

Scholl, B. (2011), Die Methode der Testplanung – Exemplarische Veranschaulichung für die Auswahl und den Einsatz von Methoden in Klärungsprozessen. In: Grundriss der Raumordnung und Raumentwicklung, Akademie für Raumforschung und Landesplanung (ARL). Hannover. p. 330

Scholl, B. (2012), Project-Based Learning – The Core of a University Education in Spatial Planning and Development, In: HESP – Higher Education in Spatial Planning, ETH Zürich. p. 80f.

Schönwandt, W., Voigt, A. (2012), Embedding Education in Strategic Planning in Planning Curricula, In: HESP – Higher Education in Spatial Planning, ETH Zürich. p. 89

DANURB (2017), Newsletter 01 – 20.04.2017: <http://www.interreg-danube.eu/news-and-events/newsletters/514>, retrieved on 02.05.2017

Base Map oesterreich.com: <https://www.oesterreich.com/en/staat/bundeslaender/niederoesterreich> retrieved on 08.05.2017

Base map data.gv.at: Verwaltungsgrenzen politische Gemeinden 1:50000, retrieved on 08.05.2017

DANURB – student team from TU Wien: Bindreiter Stefan, Jahn Bianca, Pechhacker Julia, Prieler Johannes, Puchner Tobias, Rapp Julia, Rieder Katharina, Schmid Stefanie, Vukovich Clara

## ID1450 | THE BOSNIAN SPATIAL PLANNING SYSTEM - ATTEMPT AT AN EXPLANATION

Edib Uruci<sup>1</sup>

<sup>1</sup>TU Wien

[edib.uruci@tuwien.ac.at](mailto:edib.uruci@tuwien.ac.at)

**ABSTRACT:** To understand the Bosnian spatial planning system it is necessary to get an overview of the structure and hierarchical levels in Bosnia and Hercegovina (BiH). The process, of setting up a new state formation and order is directly linked with the war and its all impact (1992-1995), which has started after Bosnians independence from the former Yugoslavia (Socialist Federal Republic of Yugoslavia – SFRY) in March 1992. The war consequences have still an enormous influence on daily life in Bosnia and Hercegovina and on the spatial planning system as well. This paper tries to explain the complexity of the Bosnian spatial planning system, to show its gaps and to explain the cause for its transnational planning character.

**KEYWORDS:** Bosnia and Hercegovina, Federation of Bosnia and Hercegovina, Republic of Srpska, Canton, Spatial planning, Planning gaps, transnational planning

### 1 INTRODUCTION IN BOSNIANS ADMINISTRATIVE-TERRITORY STRUCTURE

After the war in Bosnia (1992-1995), which ended in November 1995 by the Dayton Freedom Agreement (DFA), Bosnia and Hercegovina become a new state structure. Since then, the country is structured in two entities, Federation of Bosnia and Hercegovina (FBiH), Republic of Srpska (RS) and one district -Brčko District. Brčko District, in northeastern part of BiH, is a self-governing administrative unit, as well as condominium<sup>1</sup> under the dual sovereignty of the two entities. The Figure 1 shows an overview of the administrative structure in BiH. Before the war, there was 109 administrative-territorial units respectively municipalities on Bosnians approx. 51.000 km<sup>2</sup> territory area. Through the DFA, the number of this units increases up to 142 (Ministarstvo za ljudska prava i izbjeglice, 2006). FBiH contains 79 administrative-territorial units, which are allocated in the ten cantons, 62 of 142 are situated in RS and one administrative-territorial unit is Brčko District (Ministarstvo za ljudska prava i izbjeglice, 2006).

<sup>1</sup> Merriam-Webster dictionary defines a condominium as a politically dependent territory under condominium (<https://www.merriam-webster.com/dictionary/condominium>)

The Federation of BiH, which covers 51% of the territory of Bosnia and Hercegovina is divided in ten cantons by the constitution. The law of federal units clearly defines cantons, defined in terms of their administrative characteristics and authorities. On the other side, there is no law, nor regulation about the minimum territory size or a number of inhabitants as a requirement needed for becoming the status of a canton. Comparing available data from the Agency for Statistics BiH (Table 1), it can be concluded, that the minimum territory size of a canton has to be bigger than 324km<sup>2</sup> (see canton No. 2 in Table 1), with at least three municipalities (see canton N No. 2 and 5 in Table 1) and more than 30.000 inhabitants (see canton No. 2 and 5 in Table 1). The capital of FBiH is the same as capital of Bosnia and Hercegovina, the city of Sarajevo. In Federation part of Bosnia and Hercegovina there are three administrative levels. The highest is the entity or federal level with the federal government, parliament, presidency and the house of people. The next or middle level is the cantonal level. As mentioned before, there are ten cantons with the cantonal government and cantonal council. The lowest level in FBiH is the local level with municipalities and/or cities councils and mayors.

The other entity, RS, which covers 49% of Bosnians territory area, has a less administrative structure than the FBiH. This part of BiH has two administrative levels - the entity and local level. It can be said, that the entity of Republic of Srpska has a central organisation in its capital Banja Luka. By the law on spatial planning until 2015 of the Republic of Srpska, there have been defined six regions without a legislation. The first stage plan for RS has foreseen four nodal-functional regions. Later, through the elaboration of the spatial planning law of the Republic of Srpska until 2015, the territory was divided, as mentioned before, into six regions. It was a trial to create a regional structure, using a centre concept (Figure 2). The territorial structure with its six regions had the greatest impact on localisation of certain institutions and organisations such as health care facilities or waste management. The new spatial planning law for RS, valid from 2015 until 2025, foresees five nodal-functional regions (Figure 3). It is evident that there is no continuity in the regionalisation of the territory of Republic of Srpska.



Figure 2 | Structure of Republic of Srpska in six regions until 2015

No.	Canton	Area in km <sup>2</sup>	Municipalities in Canton	Inhabitants
1	Unsko-sanski kanton	4.125,00	8	287.030
2	Posavski kanton	324,60	3	38.375
3	Tuzlanski kanton	2.649,00	13	498.766
4	Zeničko-dobojski kanton	3.344,10	12	396.732
5	Bosansko-podrinjski kanton	504,60	3	32.341
6	Srednjobosanski kanton	3.189,00	12	251.714
7	Hercegovačko-neretvanski kanton	4.401,00	9	223.471
8	Zapadno-hercegovački kanton	1.362,20	4	81.309
9	Kanton Sarajevo	1.276,90	9	446.853
10	Kanton 10	4.934,10	6	77.757
<b>TOTAL</b>		<b>26.110,50</b>	<b>79</b>	<b>2.334.348</b>

Figure 3 | Structure of Republic of Srpska in five regions until 2025

The other entity, RS, which covers 49% of Bosnians territory area, has a less administrative structure than the FBiH. This part of BiH has two administrative levels – the entity and local level. It can be said, that the entity of Republic of Srpska has a central organization in its capital Banja Luka. By the law of spatial planning until 2015 of the Republic of Srpska, there have been defined six regions without a legislation. The first stage plan for RS has foreseen four nodal-functional regions. Later, through the elaboration of the Republic of Srpska until 2015, the territory was divided, as mention before, into six regions. It was a trail to create a regional structure, using a centre concept (Figure 2). The territorial structure with its six regions had the greatest impact on localization of certain institutions and organisations such as health care facilities or waste management. The new spatial planning law for RS, valid from 2015 until 2025, foresees five nodal-functional regions (Figure 3). It is evident that there is no continuity in the regionalization of the territory of Republic of Srpska.



Figure 2: Structure of Republic os Srpska in six regions until 2015

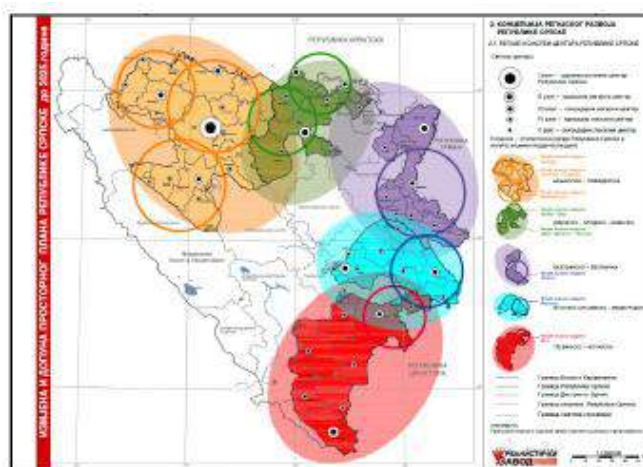


Figure 3: Structure of Republic os Srpska in five regions until 2025

The Statute of Brčko District come into force in May 2008, defines the special and unique case of the administrative-territorial unit of Brčko District (Statut Brčko). Brčko District with its self-governing characteristics is a territorial-admi inistrative unit on the local level. This special case of territory of the Brčko District includes the whole territory of the municipality Brčko as it was on the 1stst of January in 1991, i.e. before the war. One of the resultts through the position and statute of Brčko Distrrict is that no one of the entities has a coherent territory bo ody.

## 2 SPATIAL PLANNING SYSTEM IN BOSNIA AND HERCEGOVINA AMONG PLANNING DOCUMENTS

Before 1992 the spatial planning system in Bosnia was centrally organised with a strict structure like in all other republics of former Yugoslavia (Figure 4).

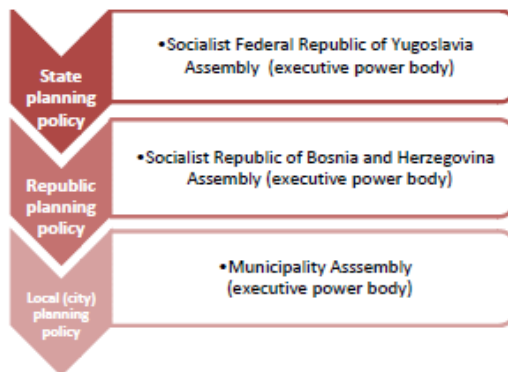
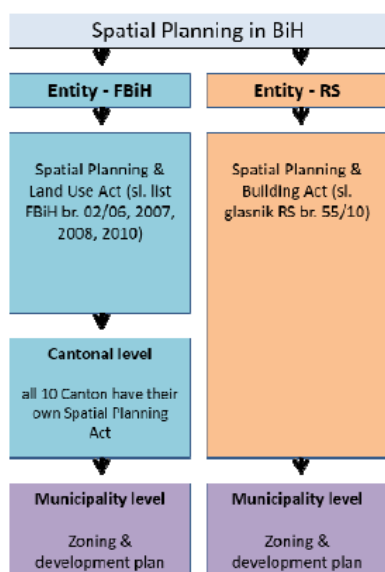


Figure 4 | Spatial planning system in SFRY (E. Uručić by N. Taborić, 2017)

Following the new state order, the Bosnian spatial planning system was changed and got its competencies in the new system. The whole complex administrative and political structure of BiH becomes obvious among the spatial planning system (Figure 5). The highest administrative level, with spatial planning competencies, is the entity level. In Federation of Bosnia and Herzegovina spatial planning is regulated by the Law for spatial planning and land use, Law on Housing Relations and Law on the national monuments are the highest legal acts of regulations and rules. The highest legal act for spatial planning in the Republic of Srpska is the Law for urban planning and construction. The lower level is the cantonal level, but only in FBiH. Every Canton is obliged to develop and draw its own cantonal spatial plan according to the regulations which are defined in the federal spatial plan (Table 2). The lowest level with spatial planning competencies is the municipality level. The Law for spatial planning and construction is regulating the spatial planning issues in Brčko District. This is, as mentioned before, situated on the municipality level.



The result of an administrative construction like this is the proliferation of complexity in every single field of activity including the spatial planning. Just counting all Bosnian spatial planning acts, we get an incredible number of twelve (!), ten cantonal and two entity, spatial planning acts, which should solve all problems and challenges of spatial planning and development of the whole Bosnian territory. Additional on this, there are spatial plans, including zoning plans and development plans for each city and municipality.

Figure 5 | Levels with spatial planning competencies in Bosnia and Herzegovina without Brčko District (E. Uručić, 2013 by GAP 2013)

No.	Canton	Law
1	Unsko-sanski kanton	Law on spatial planning and construction (Sl. glasnik USK br. 10/11)
2	Posavski kanton	Law on spatial planning (Narodne novine PŽ br. 5/99)
3	Tuzlanski kanton	Law on spatial planning and construction (Sl. novine TK br. 11/06)
4	Zeničko-dobojski kanton	Law on spatial planning (Sl. novine ZDK br. 2/04)
5	Bosansko-podrinjski kanton	Law on spatial planning and construction (Sl. novine BPK br. 15/09)
6	Srednjobosanski kanton	Law on spatial planning (Sl. novine KSB/SBK br. 11/05)
7	Hercegovačko-neretvanski kanton	Law on spatial planning (Sl. novine HNK br. 4/04)
8	Zapadno-hercegovački kanton	Law on spatial planning (Sl. novine ŽZH br. 4/99)
9	Kanton Sarajevo	Law on spatial planning (Sl. novine SK br. 7/05)
10	Kanton 10	Law on spatial planning (Sl. glasnik HBŽ br. 14/98)

Table 2 | Overview of cantonal laws on spatial planning (Korjenić, 2015)

### 3 PLANNING DOCUMENTS IN BOSNIA AND HERCEGOVINA

The spatial plan of FBiH contains development strategies and directions for planning management and land use of this entity. There are defined protected areas and development corridors which should take into account in spatial and land use plans on the lower levels (cantonal and municipal level). This federal law regulates: planning and land use, drawing and adoption of planning documents, art and contains of planning documents, its enforcement and supervision on enforcing of adopted planning documents (Figure 6). Since its first implementation in 2006, this law has been an amendment in 2007, 2008 and three times in 2010 (Sl. novine FBiH br. 72/07, 32/08, 4/10, 13/10 and 35/10). This is just one of indicators that shows the process of setting-up of a state system is still not finished. Beside of this law, the federal government has adopted few statutes which should manage all activities of spatial planning and land use on the territory of FBiH (Korjenić, 2015). According to this fact, the following documents may be mentioned as important documents:

- The Regulation on a Uniform Methodology for Drafting Physical Planning Documents,
- Regulation on special conditions to be fulfilled by companies and other legal persons so that they can register for performing professional tasks of drafting of planning documents,
- The Regulation on the Content and the Carriers of a Unique Information System, the methodology for collecting and processing data, and the forms of keeping the records,
- The Regulation on Amendments to the Regulation on Contact and the Carriers of a Unique Information System, the methodology for collecting and processing data, and the forms of keeping the records.

The intermediate, cantonal level in FBiH has the obligations to create they own spatial planning plans, in consideration on the federal spatial plan. As shown in Table 2 for every canton exists a spatial planning law, but the draw and implementation of a cantonal spatial plan are still not finished in every canton. The cantonal spatial plan contents definitions and projections for future land use and development axes taking into account the federal spatial planning law and other cantonal law, which are decided through the cantonal council. The cantonal law is created for the specific needs and opportunities for each canton referring to the federal law.

In process of drawing and preparing spatial planning and development documents, municipalities in Federation have the obligation to comply their documents and harmonise with the documents on the

higher level. This is a long-term plan made by the municipality and adopted through the municipalities council. Along the implementation of cantonal spatial planning laws, municipalities are obliged to create a municipal spatial plan or spatial plan of local self-government. Exceptions of this regulations are municipalities, which are part of a City for which no municipality spatial plan is foreseen. These local units are treated through development strategies, which rely on spatial plans of the City (Korjenić, 2015).

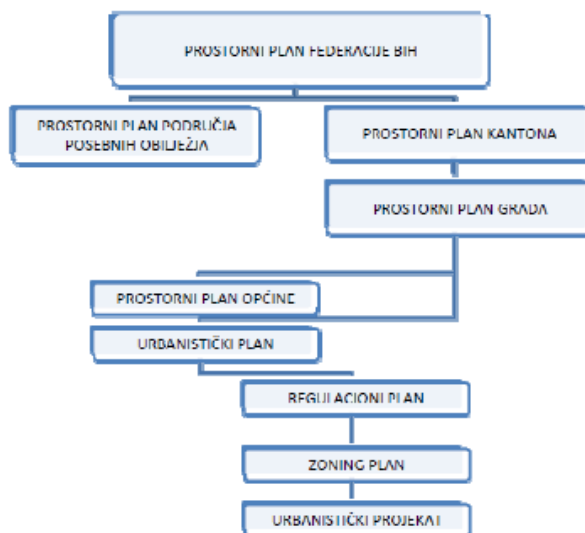


Figure 6 | Planning hierarchy, plans and documents in FBiH (Korjenić, 2015)

In the Republic of Srpska, the Law on urban planning and construction regulates the: planning and regulation of space, type, and content of spatial planning documents, the method of preparation and the procedure for adopting spatial planning documents and the basics of organisation. The documents of spatial planning define the organisation, purpose, and manner of using and managing the space, as well as criteria and guidelines for regulations and protection of space in this Bosnian entity. In addition to the mentioned law, there are adopted two basic regulatory acts for managing the spatial planning process in RS (Korjenić, 2015). These regulatory acts are:

- Regulatory act on Content and Control of Technical Documentation (sl. glasnik RS br. 8/2011) which regulates the parts and content of technical documentation, validation and control of technical documentation and types of projects,
- Regulatory act on Content of creating spatial planning documents (sl. glasnik RS br. 59/11) which prescribe the procedure for drafting and issuing spatial planning documents, the content of spatial planning document and the creation of the spatial planning document.

Spatial planning documents in RS can be strategic (Figure 7) or implementation (Figure 8) document.

The spatial plan of the Republic of Srpska, as the highest order plan, is adopted and passed by the National Assembly of this Bosnian entity. The Assembly is also in charge for spatial plans of special purpose areas, e.g. national parks. Spatial planning at the local level is based on every local administrative unit. The municipality makes decisions on spatial planning which reflect all territorial specificity of the municipality. The local spatial planning decisions have to be aligned with the Law of urban planning and construction of the RS, as well as with the two regulatory acts, mentioned above (Korjenić, 2015).

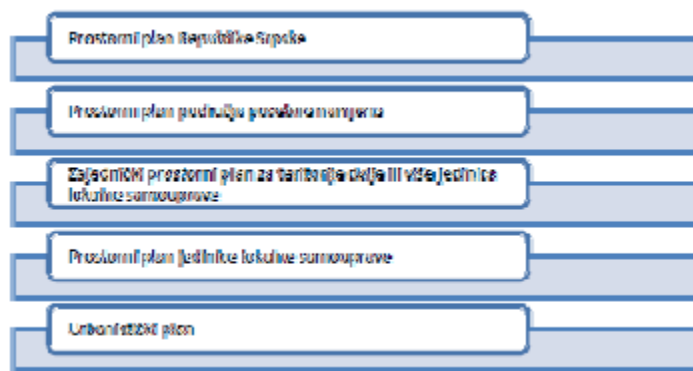


Figure 7 | Strategic spatial planning documents in RS Figure 8 | Implementation spatial planning documents in RS

#### 4 GAPS IN SPATIAL PLANNING IN BOSNIA AND HERCEGOVINA

The concrete problem in the field of spatial planning is the uncoordinated spatial planning and development between territory units on the same level, like the cases on the cantonal level in FBiH is and the uncoordinated spatial planning and development on the vertical line of administrative structure (top-down) in each entity. Any attempt to implement a balanced development between the two entities or between entity-canton-municipality was not successful due to a strong political influence. In Bosnia and Hercegovina are every two years elections. One for the municipality and City level and two years later for the state and entity level, including the cantonal level. This fact affected directly the dynamic and continuously work in every single administrative sector.

The need for a comprehensive and coordinative spatial planning and development between the both entities and their administrative levels is best presentable on the example of the City or Canton of Sarajevo. The city of Sarajevo is divided in East Sarajevo (RS) with six municipalities and Canton Sarajevo (FBiH) with nine municipalities. Before the war, the city of Sarajevo included six city municipalities and four outskirt municipalities, with more or less the same area that the two cities have today. It was a differentiation of urban and suburban areas. In fact, the whole area is one coherent city-region area with small, middle and one big focal centre (Figure 9) (Nurković, 2016).

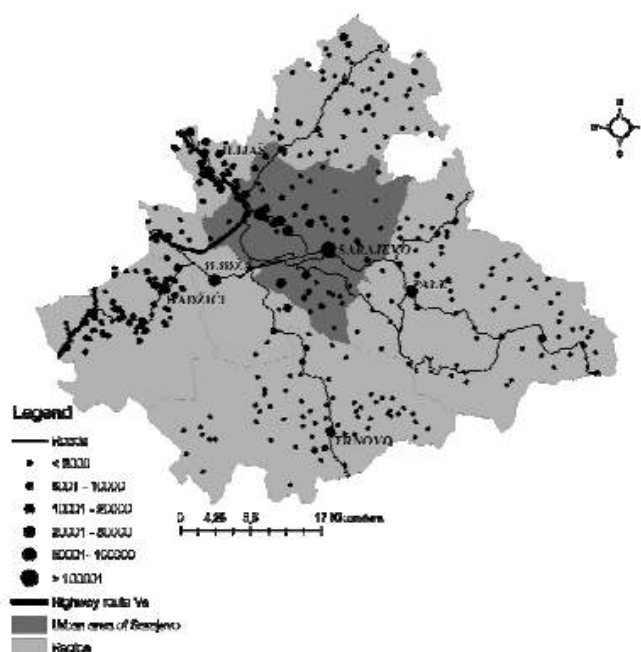


Figure 9 | Urban and suburban structure in Sarajevo region (Nurković, 2016)

Through the new order, the spatial planning competence for the city-region area of the capital of Bosnia and Hercegovina is spread over all administrative levels with no really a chance to ensure a balance and harmonised spatial planning. Spatial planning competencies, as mentioned before, are represented on all administrative level, except the state level. This is also the reason for not adopting or creating a spatial planning development strategy on the state level. Even other development strategies like economic, social, agricultural etc. do not exist on the state level of Bosnia and Hercegovina. Any attempt of creating a common development strategy for the whole country in any sphere becomes a transnational character. That means, that any decision has to be approved by the entity parliament and the city council of Brčko District. Decision made by the Federation of BiH has to be approved by every cantonal council. One attempt to overcome of this entity-political interests and administrative borders was the implementation of economic regions of BiH (Figure 10). This implementation is the result of the European project EURED (Regional Economic Development Programme in BiH). The goal was to ensure a balanced development of each region and to reduce disparities between urban and rural areas. The work of the regions was from its beginning full of administrative obstacles and political obstruction. Two of five regions are not active anymore.



Figure 10 | Economic regions in Bosnia and Hercegovina  
(<http://serda.ba/bs/2012-06-17-15-57-28/2012-06-17-15-58-54.html>)

On the other hand, there is an intersectoral fight between authorities on the cantonal level. Every Ministry e.g. spatial planning, traffic, economic etc. creates its plans and laws which are not referring and harmonised to each other. The next fact which affected the imbalanced spatial planning and development are the municipalities. The local authorities are only interested into developing their area as much as possible, into so-called, rentable projects of housing, office areas and shopping centres with no serious preparation or feasibility study for the certain project. Local authorities are often influenced by potential investors in cooperation with their political and private interests.

## 5 CONCLUSIONS AND RECOMMENDATIONS

The transition and reform processes which is Bosnia and Hercegovina following on its road to the EU membership should be harmonised to the reform agenda and to the contemporary trends in EU member states in all spheres, including the sphere of spatial planning (Korjenčić, 2015). In the process of becoming the status of candidate state for EU membership, it is necessary to harmonise the national administrative system, in order to become more effective. For future development of the whole country, the acquisition of EU funding and EU partnership will play an important role. In this context, it is necessary to install an administration-management body with experts board on the state level which is not bound to the current administrative structures and hierarchies. This body should be a state Institute for Planning and Development. The task of the Institute would be to track current European and global trends in the sphere of spatial planning, to connect and organise working groups with the Bosnian authorities for spatial



planning, to create with them a common vision and action plans for certain spatial planning issues and areas of Bosnia and Hercegovina, to ensure a qualitative education in spatial planning, to create the profile, duties and action areas of spatial planner, and to connect Bosnia and Hercegovina with other countries and partners on the international level in the sphere of spatial planning.

## BIBLIOGRAPHIC REFERENCES

- Agencija za statistiku Bosne i Hercegovine, "Bosna i Hercegovina u brojevima 2016", 2017, Sarajevo.
- Brčko Distrikt, "Staut Brčko Distrikta Bosne i Hercegovine", 2010, Brčko.
- Brčko Distrikt, "Zakon o prostornom planiranju i građenju" 2008, Brčko.
- Costello C.: Mid-term evaluation of the governance accountability project GAP 2, 2010, Bethesda, USA.
- Dayton Freedom Agreement, 1995, Wright-Patterson Air Force Base, Ohio, USA.
- Federacija Bosne i Hercegovine, "Prostorni plan Federacije Bosne i Hercegovine za period 2008.-2028. godine", 2012, Mostar/Sarajevo.
- Federacija Bosne i Hercegovine, "Uredba o jedinstvenoj metodologiji za izradu dokumenata prostornog uređenja", 2007, Sarajevo.
- Federacija Bosne i Hercegovine, "Uredba o sadržaju i nosiocima jedinstvenog informacionog sistema, metodologiji prikupljanja i obradi podataka, te jedinstvenim obrascima na kojima se vode evidencije", 2007, Sarajevo.
- Federacija Bosne i Hercegovine, "Uredba o posebnim uvjetima koje moraju ispunjavati privredna društva i druga pravna lica da bi se mogla registrovati za obavljanje stručnih poslova izrade planskih dokumenata", 2008, Sarajevo.
- Federacija Bosne i Hercegovine, "Zakon o federalnim jedinicama (Kantonima-Županjama)", 1996, Sarajevo.
- Federacija Bosne i Hercegovine, "Zakon o Prostornom planiranju i korištenju zemljišta na nivou Federacije Bosne i Hercegovine", 2007, Sarajevo.
- Governance Accountability Project, Politika u oblasti Prostornog planiranja, USAID, Sarajevo.
- Governance Accountability Project, Priručnik iz Prostornog planiranja, USAID, 2013, Sarajevo
- Korjenić A.: "Prostorno planiranje u Bosni i hercegovini - legislativni okvir", in Acta geographicae Bosniae i Hercegovinae, 3, 63-74, 2015, Sarajevo.
- Ministarstvo za ljudska prava i izbjeglice, "Stambeni i urbani profil Bosne i Hercegovine", 2006, Sarajevo.
- Nurković R.: "Geographic Views on Regional Planning and Development of Bosnia and Hercegovina", in REAL CORP 2012, RE-MIXING THE CITY - Towards sustainability and Resilience?, ISBN: 978-3-9503110-3-7, 2012, Schwechat.
- Nurković R.: "The City of Sarajevo as the focal point of the development of spatial planning", 230-247, Conference paper, Conference: "MJESTO I ULOGA GLAVNIH GRADOVA SEE (JUGOISTOČNE EVROPE) U RAZVOJU MEĐUREGIONALNE I MEĐUDRŽAVNE SURADNJE U OKVIRU DUNAVSKE I JADRANSKO-JONSKE EVROPSKE MAKROREGIJE" 2016, Sarajevo.
- Općina Novo Sarajevo, "Strategija razvoja općine Novo Sarajevo do 2015. godine", 2016, Sarajevo.
- Peštek E.: Referentni priručnik za investitore. Građevinski propisi u Bosni i Hercegovini, Chemonics International Inc., 2009, Sarajevo.
- Republika Srpska, "Pravilnik o sadržaju i kontroli tehničke dokumentacije", 2013, Banja Luka.
- Republika Srpska, "Pravilnik o sadržaju izrade i donošenju dokumenata prostornog uređenja", 2013, Banja Luka.
- Republika Srpska, "Prostroni plan Republike Srpske do 2015", 2008, Banja Luka.
- Republika Srpska, "Izmjene i dopune prostornog plan Republike Srpske do 2025", 2013, Banja Luka.
- Republika Srpska, "Zakon o uređenju prostora i građenju", 2013, Banja Luka.
- Tabori N.: "Function of the communist plannig system in the City of Sarajevo 1945-1990", 20017, Vienna.
- Unsko-Sanski Kanton, Ministarstvo za građenje, prostorno uređenje i zaštitu okoline, "Strateški plan 2012.-2014. godina", Bihać, 2012.