil works were executed for the construction of public buildings - schools, kindergartens, hospitals, and sanitation infrastructure in residential areas. Socialist spatial planning legislation has been the basis for post war planning in Bosnia and Herzegovina even though its implementation mechanisms have become inapplicable in a market economy environment.

The post-war spatial planning system in Bosnia and Herzegovina (figure 4) is fragmented, with no coordination between the entities and the

Figure 4. Current Spatial Planning System instruments in Bosnia and Herzegovina



Source: Pelja-Tabori own presentation

district, and no initiatives on the national level for such coordination. This is particularly problematic for divided or in-between cities such as Sarajevo.⁴ Spatial planning legislation is being passed at the entity and cantonal level. The SRBiH Spatial Plan was adopted in 1980, but is not currently implemented due to its obsolescence. The entity Republika Srpska (RS) adopted its Spatial Plan in 2007 and amended it 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 (DB) were adopted in 2007. The Spatial Development Strategy of the District of Brčko is currently in the process of being adopted.

The Spatial Plan of the Federation of Bosnia and Herzegovina has not been adopted, even though the drafting procedure began in 2008. Ten cantons in the Federation of Bosnia and Herzegovina have their own laws on spatial planning, and all except the Sarajevo Canton have construction laws as well. Land use plans are prepared on the cantonal, district, and city/municipal level. In Bosnia and Herzegovina, planning implementation through building permits is based on binding zoning and development plans on different governmental levels, often not in compliance with one another vertically or horizontally.

Instead of questioning the former system, measuring its efficiency, and reforming it towards the contemporary European spatial planning system,⁵ adapting it to new circumstances has meant defragmentation and selective modifications that have led to deterioration instead of reformation. The existing spatial planning system lacks coordination between the entities. Rather, systematic construction during socialism has been transformed into an unarticulated and unpatterned urban development that characterizes the current period of transition.

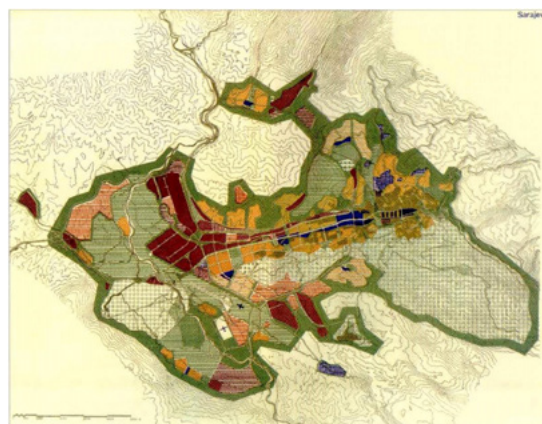
Sarajevo Study Case – Postwar City in Transition Infected

The first General Land Use Plan (GUP) for Sarajevo was adopted in 1965 (figure 5). In 1969 Sarajevo was given the status of a socio-political community, which meant that the city had the right and duty to take care of all issues related to the organization and functioning of economic, urban, and social development within the

urban territory (490 km²). The city assembly was established as the highest authority of the city (Bublin, 2008, p. 161; 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, p. 167; 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 the first problems with informal settlements started to occur, shortly after the GUP was produced. In the same period, with the development of industry and because of the agrarian reform, there was a massive population migration to the city from rural areas and other parts of the country. According to the joint study done by the Yugoslav Institute for Land Use Planning and Housing and the Institute for the City of Sarajevo Planning, "Such a great augmentation of employment and migration to the city could not be followed up with the appropriate rhythm of housing construction. Faced with the inability to solve their housing problem legally, many of the newcomers built their family houses informally" (1985; p. 26; 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 approved the 'Recovery Program for Slope Areas of the City' and the 'Recovery Program for Plain Areas of the City', done by the Institute for the City of Sarajevo Planning in 1974.

Figure 5. Sarajevo General Land Use Plan (GUP) 1965

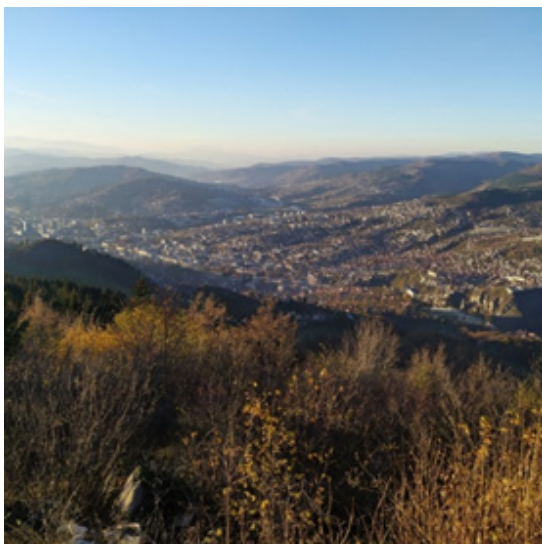


Source: Institute for Canton Planning Archive

The decision to split this large-scale project for the whole city into two separate programs had

arisen from the specific topography of Sarajevo; the city is situated in a valley surrounded with hills and mountains (figure 6), and informal housing developed on slopes and in the Sarajevo's field. The programs were attempts to create a spatial planning instrument for preventing further informal settlements. Unfortunately, the attempt did not stop construction of informal settlements, and many regulatory plans for those areas had very few elements of regulation when compared with other components of recovery of usurped land uses transformed informally into construction land. Jessen et al. (2008, p. 168) described informal settlements as follows: "The 'carpet of houses' – located near the loud, pulsating inner – city, yet at the same time screened from it – offer high qualities. The small houses with a view are the Balkan's equivalent to individual home-ownership in the city. This has recently been described by the term *rurban*".

Figure 6. Sarajevo, View from Trebević Mountain



Source: Author

In 1978, Sarajevo won the candidacy to host the XIV Winter Olympic Games, which implied new detailed spatial planning instruments such as: Regulatory Plans for Sports and Recreation Areas on Jahorina, Bjelašnica, Igman, and Trebević mountains for the Olympic Games (adopted in 1977/1980), drafted by the Institute for the City of Sarajevo Planning. The 1980s brought a series of new zoning and spatial planning documents such as:

- The Socialist Republic of Bosnia and Herzegovina's 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's Spatial Plan for the period 1986 – 2015 (adopted in 1986) done by the Institute for the City of Sarajevo Planning (figure 7);
- The Long-term Social Plan for the City of Sarajevo for the period 1986 -2000 was done in 1982 (adopted in 1985); and
- The City of Sarajevo's Land Use Plan for the period 1986 – 2015 (adopted in 1990).

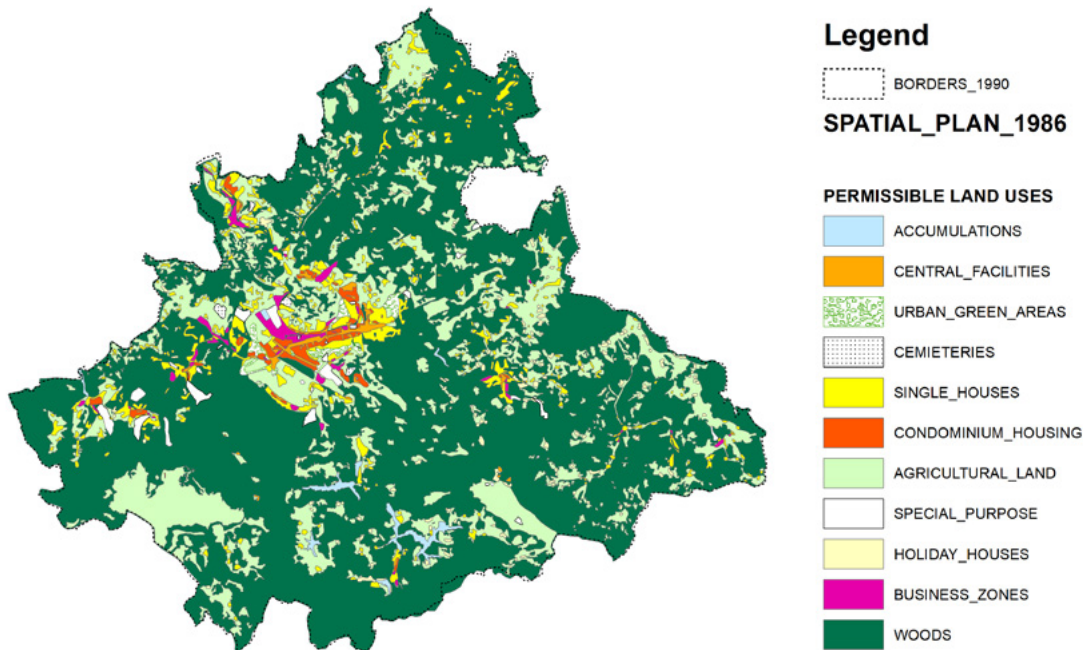
The decline of the socialist governance system, which began in the 1960s with problems such as informal settlements, was deepened in the 1980s. Issues noted by Aganović (1993) included a "merciless usurpation of the urban space; enormous increase in housing construction prices; lack of adequate land policy; informal housing; absence of information transparency; arrogant behaviour of some public service companies; terrible situation with urban recovery" (p. 112; author's translation). Already then it was obvious Sarajevo urgently needed, according to Aganović (1993) a "more contemporary and more consistent development strategy," based on "significant changes in the socio-economic system...Sarajevo must...direct its attention towards the wider region. The city is only one element of a wider development compositional whole" (ibid.).

According to the 1981 census, the city had 448,519 inhabitants. The data provided by the Institute for the City of Sarajevo Planning (1986) indicates that 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 681,000 inhabitants in 2015.

It seemed that the city was mature enough for the systematic changes in its spatial planning organization in terms of legislation, quality of spatial planning instruments, and relevant studies done for the purpose of drafting the zoning and development plans. However, the early 1990s brought the process of transition from a socialist to market economy to the city with over 500,000 inhabitants.⁶ Instead of positive changes induced by this transition, war was on the horizon and would begin in 1992.

Eight years after being the host of the XIV Winter Olympic Games and eight years before the new millennium, Sarajevo was bombed and kept in the longest siege in Europe since the WWII, without water, electricity, or food until the Dayton Agreement in autumn 1995. Bublin (2008) wrote "The siege of Sarajevo lasted for 1,335 days...

Figure 7. The City of Sarajevo's Spatial Plan for the period 1986 – 2015 (1986)

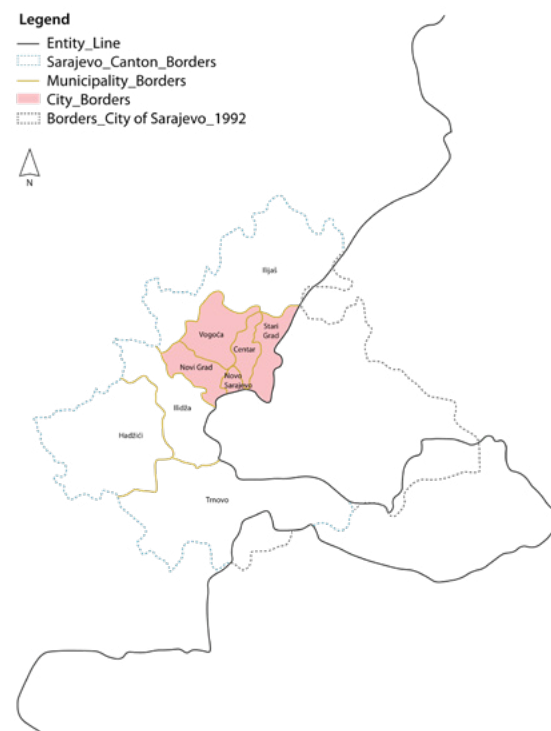


Source: Institute for Canton Planning

around 12,000 civilians lost their lives, of whom 1,800 were children...58,000 residents were wounded. Around 150,000 Sarajevans had to seek refuge abroad, while around 100,000 refugees arrived in the city" (p. 199). It was the first urbicide in Europe after WWII. Bublin (2008) continued "Apart from killing and wounding civilians, the aggression also systematically destroyed economic, social, housing, and infrastructure facilities; historical heritage was particularly destroyed" (p. 200). 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 the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia "brought an end to the tragic conflict in the region (UN General Assembly Security Council 1995, p. 2) by subdividing the Republic of Bosnia and Herzegovina into two Entities: the Federation of Bosnia and Herzegovina and the Republika Srpska and a special unit – the District of Brčko. The Entities are divided with the "inter-entity boundary line" (ibid.).

The pre-war city of Sarajevo that had consisted of 10 municipalities was divided after the Dayton Peace Agreement by the entity line into parts that belong to the Federation of Bosnia and Herzegovina and parts that belong to Republika

Figure 8. Sarajevo Canton with its nine municipalities. Present City of Sarajevo - four out of nine municipalities (red), and area of former City of Sarajevo - present East Sarajevo (outline border-dot line)



Source: Institute for Canton Planning, Pelja-Tabori own presentation

Srpska. The part of the city in FBiH is Sarajevo Canton, with nine municipalities: four in the City of Sarajevo (Stari Grad, Centar, Novo Sarajevo, and Novi Grad) and five beyond the city limits (Vogošća, Ilidža, Hadžići, Ilijaš and Trnovo) (see figure 8). Istočno Sarajevo is in RS and has six municipalities (Sokolac, Pale, Istočni Stari Grad, Istočno Novo Sarajevo, Lukavica, Istočna Ilidža and Trnovo). The main administrative differences between the pre-war City of Sarajevo, and the present-day Sarajevo Canton and City of Sarajevo can be observed in the table below (figure 9).

Joint actions between the Sarajevo Canton and East Sarajevo are organized by Sarajevo Economic Regional Development Agency (SERDA).⁷ The agency was established in 2001 to make: “an administrative and legal framework for the realization of initial activities in the realization

of the concept of economic reintegration and development of the Sarajevo Economic Region.”⁸ The operational coverage of municipalities in which SERDA is active has grown continuously from its establishment until today: “In the second phase, the Memorandum on Mutual Co-operation between the municipalities of the Sarajevo Economic Region, Sarajevo Canton, and the City of East Sarajevo was signed.”⁹ Despite the existence of SERDA and its projects, regional planning between the Sarajevo Canton and East Sarajevo is not happening due to absence of a legislative framework for cross-border planning and sectoral planning in the sector of infrastructure and environmental protection.

According to Benkova (2016, p. 3): “Despite Sarajevo’s current political framework of the divided, post war, and city in transition, its

Figure 9. The differences between the City of Sarajevo before 1992, the Sarajevo Canton and today City of Sarajevo

	City of Sarajevo until 1992 (10 municipalities)	Sarajevo Canton since 1995 (9 municipalities)	City of Sarajevo since 1995 (4 municipalities)
Area	2,096 km ²	1,277.3 km ²	141.5 km ²
Inhabitants	527,049 (Census 1991)	413,593 (Census 2013)	275,524 (Census 2013)
Socio Political and Economic System	socialist economy	establishing market economy	
Status	Capital of Socialist Republic of Bosnia and Herzegovina and regional center in Federal Socialist Republic of Yugoslavia	Capital city of Bosnia and Herzegovina	
Predominant ownership/housing	social ownership 58 %, private ownership 42 % (Census 1991)	private 96.9 % (Census 2013)	

Source: Institute for Canton Planning, Pelja-Tabori own presentation

Figure 10. Bosnia and Herzegovina in relation to EU Enlargement Steps

Step	Accords	Bosnia
Pre – Adhesion Agreement	Stabilization and Association Process	1999
	Potential Candidate	2003
	Stabilization and Association Agreement (SAA)	2007-2015
	Program signed. PHARE, ISPR, SAPARD, poi IPA	2007
	Candidate Status	...
Screening	Started Screening Step	...
Negotiation	Chapter Discussed Period	...
Adhesion	Treaty adhesion signed	...

Source: ESPON 2018

wider political context is European. Bosnia and Herzegovina is a potential candidate for EU membership and has submitted its application to join the EU in 2016" (figure 10).

The Spatial Planning Tools in Sarajevo Canton are a hierarchical derivative from the BiH Spatial Plan and FBiH Spatial Plan. Because of their invalidity, the Sarajevo Canton Spatial Plan is the only binding planning instrument. Meanwhile, the Sarajevo Canton Land Use Plan, is currently being drafted. The City of Sarajevo and cantonal municipalities have the obligation and right to pass local development plans (figure 11).

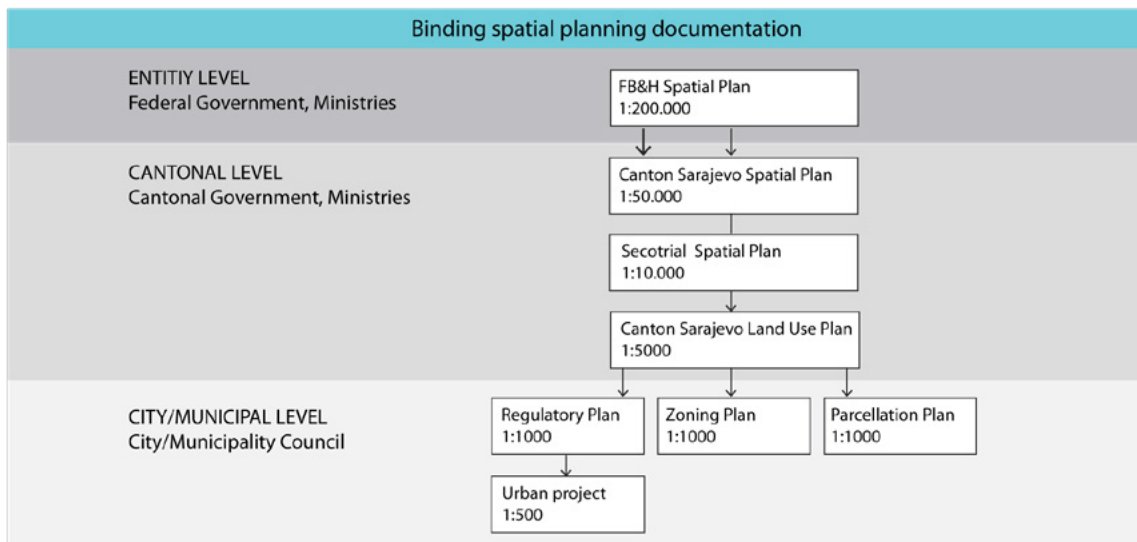
In Sarajevo Canton, spatial planning is being conducted based on the Spatial Planning Law (Sarajevo Canton Official Gazette no. 24/17) and other laws and bylaws at the cantonal and federal level (figure 12).

Zoning and development plans are the basis for obtaining an urban permit. The urban permit is a precondition for a building permit. Urban or planning permits set the main conditions for drafting a preliminary building design project that, if approved by the municipality, city, or canton (depending on size and position of a building), the investor may proceed to the building permit procedure. This complex procedure causes many applicants not to obtain a building permit, as explained on the following page (figure 13). Planning regulations are not completed by construction regulations or, to be more precise, planning law is not followed up with a construction law in the Canton, in order to

provide a functional system that protects equal construction rights of all stakeholders, private and public.

Moreover, since the early there has been a specific category in the process of obtaining a building permit that is called professional opinion, which can be demanded by a municipality in specific cases when there is no valid, detailed, spatial planning documentation. This may 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 a "...professional and social alibi for illegal procedures ...which is provided by 'special', or 'professional boards', in every municipality separately, without uniformed impact of the city on these processes, notwithstanding all past spatial planning documentation of various government levels and responsible institutions" (Aganović, 1991, p. 67; author's translation). Bublin (2008, p. 212) recognized the need to "...institutionalize the legislative and managerial environment for the preparation and realization of development programs and plans." He points out that "in contemporary developed societies, cities are institutionalized, which means the existence of certain public institutions with transparent work. Those cities have codified their laws, city regulations and standards, which is a basis for city functioning and development" (ibid.).

Figure 11. Spatial Planning Instruments Hierarchy in Sarajevo Canton



Source: Institute for Canton Planning, Pelja-Tabori own presentation

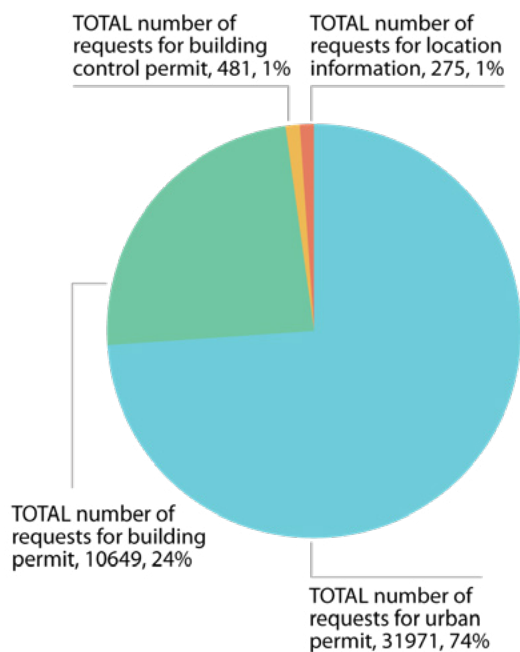
Figure 12. Binding Spatial Planning Legislation for Sarajevo Canton

Level	Law	Name	
Federation of Bosnia and 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 drafting 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 (F BiH Official Gazette)	
	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	
	Sarajevo Canton	Sarajevo Canton Official Gazette no. 24/17	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 plan for Sarajevo Urban territory for the period 1986-2015 (Municipalities: Stari Grad, Centar, Novo Sarajevo, Novi Grad, Ilidža and Vogošća) Land use plan for Hadžićii Urban territory for the period 1986-2015 Land use plan for Ilijaš Urban territory for the period 1986-2015 Land use plan for Trnovo Urban territory for the period 1986-2015 Land use plan 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 Ilijaš 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 orthopaedic aids	
6/06, 18/07, 18/08, 35/12, 51/15		Decision on Legalization of buildings constructed without building permit and temporary buildings	

Source: Institute for Canton Planning, Pelja-Tabori own presentation

The absence of a construction law on the cantonal level; building code, design, and building standards; and clear private and public rights and obligations indicate an incomplete and non-reformed spatial planning system due to the high number of requests for urban permits when compared to the number of requests for building control permits (figure 13), which means that large portions of the population that are applying for building permits do not finish the procedure, with consequences on the economy through low tax collection.

Figure 13. Percentage share of number of requests for different permit types in Sarajevo Canton in the timeframe 2008-2020



Source: Institute for Canton Planning, Pelja-Tabori own presentation

Between 2008 and 2020, there were 275 requests for location information, 31,971 requests for urban permits, 10,649 requests for building permits, 481 requests for building control permits and 18,150 requests for professional opinion. The survey¹⁰ shows that only 1.5% of applicants for urban permits finish the procedure and obtain a building control permit.¹¹

To conclude, we may characterize the spatial planning system in Bosnia and Herzegovina, and Sarajevo Canton as incomplete. The planning legislation still endorses old principles of planning instead of embracing sustainable planning principles, and incorporating market economy stakeholders, providing equal rights of public and

private actors in the planning and construction process. The system is too fragmented with no informal instruments¹² on the national/state level to reconcile the entity and district planning authorities. The hierarchical chart of planning instruments in BiH shows a lack of valid planning instruments on all governmental levels, uncoordinated vertically and horizontally. There are no building standards at the state level. There is no construction law for Sarajevo Canton. The existence of urban permits should be seriously questioned and seen as an obstacle for creating an efficient spatial planning system. Clear and more simple procedures for all stakeholders, and protection of public and private interest, should be guidelines towards creating a functional system. Even though the analysis is focused on the governance resilience of the spatial planning system, it reflects on institutional resilience as well, although not elaborated in this article.

Finally, the Covid-19 pandemic was a test of the current governance and institutional resilience for Bosnia and Herzegovina and Sarajevo Canton. The institutional response to the pandemic that began in March 2020 was extremely weak, even though it was characterized by the European Commission's Bosnia and Herzegovina 2020 Report (2020) as follows: "In the initial response to the COVID-19 outbreak Bosnia and Herzegovina reacted promptly and closely followed global recommendations by introducing mitigation measures to prevent, slow down and control the transmission of the virus... Despite the initial success of the health authorities to prevent and control the spread of the virus, early relaxation of the restrictive measures was followed by an epidemiological peak during the summer months. By all relevant parameters and benchmarks, the response of the health system was comparatively effective in curbing the initial COVID-19 outbreak in the country, however, coping with the later peak proved to be challenging" (p. 4). These challenges that nature is exposing us to, such as the floods that are currently happening in Sarajevo at the time of writing should be understood as a guideline towards the genuine reconstruction of our mode of living in symbiosis with nature, and not against it.

Instead of Conclusions

The complexity of the post-war city in transition, dealing with the pandemic, as described in the paper, leads to several main findings for Sarajevo:

- rapid urban development during socialism brought progress, albeit producing the first environmental problems;

- destruction from war had impacts on society, physical structures of the city, and the economy;
- the transition process triggered a decomposition of the former socialist spatial planning system, but did not stimulate adaptation to a new reality; and
- the pandemic year's challenges open up questions of governance and institutional resilience for the future.

The process of 'urban healing' in Sarajevo, that started the moment the war ended with physical reconstruction, has not yet tackled the essential regeneration of the spatial planning system that did not adapt along the lines of the transition process. The disparities related to the prewar and postwar size of the urban territory and infrastructure coverage, private and public interest, planning and construction regulation, distribution of land uses in the urban territory, new large scale building typologies in existing city tissue, and construction in protected areas, as well as inherited problems of uncontrolled urban sprawl, air pollution, informal settlements, administrative complexity that detaches the local governance level from the higher structures, and complicated building permit procedure indicate the current system's obsolescence.

In addition, climate change, global economic crises, social and demographic changes, and the current response to the pandemic underline the need to enhance governance and institutional resilience in the future.

Even though planning systems, according to OECD (2017) "show strong institutional persistence...As of 2016, the median age of the current system of land-use governance in its broad outlines is 37 years" (p. 28). Hence, it is clear that certain socio-political circumstances such as the transition from socialism to democratic market economies will also indicate the need for reforms in the spatial planning system. In Bosnia and Herzegovina, the current spatial planning system was established in 1945 and has a continuity for already 76 years. The process of transition started 30 years ago, though it did not affect the system essentially. In this view, some policy guidelines towards the enhancement of the spatial planning sector might be:

1. Stronger 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 the 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 permits from the building permit procedure; and
- c) Building permits being a function of the Building Code, Spatial Planning Law, and zoning and development plans.

The urban acquis in Sarajevo, in the field of spatial and land use planning is contributing to one of the founding values of the EU which is stronger Rule of Law.

The reforming of the sector of spatial planning according to the principles of sustainable development should aim to improve quality of life in the city by respecting the limits on the use of natural resources. In Europe, the "environmental protection boom began 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, p.70). But the war in the 1990s unfortunately interrupted the sustainable development of Sarajevo, which had begun in the 1980s.

Even though it is divided into two entities and a district, and practices spatial planning on an entity, cantonal, and municipal level, Bosnia and Herzegovina should establish mechanisms of coordination between the entities and decision-making or mediation bodies at the national level as part of an informal planning process. The future EU framework would imply implementing EU policies in the form of new sectorial directives and guiding documents relying on the European Spatial Development Perspective and Territorial Agenda 2030, with guidelines for building and design standardization. Therefore, it would imply establishing bodies at the national level in order to achieve strategic approaches for regional policy and cooperation between entities in spatial planning that is capable of producing joint, informal documents. A regional level of planning should be introduced to stimulate cross border/entity cooperation among local authorities, especially for divided cities such as Sarajevo (where the Dayton line cuts the urban territory into two parts) in order to improve the quality of life of citizens on both sides of the inter-entity boundary line

Therefore, the new reformed spatial planning system in Sarajevo should introduce planning implementation instruments in the domains economy and society such as: private-public partnerships and contracts; subsidies for social housing and cultural heritage protected buildings; construction land mobilization and consolidation; and a future construction law, building code document, and sectoral legislation. Such a concept could enhance procedural and institutional land use implementation as critical parts of the spatial system chain. Governance and institutional resilience and management combined with the enhancement of living standards and economic prosperity should be a clear and imminent direction for Sarajevo's and Bosnia and Herzegovina's sustainable spatial planning system.

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Notes

- ¹ PRBiH was the official name of the republic in the period 1945-1963 (Parlamentarna skupština Bosne i Hercegovine, 2010)
- ² SRBiH was the official name of the republic in the period 1963-1992 (Parlamentarna skupština Bosne i Hercegovine, 2010)
- ³ Nationalization – a process of taking a private industry or private assets into public ownership by a national government or state
- ⁴ Article IV of the Dayton Peace Agreement (1995) delineated the Inter Entity Boundary line in Sarajevo that divided the former City into Sarajevo Canton and Istočno Sarajevo (explained in the second chapter, fig. 8)
- ⁵ Referring to shared norms and values of the European Spatial Planning System.
- ⁶ According to the 1991 Census the City of Sarajevo had 527,049 inhabitants (Federal Institute for Statistics, 2019)
- ⁷ <https://serda.ba/en> (Accessed July 26, 2021)
- ⁸ For more see: <https://serda.ba/en>.
- ⁹ Ibid.
- ¹⁰ This survey was done by the author as part of her PhD thesis entitled Justification of Reintroducing the Building Code for Sarajevo Canton, published by TU Wien Bibliothek in July 2021

¹¹ The research yet to be done is to measure the coverage of building permission procedure indicators in various land use areas, protected and restricted zones as an indicator of catastrophe resilience.

¹² Informal instruments of conceptual nature, as defined by Kanonier, A. Pohn-Weidinger, S. Schindelegger, A., (2018., p. 76) "The diversity of instruments and conceptualizations found in guidelines, strategies, concepts, visions and similar materials is enormous and creates a brilliant spectrum of regional considerations. Usually, these instruments are not binding in nature and the procedures are not formalized by law".

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Risk - Uncertainty - Complexity and Foresight as Alternative Planning Tools for Disasters: The Mediane 'lanos' in Greece

Pantoleon Skayannis^a, Ersi Zafeiriou^b

Summary

The complexity of the modern world and the growing uncertainty brought about by multiple challenges compose a mosaic of questions that require answers. Increasing risks as a result of climate change, along with circumstances that society has not been able to predict before, such as the Covid-19 pandemic, create complexities that make the future particularly unpredictable.

Spatial planning, inextricably linked to societal processes, is an area that can significantly contribute to addressing the above challenges of the future.

In light of the above, this article attempts to investigate particular aspects of the hazards caused by modern phenomena, especially in urban areas. It combines the adoption of appropriate practices for assessing complexity, investigating uncertainties, and mitigating the risk of decisions. In doing so, it seeks to move to the level of foresight, arguing that overcoming vulnerability and the pursuit of resilience are meaningless for the planner unless contextualized within a forward-looking perspective with responsible planning.

The above analysis also makes use of a case study conducted on the effects of mediane 'lanos' that struck Greece in Autumn 2020¹. The results reveal the weaknesses of planning, the spatial system, and the ways that one could imagine recovery and progress.

Keywords: natural disaster, risk, uncertainty, complexity, mediane lanos, planning, foresight

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Disasters² and Urban Systems

In recent years, we have witnessed many extreme weather phenomena, such as the floods that hit Western Europe (in Germany and Belgium during the summer of 2021, for example). In 2020, Greece also experienced a cyclone named 'Ianos'. Are these completely random phenomena?

Most modern risks³ are multi-hazard⁴ and make their identification and management particularly demanding since most are inextricably linked to the management of climate change. In this case, as in the case of the Covid-19 pandemic, because the spatial scale of the challenge is global, there is a need for local governance to also globalize and for global recommendations to be implemented at the local scale.

The above-mentioned hazards know no borders since the response of each state affects the whole 'global community' (Beck, 1992). This is why international institutions like the UN have turned their attention to the commissioning of a series of policy papers with good practice on resilience-based approaches to the future of disaster management, such as Agenda Hyogo 2005-2015 and Sendai 2015-2030 (UNISDR, 2015; 2005).

The definition of disaster, because of its high degree of complexity, presupposes the inability of society to manage it with its own resources (UNISDR, 2009). If one, in addition, considers the spatial constraints where a specific social system operates, then space becomes a further component of complexity, and it is thus very possible that the spatial system, whether a city or a state, would be unable to cope with or to recover. Otherwise, the hazard would not turn into a disaster.

However, the need for multi-level disaster response is widening, as are the components we are called upon to manage in order to prevent the development of disaster risk. According to Hansson and Aven (2014), despite the fact that risk analysis and assessment is a scientific process, questions always arise that cannot be answered by science alone.

The concept of 'uncertainty'⁵ is at the heart of disaster theory, as it is directly linked to potential threats (Rosenthal et al., 1989). However, uncertainty can lead to potential threats or not. An assessment of uncertainties may specify the factors that can cause hazard or crisis⁶ and mitigate decision risks and their disastrous consequences.

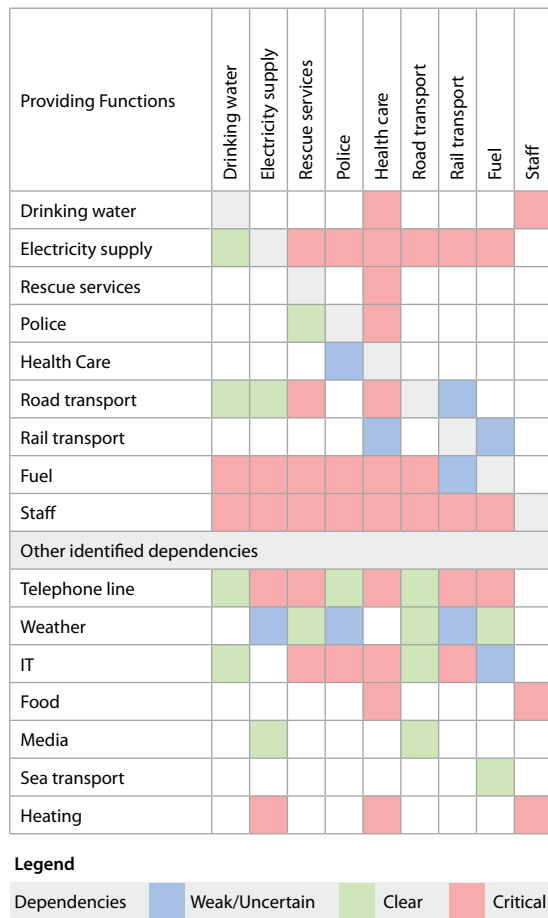
Disasters reflect vulnerability⁷, a factor that adds to the risk decisions that make up planning and spatial policies (Delladetsimas, 2009, p. 87). Urban space is the focal point of a wider complex of socio-economic, political, and environmental interconnections (Castells, 1983), therefore the analysis of its vulnerability is based on the historical context of shaping society's relations with space. Because cities exhibit such dynamism in flow capacity (power, capital, information, etc.), they are also at the forefront of disaster governance and are at the heart of international efforts to reduce risk through a conceptual framework that minimizes the vulnerability and underlying risks of a disaster as a whole, so as to avoid, prevent, or limit (through mitigation and preparedness) disaster impacts and facilitate sustainable development (UNISDR, 2009, p.10). Due to the complex nature of an urban system, vulnerability analysis must be based on a systemic approach so that it can be representative of reality. The individual characteristics and subsystems of the city show different degrees of exposure⁸ and vulnerability to a hazard, while the management capacity of each subsystem varies depending on the hazard and on the interdependencies of the subsystems, producing high levels of complexity.⁹

For this purpose, the city is not treated as a single system, but as a supersystem of the subsystems that compose it, with these being the infrastructure and functions that serve the daily needs of its inhabitants (figure 1). These include housing, the water supply and sewerage networks, energy and transport networks, social and public facilities, and services, among others (Wamsler, 2014). These subsystems interact with the characteristics of the urban fabric, such as the urban ecosystem, society and culture, the urban economy, and governance (Batty, 2008a). The above are the subject of urban design and planning and at the same time key variables in disaster management strategies.

Complexity, Uncertainty, and Risk in Planning

In the present context, we adopt a systemic approach in order to serve the analysis and investigation of the triptych of Risk-Uncertainty-Complexity (RUC), always in a specific historical context. In the case of disasters¹⁰, it is necessary to divide the components, even those seemingly unrelated, which affect urban space and its 'behaviour' in a hazard, or disaster.

Figure 1. Dependencies of Urban Systems and Functions



Source: Wamsler and Brink, 2014.

The turning points of an urban system, such as a natural disaster, are a function of its complexity (Batty, 2008b), and because these points cannot always be predicted they produce uncertainty and risk. The multiplicity of the character of an urban system (natural, built, historical, and social, among other dimensions) composes the context of the analysis, which is one of the critical factors in assessing complexity. The diversity and interlinked factors of urban systems, which are generally complicated and multilevel, cannot be determined with absolute accuracy. Their subsystems, however, can be broken down into individual characteristics and the complexities they present. In addition to the complexity of each context that is analysed, uncertainty arises from the different forms and degrees of vulnerability of the system (Batty, 2008a). Exposure and hazards also produce uncertainty about the consequences they may have (Rossetto, 2008). Furthermore, the techniques and practices of the production of space in each context can in turn create uncertainty, as the decisions made in each case

are limited by those of the past (path dependency) and by previous layers of development even if the context is different. If there is no uncertainty, there is no risk (Cardona, 2003). The risk analysis framework defines the limits, causes, purpose, and interactions in terms of the system's ability to manage them and the factors that cause them. At the same time, opportunities and constraints for planning may emerge. Additional, subjective risk factors include the stakeholders and their involvement in integrated risk management and decision-making processes, as well as the institutional tools to reduce it (e.g., specific legislation, codes, etc.) (figure 2).

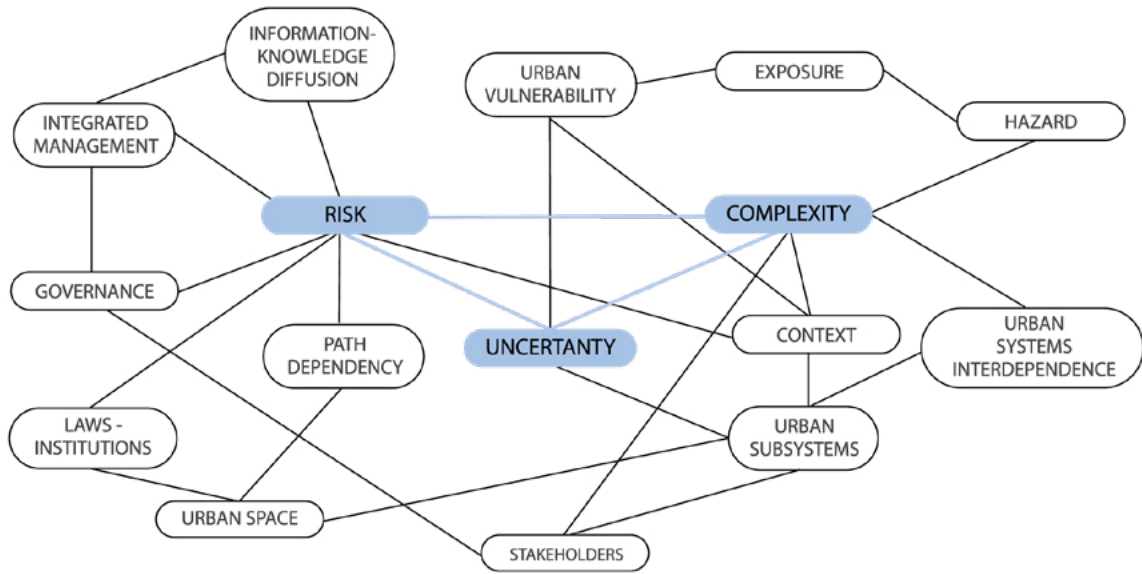
Because however, the city exhibits systemic behaviours, disasters have domino effects that are mutually dependent. For example, serious damage or destruction of historical and cultural heritage sites can affect tourism, which has an impact on the economic activity of the city and ultimately on the way of life of the inhabitants. Therefore, the planning stages according to the Disaster Cycle (figure 3) (i.e., relief, reconstruction, disaster preparedness, and risk reduction) require analytic tools in order to increase their effectiveness and secure comprehensive management of the complexity of the impact.

In the proposed disaster management framework with the adoption of RUC analysis, the first step is to investigate the complexity of dependencies of the different factors (or sub-systems) affecting the spatial system (Dimitriou et al., 2013), as well as the potential effects of a hazard. The analysis concerns all stages of the Disaster Cycle (or Spiral of Destruction¹¹), from prevention to rehabilitation (figure 3). Complexities produce multiple uncertainties at all stages. For example, at the stage of the response, the complexity underlying the architecture of the urban spatial structure (in the case of an earthquake, for instance) creates an uncertain degree of response by the population with regard to the required evacuation speed and degree of understanding instructions. Consequently, the decisions made even carry the risk of death.

The Foresight Exercise

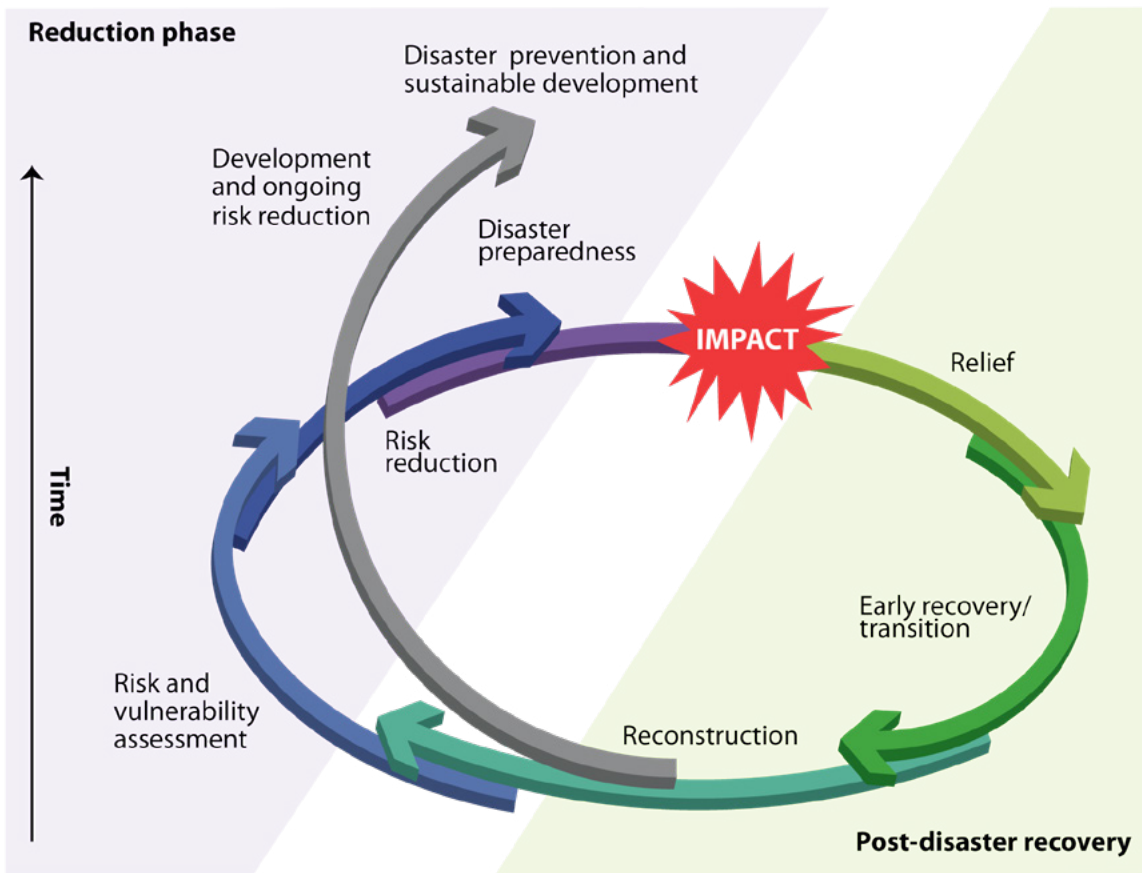
The future is unknown and human society is complicated and complex. Yet we can know (or imagine) certain things. One such tool for understanding the 'next period' is the foresight exercise, which requires a thorough analysis of the current stage, which is already complex and entails uncertainty and risk. The RUC causal sequence, at

Figure 2: Linking Risk - Uncertainty - Complexity in the Context of Urban Disasters



Source: Authors' own elaboration.

Figure 3: The Spiral of Destruction



Source: RICS, 2009.

its core, creates the need to use tools to identify and investigate the uncertainty we are called upon

to address in planning. To identify uncertainties, future needs, and opportunities in the context of

strategic planning (Mietzner and Regner, 2005), and to seek possible actions that could influence long-term trends (and therefore, change the future in a favourable way (Martin, 1995)), we propose a combination of risk management approaches and foresight procedures applied together in this analysis. Foresight tools can use the information obtained from this analysis to outline and shape the desired, but otherwise unpredictable, future.

In the stages of risk management and assessment for planning prevention, preparedness, and rehabilitation at the urban level, it is crucial to identify the complexities of urban systems and the uncertainties they produce, resulting in increased risk. As Batty argues, when we plan for cities or look at planning decision-making processes, the way we interpret their complexity also changes (Batty, 2008b).

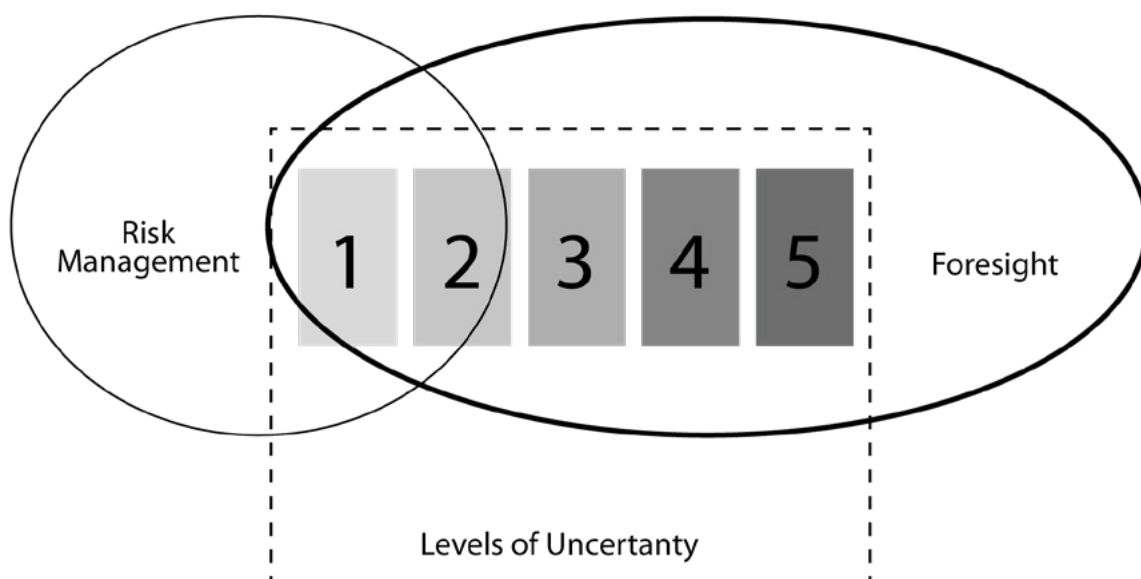
The interpretation of the above complexity in combination with the fact that the future is becoming more and more uncertain is necessary for the field of disaster management. In the cases where uncertainty is high, the application of foresight methods can assist its management in the course of consultations. Hence decisions will be more efficacious and bear lower risk.

Some uncertainties can be identified, while others are completely unknown. Walker et al. (2013) identify five levels of uncertainty: the first refers to a clear enough future - a situation with no absolute certainty; the second regards alternate futures with probabilities - forecasts associated with

probabilities; the third refers to alternate futures with ranking - based on alternative assumptions; the fourth is a multiplicity of futures - no ranking is feasible or there cannot be an agreement because of limited knowledge or data; the fifth concerns an unknown future - we know that we do not know. These levels of uncertainty are also depicted in figure 4.

Risk management and the implementation of foresight practices are considered particularly critical in the early stages of the management cycle. However, since the process is endless, risk management through foresight evolves through feedback and continues to take place in the later stages of the management cycle as well, such as during and after the end of the disaster or the appearance of danger. Integrating foresight practices is crucial in the context of risk management. Prospective investigative processes have recently begun to be integrated in the field of disaster management (since 2005), with researchers combining different practices, such as scenario building (Birkmann et al., 2015; Scawthorn et al., 2006), cross-impact analysis (Banuls et al., 2015), predictive models (Papadopoulos et al., 2017), determination of the degree of uncertainty and trend impact analysis (Birkmann et al., 2015) and simulations (Watson et al., 2015). In particular, in the academic field, scholars have been attempting to combine prospective investigation tools with the risk management framework (Aubrecht et al., 2013; Jahangiri et al., 2017; Beddington and McLean, 2012).

Figure 4: The Governance of Hazard-Risk and Uncertainty Ratings



Source: Jahangiri et al., 2017.

According to Beddington and McLean (2012), it is possible to safely predict 13 different hazards over a time horizon until 2040, with earthquakes being the exception. However, the 'driving forces' (social, economic, technological, and environmental) can reverse projected trends and lead to structural change (Saritas and Smith, 2011). The cause-and-effect relationship between a hazard and the expected results is not clear or perceptible in all cases. Some phenomena and hazards have never happened before and others that have happened in the past may not happen again in the future. In addition, the effects are unique in each case, as the frame of reference changes, which in turn is also unique. In such cases, the complexity is high while the situation is typical of chaos.¹²

Complexity management requires pattern management and the filtering of prospects, while chaos requires immediate action to address the crisis and the use of tools to bring about a state of stability in the system (Kurtz and Snowden, 2003). These characteristics can relate to emergencies, which influence the vulnerability of a system, the number of components exposed, or even the potential of a hazard.

But how do we move forward in practice?

In the framework of foresight, this analysis is expected to be performed by experts with the outcome provided to all participating groups so that further results can be produced after processing.

The foresight framework we vision in the context of disaster risk management follows the principles of participation and interdisciplinarity, since these two concepts can form a sufficient and necessary basis for the governance of risk management decisions (Cardona, 2003). This framework follows the logical sequence of some basic steps. After the analysis and organization of the relevant data (Voros, 2003; Popper et al., 2008), the agreement on a common terminology among the stakeholders (Keenan et al., 2003) follows the application of the most appropriate and compatible methods depending on the disaster/underlying risks that the decisions seek to address. These methods can be qualitative, quantitative or semi-quantitative (Popper et al., 2008) and must be able to be combined and adapted as needed.

Some methods that are preferred and already used in disaster forecasting applications include the use of 'weak signals'¹³ to detect 'wildcards' by highly specialized teams (quality methods), i.e., the detection of cases of high

uncertainty that, if they occur, will have serious consequences (Petersen and Steinmuller, 2009). Some quantitative methods that can be used include an analysis of indicators/time series through available statistical data in order to describe, monitor, and measure the evolution and current state of disaster-related components to assess changes over time (e.g., changes in flood risk trends when foresight concerns flood risk decision management, etc.) (Popper, 2008). The production of new ideas is offered by the possibility of combining explicit and implicit knowledge for the effective management of disaster risk decisions and leads to the further development of future-oriented knowledge and mutual consensus (Saritas, 2006). In this way, the scenarios for the desired future are formed (Jahangiri et al., 2017) as well as the central vision on which the formulation of the strategy will be based.

Combining RUC and Foresight

The integration of the RUC process into a foresight framework concerns the decisions being made about risk and the shaping of scenarios (figure 5). So, if we use a RUC analysis framework for urban hazards in terms of vulnerability and exposure that shape the risk, taking into account a specific risk, the first steps of a foresight framework demand that the complexity of the urban system is analysed, and the uncertainties caused in terms of future risks are appraised. In the next steps, the possible responses and decisions are identified.

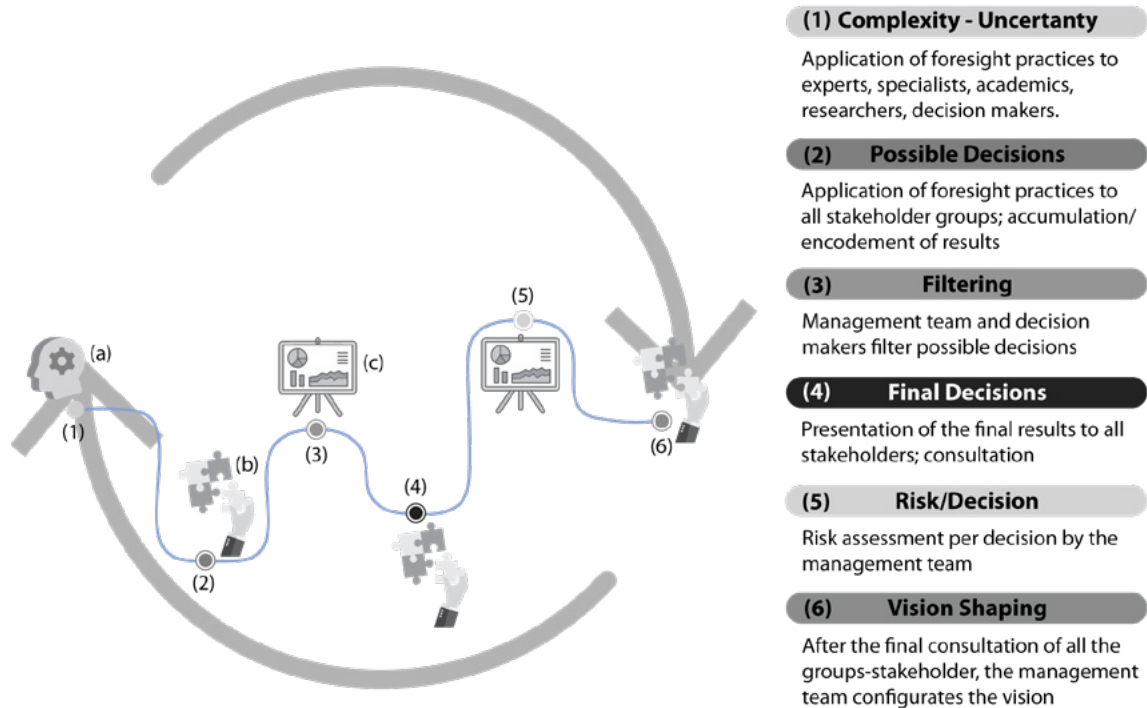
Then, the possible decisions are filtered through indicators and other tools to reach final decisions, thus identifying the risk involved in each group of decisions (Zafeiriou, 2021). Then, the degree of risk is determined, and the possible acceptable alternatives are identified with the objective of shaping a future vision. This produces a matrix with all the above components (figure 5), presenting a complete picture of the process from the analysis to the vision. The more data that is entered (and the more specific that data is), the more detail and scope the decisions can have.

The next step is to filter decisions, where indicators, research studies, good practices, and models can be used. For example, some indicators of the United Nations Sustainable Development Goals and the Global Risk Index (UNISDR, 2015; Birkmann et al., 2015) can be very appropriate. The filtering is followed by the formulation of final decisions by identifying the risks for each category of decisions. In the final decisions

that emerge, an evaluation of the proposed actions is first carried out by the decision makers (Voros, 2003). Then the alternative scenarios are prepared with the participation of all stakeholders, the final scenario is selected, and

the overall strategy is formulated, including the changes and actions in the chosen direction (Popper et al., 2008). Within the above framework, we attempt to analyse the medicane 'Ianos' that struck Greece in 2020.

Figure 5: Conceptual Display of the Feedback Application of RUC and Foresight in Disaster Management Processes



Symbols: (a): Desk-work foresight, (b): Participatory foresight, (c): Strategic foresight

Source: Author's own elaboration.

The Mediterranean Cyclone 'Ianos' in Greece: A Case Study

'Ianos' began to develop in the Gulf of Sirte (Libyan Sea region) of the North African coast on September 14, 2020, heading towards Greece in the following days (figure 6) (Lagouvardos et al., 2020). On September 17, 2020, it began to head towards Thessaly.¹⁴ The long duration of the rainfall and its intensity ranked 'Ianos' as one of the strongest Mediterranean cyclones that has been recorded ever, allowing this phenomenon to be characterised as extreme (Lagouvardos et al., 2021).

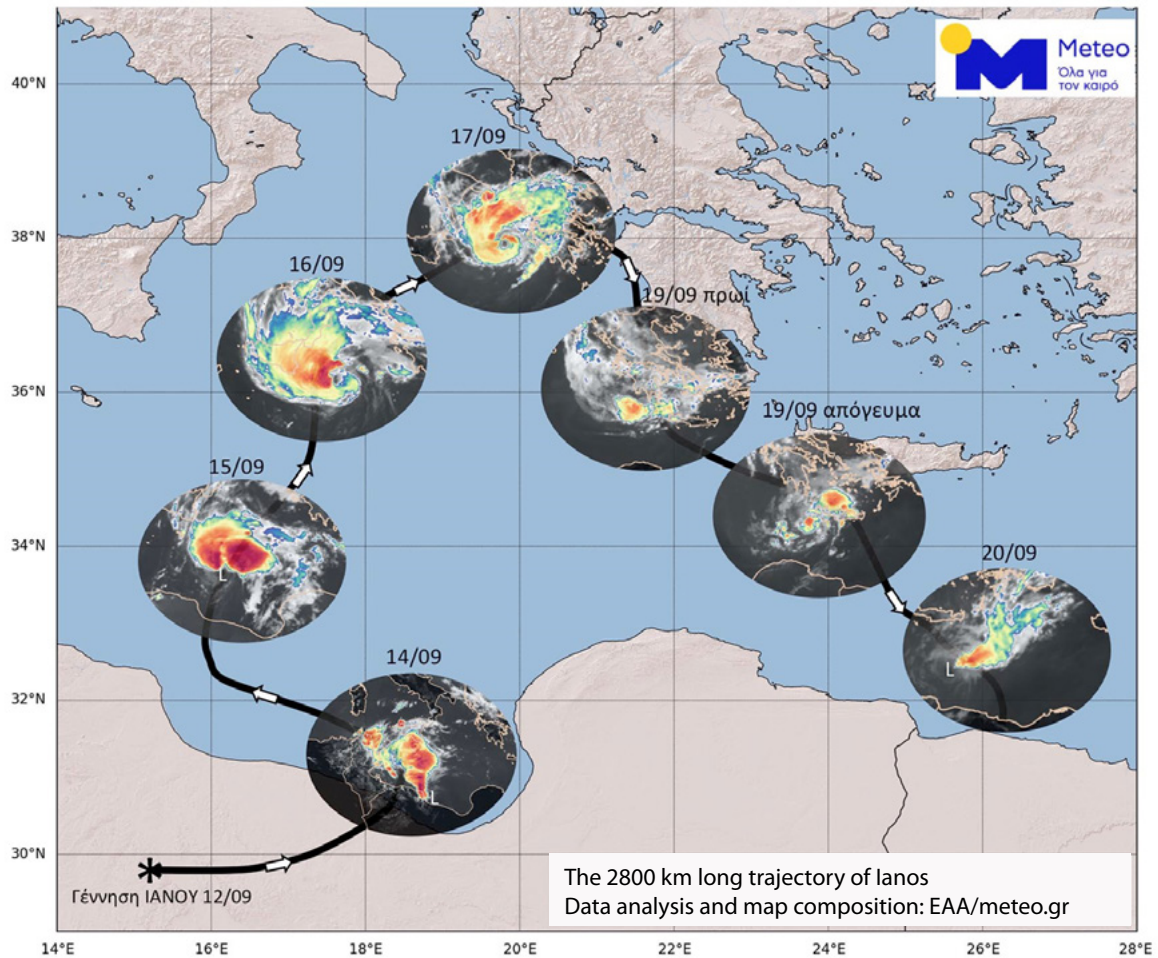
Our field research focused on four urban areas in the Region of Thessaly, namely the cities of Karditsa, Trikala, Farsala, and Almyros (Zafeiriou, 2021). The scientific community claims that the phenomenon was relatively predictable. Even though the forecast of rainfall from meteorological data and models usually contains a large margin

of error, in this case (and specifically for Central Greece) the predicted rainfall was very close to that observed (Lagouvardos et al., 2020). Our approach to understand the escalation of the extreme disaster risk is examined in the light of the evolution of a process and not as a simple individual event (Hewitt, 1983; Blaikie et al., 2003).

Initially, the citizens' warning mechanism was activated by the Ministry of Civil Protection. However, the residents of the Region of Thessaly were not included in predictions of the exposed areas and their warning was delayed. In the past, extreme weather events have caused floods in the area and usually spread to farmland. However, the onset of the Mediterranean cyclone 'Ianos' in the region turned into a disaster as a result of the floods, characterized by the loss of life and property, as well as the damage and collapse of infrastructure networks.

The hazard itself, although an extreme

Figure 6: The Course of the Mediterranean Cyclone 'Ianos' September 12 – September 20, 2020



Source: Meteo, 2020.

phenomenon, was predictable and its consequences were not inevitable. The losses sustained could have been avoided or lessened if vulnerability was lower and if the risk of disaster was addressed at all stages of the cycle (prevention, preparation, preparedness, response, and recovery). Importantly, the causes of the catastrophe do not include a failure of the forecasting models, which had foreseen the expected events with relative accuracy.

Regarding spatial planning, the Flood Risk Management Plan (covering the Region of Thessaly and the River Basins of the Water Department of the Region) was established in 2018 following the incorporation and implementation of the relevant Directive 2007/60/EC of the European Commission and its incorporation into Greek legislation¹⁵, which emphasizes the importance of prevention, protection, and preparedness for disaster risks. Regarding urban planning and flooding in

Greece, urban plans have been required to provide for the treatment of natural disasters since the 1980s (1337/83- housing law and EPA) and the 1990s (L.2508/97- sustainable housing development). This does not necessarily mean (unfortunately) that in praxis these planning provisions are applied.

An additional mechanism for flood risk management under Greek law, particularly in the preparation and rehabilitation stages, is provided for in the 'Dardanos' plan, with provisions for "emergency response and immediate/short-term management of the consequences of the occurrence of flood phenomena" (GGPP, 2019). The 'Dardanos' plan was prepared following the principles and specialized needs of the General Plan of Civil Protection 'Xenokratis' (Government Gazette 423B, 10/04/2003) in case of flood. The central goal of this plan is to coordinate the competent bodies at the central, regional, and local level.

This plan comprises four stages of business organization and risk management:

1. Preparatory Actions - Usual readiness (pp. 17-18);
2. Increased preparedness actions in view of the risk of floods - Increased Preparedness (pp. 18-19);
3. Emergency response actions and immediate/short-term management of the consequences of the occurrence of floods - Immediate Mobilization/Intervention (pp. 19-20); and
4. Actions of immediate relief for the victims and immediate/short-term recovery of the consequences of the disaster - Rehabilitation/Relief (p. 21) (GGP, 2019).

Municipalities, regions, and the decentralized administrations of the whole country were invited to complete the appropriate planning in their jurisdictional territory by the end of January 2020. However, in the case of the Region of Thessaly, the approval of the respective plan only took place after a meeting of the Regional Council on September 28, 2020 (Region of Thessaly, 2020), i.e., after the disastrous flood had occurred.

In October 2020, the 'Memorandum of Actions for Responding to the Needs and Immediate/Short-term Management of the Consequences of Flood Phenomena' for the formation of an effective management system was issued following the planning of the decentralized administration of Thessaly-Central Greece (Decentralized Administration of Thessaly-Central Greece, 2020). Therefore, in both cases, there was no formal planning for the emergency and the governance of the consequences of a possible flood before 'lanos.' In the case of the municipalities, where the present work focuses (Farsala, Karditsa, Trikala and Almyros), and according to official website posts in 'Diavgeia'¹⁶ (Diavgeia, 2007) and representatives from the Civil Protection Services of the regional units who participated in this research, there is no local plan at present. In conclusion, actions and decisions for emergency management at the local level were not made according to a comprehensive, formal plan, but according to the discretion of the local authorities and depending on their means, experience, and knowledge.

Although Greece is among the 187 UN member states that have ratified and adopted the Sendai Framework 2015-2030, its actions appear to be limited to the systematic integration of risk reduction approaches, the implementation

of preparedness programs, and response and rehabilitation in emergency cases (Strategic Objective 3), as well as enhanced preparedness against disasters at all levels (Priority 5) (UNISDR, 2015). The Greek state has maintained the Greek National Platform for Disaster Risk Reduction since 2012 as an open system of services and institutions. Yet, its contents are limited to some disaster-related scientific articles and minimal official reports (PreventionWeb, 2007).

In this frame, the present research was conducted concerning the disasters caused by the Ianos Mediane in Greece (Autumn 2020). The purpose of this research has been to evaluate the management capacity of the competent bodies, the available tools and plans, and the protection and preparedness policies for the relief and restoration of urban-residential areas of Thessaly. The research was structured in three parts, each containing a set of questions (See Box 1).

A Summary of the Responses of the Interviewees

In this section, a brief summary of some of the most pertinent responses of the interviewees will be presented.

The first question concerned the causes that contributed to the evolution of the flood risk in disaster. The main points of convergence in the answers were the severity of the meteorological phenomena, the intensity and magnitude of the flood risk (22.4%) and the absence of basic preventive actions, such as the clearing of riverbeds, streams, and torrents (22, 4%). Other responses attributed the disaster to secondary phenomena (landslides) (3%), insufficient infrastructure (14%), geomorphology (12%), human intervention (construction methods and practices) (12%), coordination of relevant services (10%), and basic prevention-cleaning actions of riverbeds, rivers, and torrents (22%). The category of answers 'other' (3%) includes answers that referred to political decisions and difficulties in estimating the territorial extent of the flood.

Following the first question, respondents were asked to state their opinion about the concentration of uses in unsuitable areas or areas of high risk. In particular, how much the risk is increased by the violation of legislation with arbitrary construction or even by ill-advised planning of critical infrastructures in the above areas. According to the interviews, inappropriate land uses that contributed to the increased risk included the lack of implementation of land use planning (14%), the legalization of buildings

Box 1. Method of Research

Eighteen in-depth interviews were conducted with individuals who were divided into four target groups: competent bodies and services of the region, members of local government units, academics, and a wider group that included engineers and members of volunteer groups.

The questions of the semi-structured interviews were categorized into three parts according to their content and their relation to the theoretical framework, analysed in this paper:

1. The first part (Questions 1-6) dealt with the factors that contributed to the escalation of the risk in the context and the effectiveness of existing flood protection and response tools, which led to the disaster (complexity, uncertainty, risk).
2. The second part (Questions 7-10) focused on the means and mechanisms of flood risk governance and decision making (hazard and risk governance).
3. In the third and final part (Questions 11-13) the focus was on policies for the future (resilience/sustainability) and prospects (hazard and risk governance).

The constant comparative method was applied for data analysis (Glaser and Strauss, 1967, p. 105).

by derogation (19%), inappropriate land use planning (24%), and other causes. The 'other' causes mentioned were the complete lack of available resources (e.g., Forest Maps, Land Registry/cadastré, etc.) for the mapping of properties and the configuration and disposal of updated data (representative of the Region), the obsolete building stock in settlements and cities (representative of a group of experts and volunteers), and the issue of off-plan construction in high flood risk areas (representative of the academic community). Some also believed that the issue of arbitrariness and inappropriate siting of uses is due to the inability to coordinate competencies.

The third question in this category concerned the nature of protection and restoration projects, in particular their relationship to their uncertain carrying capacity for future hazards. Half of the respondents in all of the represented groups believe that prevention and restoration projects are not designed and implemented based on their effectiveness for future needs (50%). Instead, rehabilitation or service needs are governed in an ephemeral and superficial way. In addition, some of the respondents representing specialist and volunteer groups, as well as the academic community, argue that such projects are hampered by chronic pathogens, past bad practices, and other pressures (15%). Furthermore, most of those coming from the local authorities consider that the projects that are carried out only concern restoration (15%). Finally, it is argued that projects are mainly aimed at restoring accessibility and not at other equally important areas of protection and rehabilitation (20%).

Finally, with regard to post-emergency relief measures, respondents were asked to state their views on whether or not one-off relief measures are a sufficient and necessary condition for the recovery of individuals and companies and are sufficient for future development. Responses from all four represented groups referred to the best allocation of resources and to shortcomings in these measures, such as horizontal allocation, the provisional recording of losses, and the fact that some benefited while others did not receive adequate care (12.5%). Some claimed that compensations are not enough, and some procedures are bureaucratically problematic, hindering immediate provision to the victims (31.25%). In addition, it is argued by representatives of all four groups that the measures of one-off compensations and facilities are not sufficient for substantial recovery and future development (19.35%). Finally, a large percentage of respondents believe that such measures should be the starting point for a comprehensive strategy to address the problems that the victims will be called to face (35.48%).

In responses about the adequacy and effectiveness of the group of specialists and members of voluntary groups, as well as representatives of the local government units, it is claimed that existing plans are not sufficient and effective (47%). Respectively, members from all represented groups suggest that the plans can be made effective and adequate under certain conditions (47%), such as:

- If and as long as they are incorporated into legislation and into building and urban planning regulations;

- If the appropriate training and frequent preparedness exercises are carried out in the competent bodies and services;
- If there is proper coordination between competent bodies and security forces involved in emergency management;
- If there is adequate staffing in human resources and the necessary means-equipment are provided to the competent services; and
- If the population is informed and educated about flood risks and their governance.

Finally, one representative of a local government unit considered the plans to be effective and sufficient.

In the second part of the interviews concerning risk governance, the first question investigated the human resources of the governance bodies and their specialization, as well as the allocation of resources at the level of decentralized administrations (regions and municipalities) for the appropriate planning of prevention and protection projects aimed at mitigating risks and impact. Most of the interviewees in all groups consider that the human resources are insufficient in number and/or in specialization (44%). A smaller percentage claims that there is adequate staffing and sufficient specialized staff in the competent management and planning bodies (22%). However, some argue that while human resources exist, they do not have the necessary specialization, vision, or new ideas (17%), or that they are not utilized and do not receive necessary training on issues of risk or disaster (6%). Finally, some argue that there are sufficient and specialized human resources in the regions and their competent services, but not in the municipalities (11%).

In particular, it is strongly argued that the regions and the municipalities do not have the necessary resources for such projects (41%), while resources are channelled primarily into restoration projects rather than in prevention (35%). Furthermore, some respondents (members of local government units) believe that there are many failures in the projects that are funded and carried out for this purpose, which make them ineffective (e.g., speculation of the concessionaires of the projects, etc.).

Regarding the means of collecting, processing, and disposing of information and data (e.g., meteorological stations, flood risk data processing software, disaster statistics), the majority of respondents consider that they exist but are not sufficiently utilized (47%).

Others (53%) think that while there are state-of-the-art technological means, their universal use and the complementarity they may have with other means has not been achieved yet (e.g., geographic information databases for the estimated risks).

Another parameter of risk and risk governance is the degree of involvement of civil society, vulnerable groups, academia, experts, and other collectives in the stages of the disaster cycle. The issue of participation has many readings. Given the possibility of electronic consultation carried out in the case of planning, the majority of respondents consider that this tool, while used, has only an advisory character. That is, it is unable to contribute substantially to decision-making (43%). Still, some argue that there is a lack of social mobilization for participation in the consultations (19%). The contributions of relevant volunteer groups in the processes are considered to be important, but their knowledge, positions, and role are often marginalized or underestimated (24%). Finally, an additional factor in assessing the contribution of participation in risk governance is the lack of public interest and awareness of risk and disaster issues (14%), which can be attributed to the lack of information and education on this issue. As for policies (Part 3), there were two key questions: The first concerned the formulation of a governance strategy for the underlying risks of disaster, such as in this case, the flood caused by 'lanos'. In this question, participants were asked to choose between formulating such a strategy at the local, regional or national level, or a combination of levels. The most common answer was that the formulation of such a strategy is necessary at all three levels, with synergies and specializations of responsibilities (47%). The next most common answers were those that argued that it would be useful to develop strategies at a national and regional level (18%) or regional and local level (18%). Strategy formulation at the national or local level received less support (6% for each response). For the most part, the key level of intervention is regional, but no one has argued that a future strategy should be purely regional.

The heterogeneity of responses to the causes of disaster testifies to this complexity, both in terms of the characteristics and effects of flood risk (severity of phenomenon, secondary disasters, etc.) and of the built urban space (infrastructure, unsuitable land uses, etc.).

When it comes to decisions on rehabilitation projects and relief efforts, the combination of the

vulnerability of urban systems and subsystems, as well as the characteristics of the built space and environment (e.g., off-plan construction, incomplete design implementation, installation in high flood risk areas) generate multiple uncertainties. These uncertainties relate to the adequacy, essential contribution, and carrying capacity for decisions to meet the needs of the present and potential hazards of the future. The risk that arises as a logical consequence is that the projects that have been decided and are being implemented collapse in the face of a new, extreme hazard. According to Greek legislation, the management of decision risks falls under the central or regional level of administration and is connected to the appropriate staffing of the competent services, but also to governance mechanisms in general. In the sphere of risk governance, while the technological means are sufficient and able to support the integration of foresight processes, the necessary parameters of participation and interdisciplinarity at the institutional and practical levels seem to be missing. Frequent political interventions equally turn into an impediment and make the implementation of the process impossible.

Risk reduction and governance policies/strategies may, according to respondents, be preferred at the regional level. Yet city networks within regions are at the heart of risk and risk management. Disasters still significantly impact cities through the disturbance of operations and infrastructures defining urban systems. Furthermore, since the extreme conditions of disasters resemble chaos, the breaking points of the urban system can only be approached at high levels of uncertainty, e.g., through a foresight exercise; if they were predictable, they would be easy to manage, and disaster chaos would be prevented. Although this does not mean that the scenarios that can be formed can always prevent or reduce the impact of a disaster, from the point of view of governance, it is necessary to first deconstruct the data of the possible disaster with RUC analysis and then reassemble it through a foresight exercise. The combination of the two approaches aims to base future management tools on three time-points:

- Past: Complexity - Path dependency
- Present: Uncertainty - Systemic Behaviour - Interdependence - Governance
- Future: Risk - Vision - Strategy.

Conclusion

In Greece, significant steps have been taken to

improve emergency management in the event of many different hazards, as the institutional framework now exists at both national and decentralized levels. However, the stage of prevention and protection, before the disaster and also after its end since it is a cycle (restoration is the first step of prevention for the future), still presents many weaknesses. A substantially mandating framework for prevention and protection projects is lacking and the specifications of these projects do not meet the uncertainties of the future. In addition, necessary actions are not taken to upgrade the prevention and protection infrastructures of the built space, society and its activities, and the natural environment. However, with the use of existing tools and the adoption of new ones (such as those under consideration), comprehensive disaster risk governance can be implemented at the regional level, in synergy with cities and settlements.

As has emerged from the research on flood risks in the Region of Thessaly and disaster management around 'Ianos', there is a big gap in terms of a comprehensive disaster risk reduction plan at the central, regional, and local levels. That is, the strategic part of the governance of the disaster cycle is missing and is ultimately determined *a posteriori* by executive decisions and operational actions at various levels of governance. The main goal of the 'Dardanos' General Plan for decentralization and distinct allocation of competencies, "cooperation, synergy and interoperability of the stakeholders at the central, regional and state level" (GGPP, 2019, p. 2), does not seem to have been achieved. The main shortcomings of the plan are the lack of necessary scientific and technical staff for the preparation of projects by competent bodies, the fact that the means are not secured, and the lack of resources committed in the state budget to regions and municipalities for the effective operation of services and support of the civil protection operational plans assigned to them.

A central issue that arises is that the Greek state does not seem to treat flood disasters (or other hazards) as a cyclical process that begins and returns to the stage of prevention and requires modern strategic actions and planning. Instead, it adopts an *ex-ante* approach under an implicit rationale that if or when an event occurs, they will deal with it, which ends at recovery. Of course, this problem is not exclusive to Greece. Other countries have yet to face the frequency and severity of the dangers triggered by climate change. This, for example, is evident in the recent floods in Rhineland-Palatinate in Germany,

which was characterised as a 'national disaster' (Georgakopoulos, 2021); devastating fires in Turkey, Bulgaria, Northern Macedonia, Albania, Kosovo and Croatia in the summer of 2021 (Eurotopics, 2021); and in the recent fires in Greece that burned more than 100,000 hectares of forest and pasture (August 2021).

The problem with this approach is that actions and decisions are not integrated into a strategy that results from a holistic approach to system vulnerability or exposure, nor do they enhance the carrying capacity of response and management. Simple assessments, however useful, are not enough for comprehensive risk governance. This is why governance procedures are necessary.

These procedures should include the assessment, the promotion of the necessary feedback of decisions with sufficient data, and the composition of necessary actions. These actions will aim at the indication of an accepted level of risk and its understanding by all participants. Apart from the fact that such an approach can be characterized as more democratic, compared to a purely top-down technocratic approach, it can make the greatest contribution to a common vision through the application of foresight practices in the process. A perpetual, constantly fuelled risk governance, at the regional and/or local level, can lead to commonly agreed decisions and, at the same time, recommend effective strategies to reduce future uncertainty. Nevertheless, the framework proposed in the theoretical part of this article for applying foresight procedures to a decision risk governance approach seems to be significantly different from reality.

However, more and more serious disasters indicate the usefulness of integrating foresight into risk governance in parallel and in combination with RUC analysis. Specifically, in the case study prepared, according to the disaster management cycle, the Thessaly region is still in the process of restoration, almost a year later. Apart from the fact that the process seems to be extremely time-consuming, rehabilitation must emerge as the appropriate stage to feed decisions on the identification of complexity factors, such as the dense network of rivers, streams, and torrents in small catchments that cross towns and settlements and create uncertainty about their response to new flood risk. These uncertainties that arise in the decisions for projects, actions, and planning must be evaluated and examined to know if decisions made are sufficient and capable of ensuring that such consequences will be avoided in the future.

Analysing the RUC factors for urban/residential environments revealed the complexity of the widespread concentration of unsuitable land uses in river flood zones, and the uncertainty of their impact in the event of a new flood. Alternative decisions that could be made include the relocation of the above uses through a land bank and the planning of new suitable uses in these areas. Another alternative is to reinforce embankments and other precautionary measures to shield already installed uses. In both cases, there is a risk that projects fail to respond to a new potential hazard, causing dissatisfaction among residents, possible environmental degradation, and/or degradation of the urban landscape.

In conclusion, the tools and approaches proposed in this analysis can be considered as methodological frameworks to be used systematically and effectively in all phases of the disaster cycle, from different areas of interest, specific to the needs and context. Modern practices, cutting-edge technologies, the availability and dissemination of information, and existing tools and mechanisms, combined with the integration of new and modern additional tools, can make planning more effective in mitigating risk and reducing the intensity, extent, and cost of impact.

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Notes

¹ A 'medicane' is a meteorological phenomenon similar to a hurricane or cyclone occurring in the Mediterranean Sea.

² Disaster: "A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts" (UNDRR/ISC, 2020, pp. 52-53).

³ Risk: "An uncertain consequence of an event or activity with respect to something that we value" (Dimitriou et al., 2013, pp. 1-2).

⁴ Hazard: "A process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation" (UNDRR/ISC, 2020, pp. 52-53).

⁵ Uncertainty: "An expression of confidence about the state of knowledge in/about a given situation, often relating to the future" (Dimitriou et al., 2013, pp. 1-2).

⁶ The concept of 'crisis' is difficult to define. In the context under study, in terms of the characteristics that govern it, a crisis is defined as specific, unexpected, and unpredictable events or a series of events caused by or causing high levels of uncertainty and threat [...] to important targets (Seeger et al., 1998).

⁷ Vulnerability: "The conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards" (UNDRR/ISC, 2020, pp. 52-53).

⁸ Exposure: "The situation of people, infrastructure, housing, production capacities and other tangible human assets located in hazard-prone areas" (UNDRR/ISC, 2020, pp. 52-53).

⁹ Complexity: "Complexity arises in a system when a great many components interact simultaneously in a complicated form" (Dimitriou et al., 2013, pp. 1-2).

¹⁰ The concept of RUC in the present analysis originates from the OMEGA-Project

contribution, which examined a number of megaprojects for their multidimensional sustainability in synergy with RUC management in planning decisions for their planning and implementation (Dimitriou et al., 2013).

¹¹ The basic components of the risk assessment framework and all the individual stages of management are inextricably linked to space and time, prevailing conditions, and other factors that shape the context of reference. This is the main reason why the further elaboration of the concept of management 'unfolds' the circle and creates an infinite spiral.

¹² Chaos (chaos theory) is the "unpredictable behaviour in simple, bounded, deterministic systems. Such behaviour is extremely complicated because it never repeats, and it is unpredictable because of its celebrated sensitive dependence on initial conditions: even extremely small amounts of vagueness in specifying where the system starts render one utterly unable to predict where the system will end up" (Kellert, 2008, pp. 5-6).

¹³ These are incomplete and fragmented data, from which, however, important information can be drawn (Petersen & Steinmueller, 2009).

¹⁴ Thessaly is the main region of Central Greece (east).

¹⁵ Article 9 of Joint Ministerial Decision 31822/1542/ E103 (Government Gazette 1108/ B' / 21-07-2010).

¹⁶ At <https://diavgeia.gov.gr/> all Acts of public, regional, and municipal interest are posted online, to ensure transparency.

Disclosure statement

No potential conflict of interest was reported by the author.

Abbreviations

BiH	Bosnia and Herzegovina
DB	District of Brčko
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
FPRY	Federative People's Republic of Yugoslavia
GDP	Gross Domestic Product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GUP	General Land-Use Plan
ILO	International Labour Organization
MAPs	Medicinal and Aromatic Plant
NALED	National Alliance for Local Economic Development
OAED	Organisation for the Employment of the Labour Force
ORFMM	Open Regional Fund for Modernisation of Municipalities (Programme)
PRBiH	People's Republic of Bosnia and Herzegovina
RS	Republika Srpska
SC	Sarajevo Canton
SERDA	Sarajevo Economic Regional Development Agency
SFRY	Socialist Federative Republic of Yugoslavia
SRBiH	Socialist Republic of Bosnia and Herzegovina
SRVC	Small Ruminants Value Chains
TCN	Third Country Nationals
TI (work)	Temporary & Intermittent work
WB	Western Balkans

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