

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

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## 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**

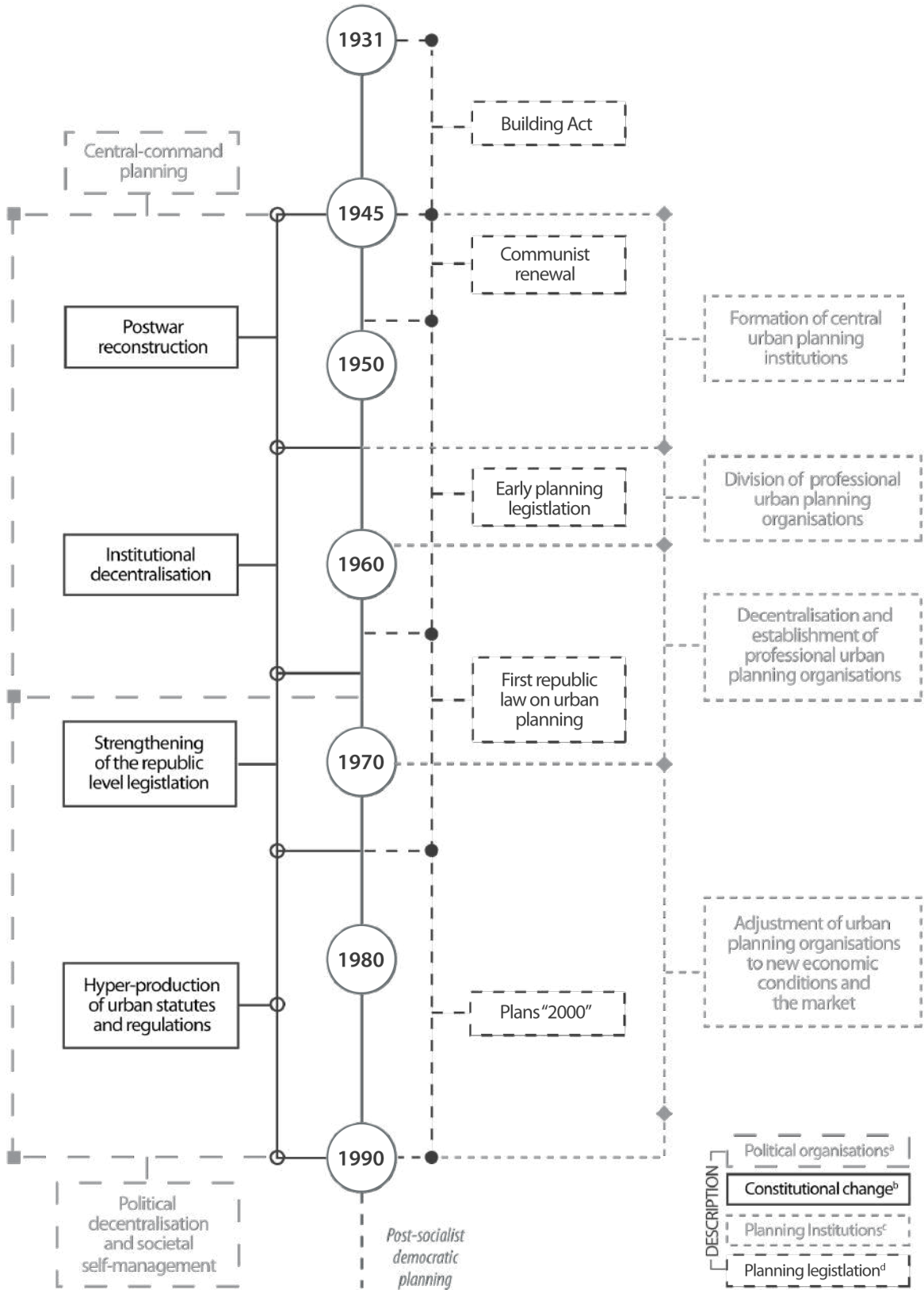
The joining and rapprochement of different models of urban order and the formation of a uniform, urban legislative framework are tied to the founding of the Kingdom of Serbs, Croats, and Slovenes in 1918.<sup>1</sup> With the creation of the Kingdom (the first joint state of the South Slavic countries), 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 state<sup>2</sup> (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.<sup>3</sup> 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,<sup>4</sup> 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 ordinances<sup>5</sup> in Republika Srpska and decrees<sup>6</sup> 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

<sup>1</sup> What would become the Kingdom of Yugoslavia in 1929.

<sup>2</sup> Later named 'societal' (Nedović-Budić and Cavrić, 2006).

<sup>3</sup> Referred to 'Master Urban Planning Regulation' by Nedović-Budić and Cavrić (2006).

<sup>4</sup> There were four inter-municipal regional communities in Bosnia & Herzegovina (Pejanović, 2014).

<sup>5</sup> 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.

<sup>6</sup> 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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## Disclosure statement

No potential conflict of interest was reported by the author.