

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

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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

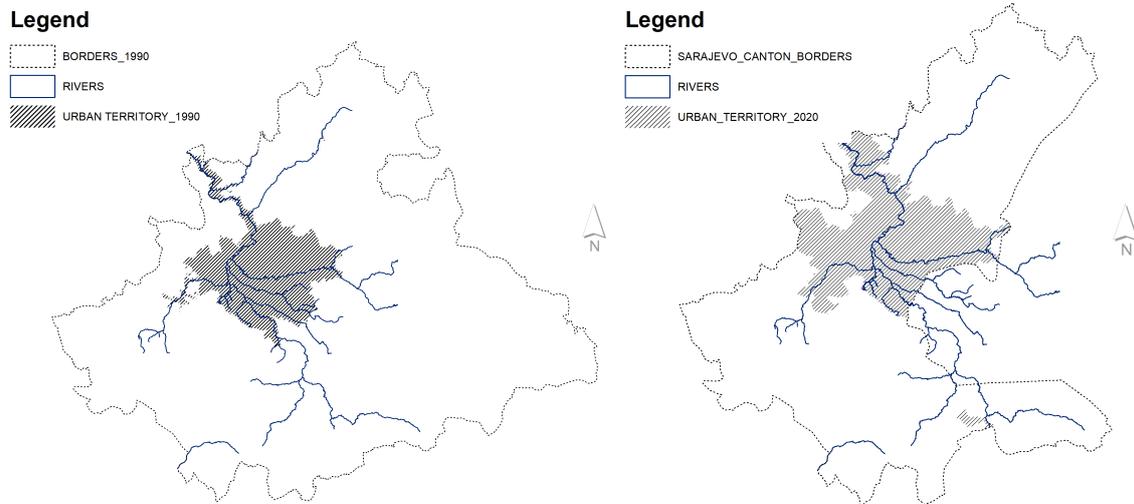
(1995) "Over 59% of housing buildings were demolished, 23% of industry, infrastructure and technology buildings destroyed, 64% of which heavily demolished, and 13% were registered with minor damages. The city had to organize itself to manage reconstruction in a condition of economic collapse and existential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

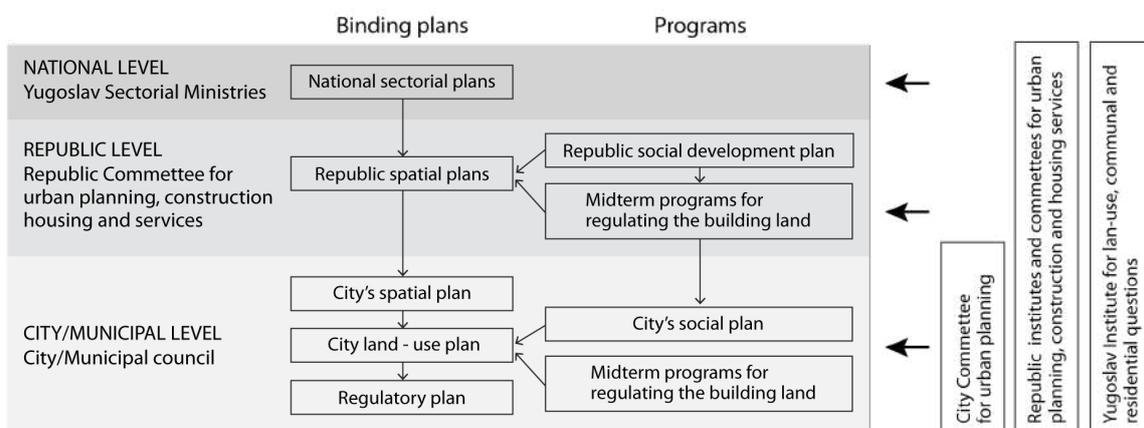
- Decree on General Land-Use Plan (Federal People's Republic Yugoslavia (FPRY) Official Gazette no. 78/949)
- Construction Law for Investment Buildings (FPRY Official Gazette no. 45/1961, amended SFRY Official Gazette no. 5/65),
- Expropriation Law (FPRY Official Gazette no. 12/957),
- Law on Application 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

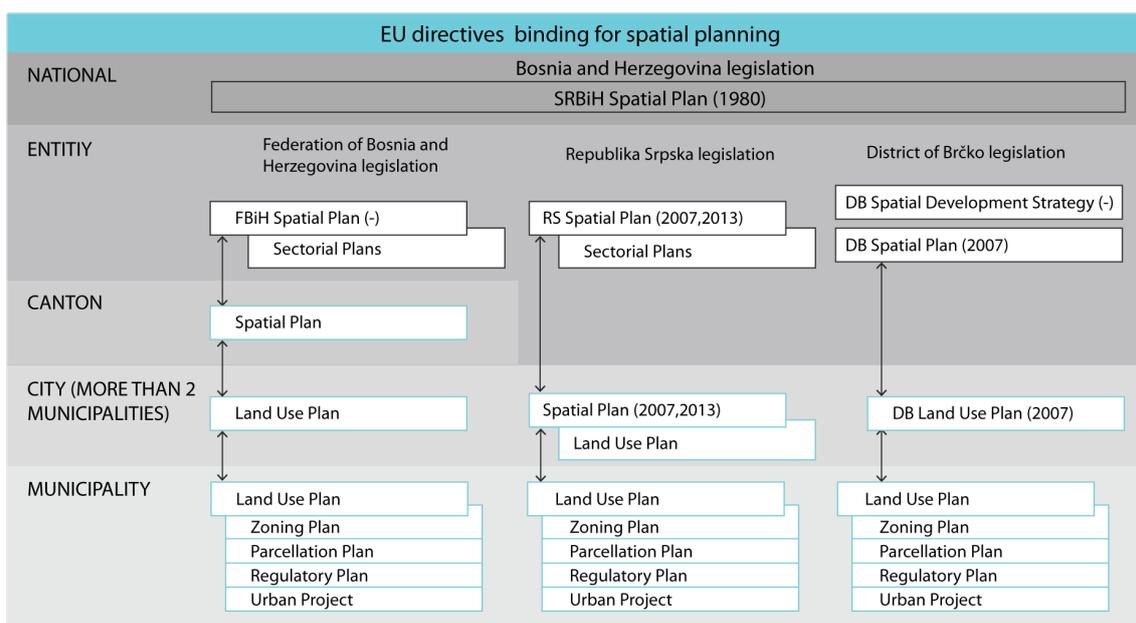
clear measures for mobilizing construction land for new socialist neighbourhoods built for 'the workers' by the state. Private investments and private land were not the focus of the socialist spatial planning system.

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.

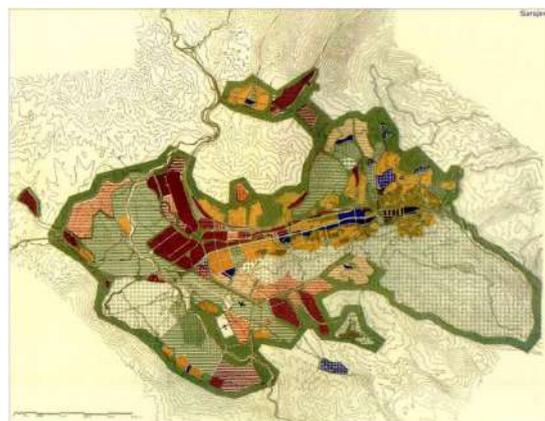
Sarajevo Study Case – Postwar City in Transition Infected

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

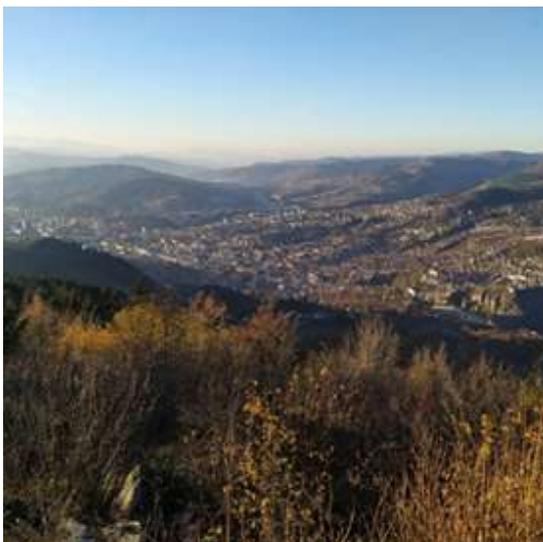


Source: Institute for Canton Planning Archive

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).

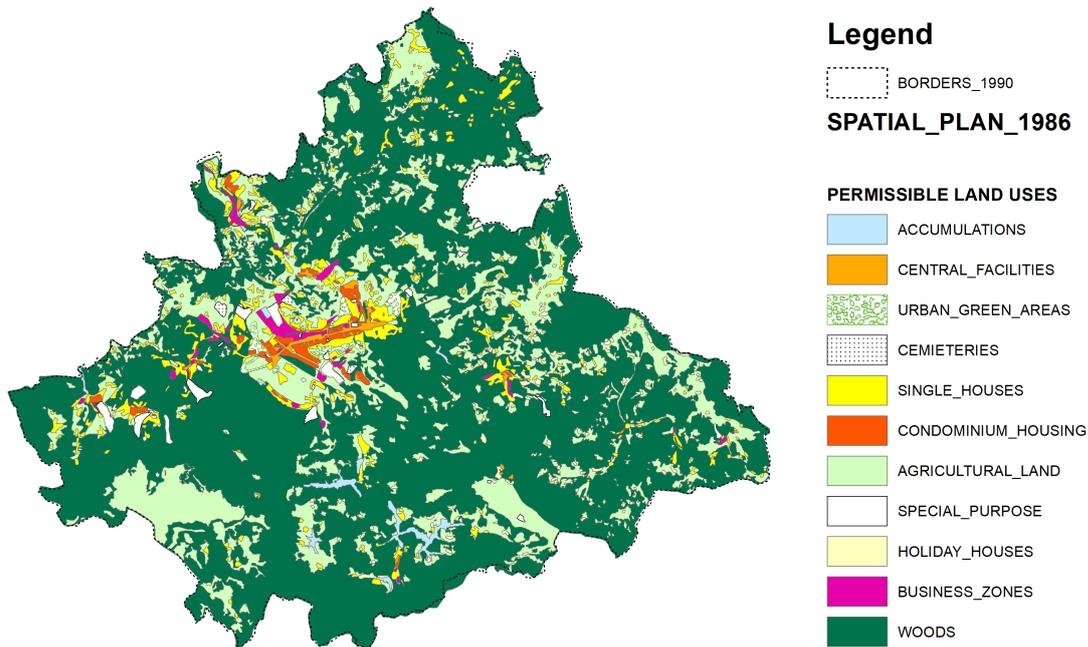
The decline of the socialist governance system, which began in the 1960s with problems such as informal settlements, was deepened in the 1980s. Issues noted by Aganović (1993) included a "merciless usurpation of the urban space; enormous increase in housing construction prices; lack of adequate land 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

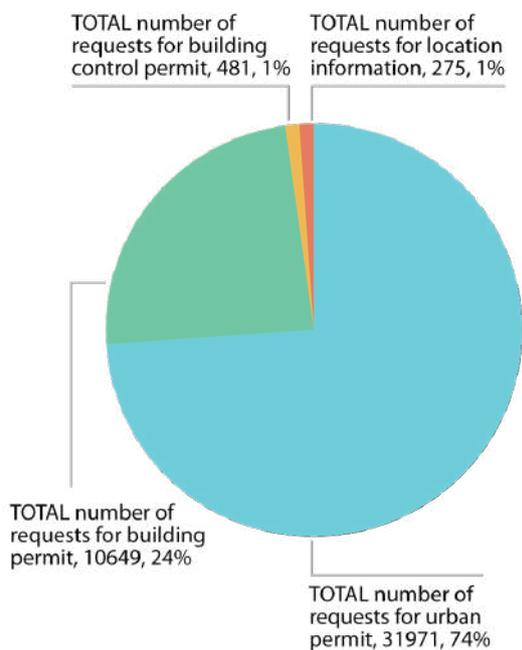
Figure 12. Binding Spatial Planning Legislation for Sarajevo Canton

| 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.

References

- Aganović, M., 1991. *Aktuelni problem života i razvoja grada Sarajeva-Saradnja i organizovanje u djelatnostima od posebnog interesa u izmijenjenim društveno-ekonomskim odnosima*, Skupština grada Sarajeva [Current problems of the City of Sarajevo life and development - Cooperation and organization of the activities of the special interest in changed socio-economic relations, City of Sarajevo Assembly], Sarajevo.
- Aganović, M., 1993. Vital and Developmental Dilemmas of the Sarajevo Town. *Warchitecture Magazin za arhitekturu, urbanizam i dizajn, Asocijacija arhitekata DAS – BiH dd DOM I OKO, Sarajevo* [published by Bosnia and Herzegovina's Association of Architects], pp. 112-115.
- Antić D, Božičković V., Divjak V., Erić H., Furundžić B., Ginder E., Ilić Č., Mirković B., Najdanović N., Petrović M., Simonović Đ. Smiljanić Đ., Šuica Đ., Tomić B., Truhović Lj., Zrnić D., Zrnić P.1966. *Tehničar- Građevinski priručnik- II tom*, Izdavačko preduzeće Građevinska knjiga [Technician – Construction Manual- II part, Published by Construction Site Diary], Belgrade.
- Benkova, L., 2016. *The Dayton Agreement Then and Now*, cf. p. 3 European Commission. 2016. European Neighbourhood Policy. [Online] Available at: http://ec.europa.eu/enlargement/countries/detailed-country-information/bosnia-herzegovina/index_en.htm [Accessed December 14, 2016].
- Bublin, M., 2008. *Sarajevo throughout the history – from Neolithic settlement to Metropolis*, Sarajevo, Buybook.
- ESPO, 2018. COMPASS – *Comparative Analysis of Territorial Governance and Spatial Planning Systems in Europe*, Applied Research 2016 – 2018, Final Report – Additional Volume 5 Additional Countries Feasibility Report, p.15.
- Federal Institute for Statistics, 2019. *Census 1991 and earlier*. [Online] Available at: <http://fzs.ba/index.php/popis-stanovnistva/popis-stanovnistva-1991-i-stariji/> [Accessed February 5, 2019].
- Gausa, M. Guallart V., Müller W., Soriano F., Porras F. and Morales J., 2003. *The Metapolis dictionary of advanced architecture – City, technology and society in the information age*. Barcelona: ACTAR.
- Gruber, M., Kanonier A., Pohn-Weidinger S. and Schindelegger A., 2018. *Spatial Planning in Austria with References to Spatial Development and Regional Policy*. Austrian Conference on Spatial Planning (ÖROK), Publication series, 202.
- IMG,1995. *Census, Uperedna Analiza pristupa pravima izbjeglica i raseljenih osoba* [Comparative Analysis of Access to refugees and displaced persons rights], Ministarstvo za ljudska prava i izbjeglice Bosne i Hercegovine, Sarajevo, p.64-71.
- Jessen, J., Meyer, U.M. and Schneider J., 2008. *Urbanity and the Planning Culture in Europe – Barcelona, Amsterdam, Almere, Manchester, Copenhagen, Leipzig, Sarajevo, Zurich*. Wüstenrot Stiftung: Stuttgart, p. 168.
- Zavod za planiranje razvoja grada Sarajeva, 1985. *Nacrt Prostornog plana Grada Sarajeva za period od 1986. do 2000. odnosno 2015. godine* [Draft of the Spatial Plan of the City of Sarajevo for the period 1986 - 2000/2015]. Institute for City of Sarajevo Planning, p.26.
- OECD, 2017. *The Governance of Land Use in OECD Countries: Policy Analysis and Recommendations*. OECD Publishing, Paris, p.9.
- Parlamentarna skupština Bosne i Hercegovine, 2010. [Online] Available at: Parlamentarizam u Bosni i Hercegovini u uslovima političkog pluralizma (1990.–1995.) [Accessed November 12, 2021].
- Pelja-Tabori N., 2021, PhD thesis *Justification of Reintroducing the Building Code for Sarajevo Canton*, TU Wien Bibliothek, p. 289 [Online] Available at: Justification of Reintroducing the Building Code for Sarajevo Canton (tuwien.at) [Accessed November 13, 2021].
- Territorial Agenda 2030, 2020. Informal meeting of Ministers responsible for Spatial Planning

and Territorial Development and/or Territorial Cohesion, p.10 [Online] Available at: Cover_Lang_TA2030_C3mm (europa.eu) [Accessed November 13, 2021].

UN, 1992. *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, United Nations publication, E.93.I.8 and corrigenda [Online] Available at: Agenda 21.pdf (un.org) [Accessed November 13, 2021].

UN General Assembly Security Council, 1995. *General Framework Agreement for Peace in Bosnia and Herzegovina*. [Online] Available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/BA_951121_DaytonAgreement.pdf [Accessed February 24, 2019].

UN, 2000. *General Assembly resolution 55/2*. [Online] Available at: A/RES/55/2: United Nations Millennium Declaration [Accessed February 24, 2019].

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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