

SPATIAL PLANNING IN BOSNIA AND HERZEGOVINA – LEGISLATIVE FRAMEWORK

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Implementers of spatial planning in all social systems are state and local authorities, with different rights and obligations. The main implementers of spatial planning should be the state, as the highest level of management of the area. Due to complex administrative and political structure of Bosnia and Herzegovina, spatial planning in our country has been reduced to the entity level. Laws on spatial planning of the Federation of Bosnia and Herzegovina and the Republic of Srpska are defined by lower levels of spatial plans and their implementers.

Spatial planning in the Republic of Srpska regulated by the Law on urban planning and construction in the Republic of Srpska and in the Federation Law on spatial planning and land use, Law on the national monuments and Law on housing relations, as the highest legal acts and a series of Regulations and Rules. At the state level there is no spatial development strategies, and any development strategy (economic, social, etc.), if it is not based in the area and there is no such surface spatial dimension, remains a "dead letter". In this paper, we analyzed the legislative framework of spatial planning in Bosnia and Herzegovina, as a very important factor in the realization of purposeful and rapid spatial and proper regional development.

Keywords: *spatial planning, Bosnia and Herzegovina, legislation framework*

INTRODUCTION

Spatial planning in Bosnia and Herzegovina until 1992 been regulated by the legislation on the basis of socialist development. The three last acts in this period and this area as well as the additional provisions, together with the relevant methodology of preparation of spatial planning documents, were adopted in 1987 and are now invalid. In the new Constitution of Bosnia and Herzegovina, strategies of spatial planning does not exist at the state level is not within the Council of Ministers. The consequence of this is the fact that such a significant issue, and even more significant framework for possible development is not regulated by law. Each entity in itself, without mutual coordination, planning and running the most important interventions in the area. Only national strategy can ensure better planning and implementation of the primary transport and energy corridors, defining the spatial coverage and categorization of protected areas, cultural and historical heritage and other issues of interest to the state. However, it must be secured unique access and adequate methodology making strategic goals. Planning, and developmentally and implementing, defined at the entity level and the level of the District of Brcko.

The absence of any form of administrative management of the area and the lack of a national strategy spatial planning can lead to the realization of proper regional development and polycentric system of development of city-centers of the region which will be generators of the overall development.

Table 1. Competence in the framework of spatial planning in Bosnia and Herzegovina

Bosnia and Herzegovina		
The Federation of Bosnia and Herzegovina	The Republic of Srpska	Brcko District
Entity level: Law on spatial planning and land use at the Federation of BiH (FBiH Official Gazette 06/02) and amendments in 2007, 2008, and three changes in, 2010.	Entity level: Law on Spatial Planning and Construction in the Republic of Srpska (Official Gazette no. 55/10)	Law on Spatial Planning and Construction (Official Gazette of the Brcko District, no. 29/08)
Cantonal level: Each of the 10 cantons has its own law on spatial planning		
The municipal level: Decision on spatial planning specific to each municipality	The municipal level: Decision on spatial planning specific to each municipality	

TYPES AND HIERARCHICAL RELATIONS AMONG PLANNING DOCUMENTS

By planning, within the meaning the law, considered planned management, land use and protection area of the Federation of Bosnia and Herzegovina as a particularly valuable and limited good. Planned management area to ensure the implementation of planning documents based on the holistic approach to spatial planning and sustainable development. In the Federation, the law regulates the following: planning and land use, development and adoption of the planning documents, their implementation, the type and content of planning documents, land use, supervision of the implementation of planning documents and others.

The Act of 2006 (Official Gazette of the Federation of Bosnia and Herzegovina, no. 2/06) underwent several amendments in 2007, 2008 and three times in 2010 (Official Gazette of the Federation of Bosnia and Herzegovina, no. 72/07, 32/08, 4/10, 13/10 and 45/10). This law defines the planning documents that determine the appropriate organization, use and purpose of these measures and guidelines for the protection of the area.

Besides this law, the Ministry of spatial planning of the Federation of Bosnia and Herzegovina, which is the main activity planning and preparation of planning documents, and their implementation, in his work also include the Law on Construction Products (Official Gazette of FBiH no. 78/09), which was introduced to the national laboratories checking and protecting building products. Through this law permeates the as absurd Bosnian reality the fact that in Bosnia and Herzegovina does not have adequate laboratories from which there may be recognized and taken into account and only the analysis carried out in the Member States of the European Union. Also, when conducting the process spatial planning, the Ministry is obliged to keep the members of the Law on the Implementation of the Commission to Preserve National Monuments (Official Gazette of FBiH no. 02/02, 27/02 and 06/04, 51/07) and the set of Law the Housing Act (Official Gazette of FBiH no. 27/97, 11/98, 38/98, 12/99, 19/99, 22/99, 27/99, 43/99, 7/00, 32/01, 54/01, 15,02, 29/03, 54/04, 28/05, 36/06, 51/07, 2/08, 72/08).

Besides the Law on spatial planning of the Federation, the government has adopted a number of other by-laws, and a whole set of environmental regulations which regulate issues of activities related to spatial planning and land use. Within the spatial planning of

high importance, after the law, have a regulation, as the by-laws of the highest rank. These are:

- Regulation on unique methodology for preparation of spatial planning documents,
- Regulation on special conditions to be met by the companies and other legal entities that would be able to register for performing professional tasks of planning documents,
- Regulation on the contents and implementers of the unique information system, methodology for collection and processing of data and monotype forms for record keeping,
- Regulation on amendments to the Regulation on the contents and implementers of the unique information system, methodology for collection and processing of data and monotype forms for record keeping.

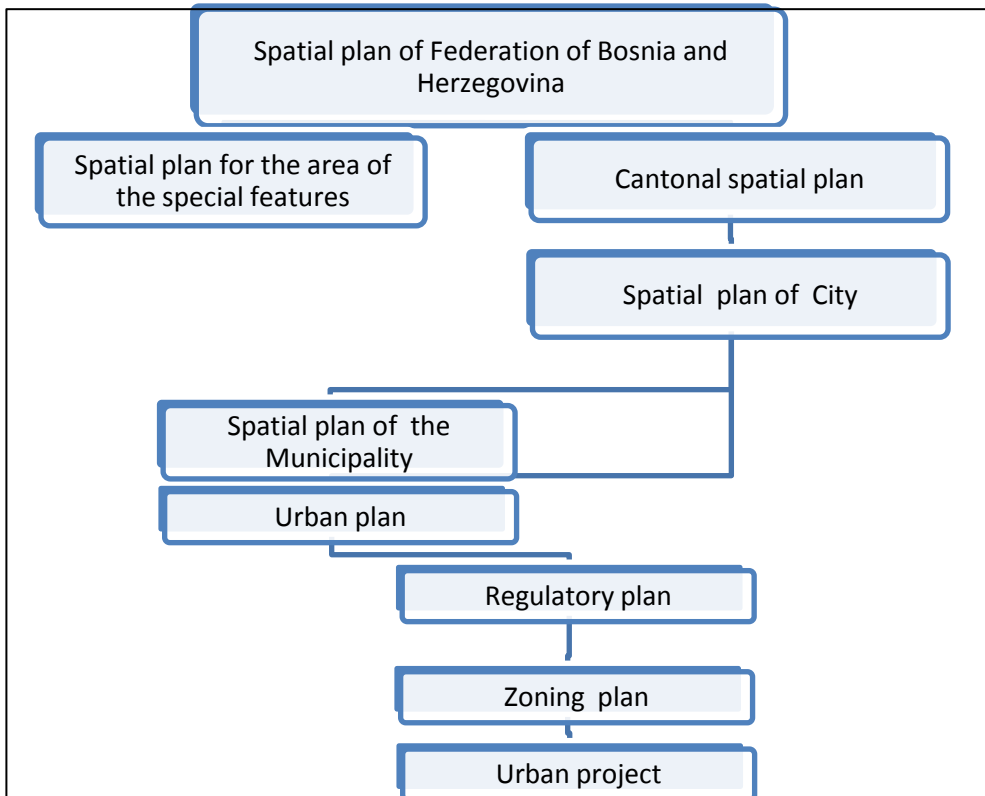


Fig. 1. The level of planning, types of plans and relations between plans

Extremely important is the Regulation on unique methodology for preparation of planning documents (Official Gazette FBiH No. 63/2004 and amendments in 2007 and 2010), which establishes the procedure for preparing and drafting and content of planning documents at all levels spatial planning in the Federation.

This Regulation, inter alia, elaborated in detail process of preparation of the Spatial Plan, as well as the process of developing before the draft, draft and proposal of the Spatial Plan. However, when creating these documents, usually the implementers of making do not adhere articles and attitudes presented in the Regulation, particularly Article 13 and Article

21. In this regard, carry out the analysis of just some of these facilities, as well as a graphical representation of the individual and not all the facilities. The projection of the spatial development and projection of the development of space systems, as well as their graphics processing and presentation, are in the domain of geographic science and the field. For this reason, in the team that makes the planning documents, are necessary and geographers - regional and spatial planners, who have the technical and scientific knowledge on the development of the same. As in most absurd events in the field of politics, economy, science and education and other Bosnian reality, and the Law on spatial planning of the Federation of Bosnia and Herzegovina, is not recognized by the experts of this kind in the team for spatial planning.

Also, Regulation on contents and implementers of the unique information system, methodology for collection and processing of data, which includes the use of GIS, leading the planning process to a higher level, facilitating spatial analysis and allows the planning and use of space. However, the Regulation itself does not follow the instructions on how to commit to each other and coordinate all who have information about the area: ministries, municipal authorities, utilities and other organizations that run their own databases, development and scientific organizations and other institutions who have access to these data. In this way, they are not bound municipal and cantonal institutions and institutes for spatial planning with the Federal Ministry, which because of the lack of a standardized approach makes it difficult to achieve efficiency in the work, and often prevents the implementation and use of data and plans. So far, at any level is not the right way to take hold of a unified database.

Spatial planning and development of space at the cantonal level in the Federation is carried out also according to the Federal Law on spatial planning and land use in the Federation of Bosnia and Herzegovina, as well as the cantonal laws for each canton enacted Assembly that Canton. Cantonal laws are made according to needs and possibilities of development and specificities of each canton individually, but the basic concepts and recommendations fully supported the roof law of the Federation.

Table 2. Overview of cantonal laws in the area of spatial planning

Canton	Law
Unsko - sanski	Law on Spatial Planning and Construction (Official Gazettes USC no. 10/11)
Posavski	The Law on Spatial Planning (Official Gazette PC no. 5/99)
Tuzlanski	Law on Spatial Planning and Construction (Official Gazettes TC no. 11/06)
Zeničko - dobojski	The Law on Spatial Planning (Official Gazettes ZDC no. 2/04)
Bosansko - podrinski	Law on Spatial Planning and Construction (Official Gazettes BPC no. 15/09)
Središnja Bosna	The Law on Spatial Planning (Official Gazette of CBC no. 11/05)
Hercegovačko - neretvanski	The Law on Spatial Planning (Official Gazette HNC no. 4/04)
Zapadno - hercegovački	The Law on Spatial Planning (Official Gazette of ZHC no. 4/99)
Sarajevo	The Law on Spatial Planning (Official Gazettes CS no. 7/05)
Canton 10	The Law on Spatial Planning (Official Gazettes HBC no. 14/98)

The municipalities are in the process of preparing and drafting, consideration and adoption of planning documentation required to abide by the cantonal law on spatial planning, which must therefore be aligned with the roof laws. In addition to conducting cantonal laws on spatial planning, municipalities in the Federation of Bosnia and Herzegovina carried out by the municipal decisions on spatial planning that must comply with the law at a higher level and more accurately determine the rules on municipal land. According to the entity law, municipalities are obliged to prepare a spatial plan of the municipality or local government spatial plan. The exceptions are the municipalities that are part of the City, which they have not provided land use plans of municipalities, but to make their development strategies and rely on the spatial plan of the City. In the Federation, the spatial plan of the municipality as a long-term plan brought by the Municipal council for the period determined by the Law on spatial planning of Canton to which it belongs.

In the Republic of Srpska, the law regulating the following: the basics of organization, planning and spatial development, the type and content of spatial planning documents, a way of making the process of adoption of spatial planning documents, rules and a plan of implementation of spatial planning documents, the type and content of the technical documentation, and mutual obligations relations between the participants in the construction, location and conditions of permits, approvals for use and authorization for the removal of the facility, as well as other issues of importance for spatial planning, land and construction of structures. Therefore, spatial planning documents determines the the organization, purpose and land of use and management of space, and the criteria and guidelines for planning and its preservation of this bosnian entity.

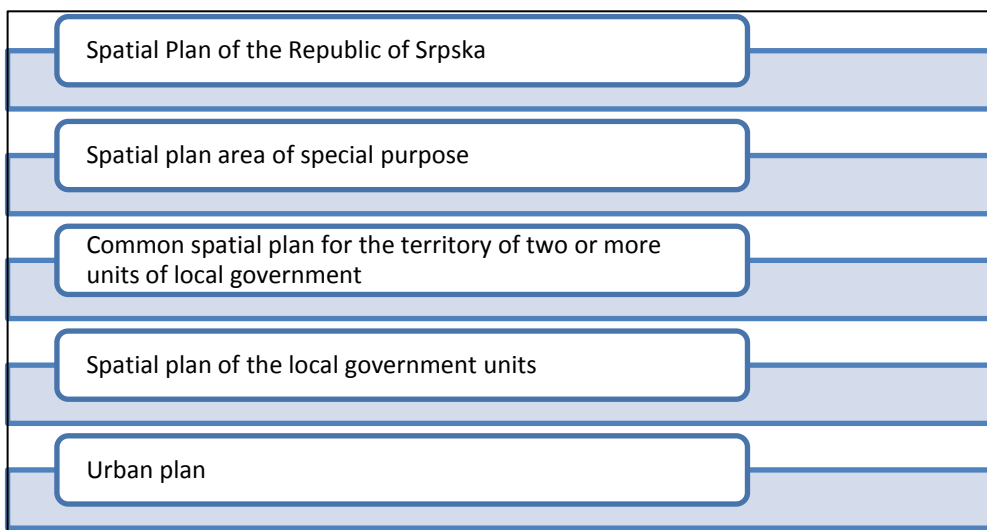


Fig. 2. Strategic documents of spatial planning

In addition to this law, was adopted and the Ordinance on the content and control of technical documentation (Official Gazette no. 8/2011), which regulating parts and the content of the technical documentation, types of projects, establishment of technical documentation, control, fee for the preparation, review and nostrification technical

documentation. Also, the Ordinance on the content creation and adopting spatial planning documents (Official Gazette of the Republic of Srpska no. 59/11) prescribes the development and adoption of spatial planning documents, the contents of spatial planning documents and the formation of the document. These are the basic regulatory acts in the field of spatial planning that apply to the Republic of Srpska. Spatial planning documents can be strategic and implementation.

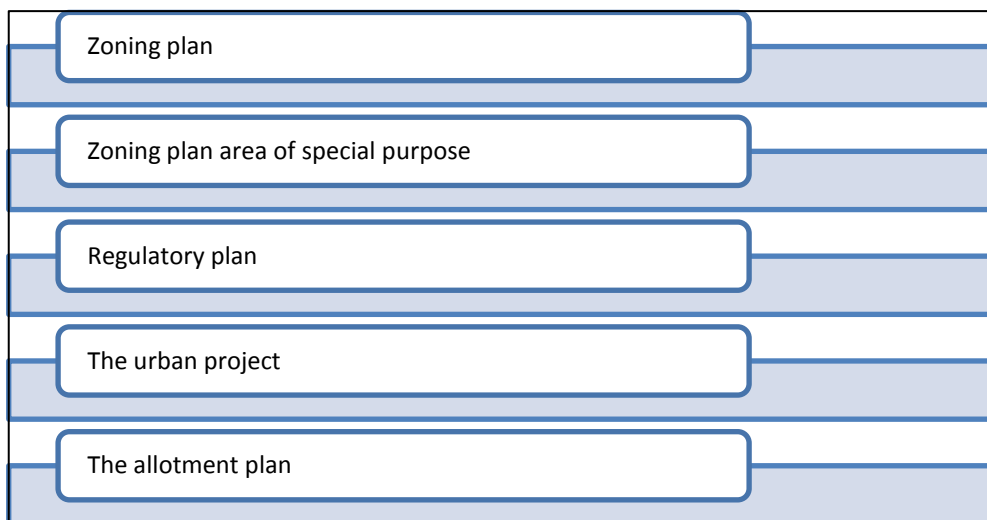


Fig. 3. Implementation documents of spatial planning

The planning document of the highest order, the Spatial Plan of the Republic of Srpska adopted National Assembly of this entity. The Assembly is responsible for adoption of spatial plans area of special purpose of entity significance (eg. Spatial plan area of special purpose: National Park Kozara). Spatial planning at the local level, is based on the fact that each municipality adopts the Decision on spatial planning (or construction) which specifies the conditions for the construction of which reflect the specificity of the municipal territory. These Decisions must be harmonized with the Law on spatial planning and construction of the Republic of Srpska and the Ordinance on the content and control of technical documentation, and the Ordinance on the content of preparation and adoption of spatial planning documents.

Spatial plans of local government units (municipalities), urban plans, plans for special purpose units of local government and the implementing spatial planning documents adopted by the Assembly of the local governments (municipalities). Common regional plan more local governments adopt the decision of the Assembly of each municipality, which specifies that such a plan replaces the spatial plan of each of these local government units.

DISCUSSION

Development processes that accompanies Bosnia and Herzegovina, and that it provide prosperity, in order to be consistent with the trends of the EU countries, must comply in all social and political spheres and in the sphere of spatial planning. In this sense,

created the requirements and conditions for the protection, use and development of space. This entails respect for and implementation of a number of international rules and recommendations established by the United Nations and the Council of Europe, as well as their organizational bodies, through numerous conventions and charters. Among other things, it is the harmonization of spatial policy with legal regulations and measures of the European Union contained in the program of the ESDP (European Commission's European Spatial Development Perspective 1999), CEMAT (European conference of ministers responsible for regional planning), Guiding Principles for Sustainable spatial Development, the Charter on regional spatial development and other acts. An important mechanism for harmonization with European trends of spatial development is participation in programs of cross-border, regional and inter-state cooperation in this field. In line with the European principles of democratization of the spatial planning process in both entities, in law and in secondary legislation (methodology) introduced the obligation of the public debate during the preparation of planning documents. In addition, the introduction of the legislation zoning plans as flexible planning documents should be provided faster spatial development, and enable easier and faster to obtain the necessary approvals and permits.

Through bylaw methodology, methodological approach complies with the principles of Pan-European Ecological Network. Analysis of natural values and resources, as well as recommendations for their use and protection, should constitute input parameters and factors limitations for all strategic decisions relating to purpose and use of space. The prospect of European spatial development based on the principles of balanced and sustainable development through the strengthening of economic, social and territorial cohesion which, in the case of BiH, stipulates a national strategy, the integration of space and ensuring the correlation of interests in space.

The spatial organization in the world and Europe is based on the geographical, functional, economic, historical and other criteria. The spatial organization of BiH is the result of political agreements, which caused the reduction of territorial cohesion municipal centers as generators of development and reduce their ability to develop and market competitiveness. BiH Constitution, spatial planning is not included as an activity of importance to the state level, even strategic development is not set to the level of the whole country but only competence of the entities. All cantons were obliged to do and bring the development of spatial plans that are more or less success to analyze the situation in the area through the creation of spatial basis and gave a vision the development of Canton through spatial plan. Under the plan, given directions for the development of local communities, their correlations, as well as general and specific goals. However, in determining the general and specific goals should start from common interests and goals set forth in the spatial plan of a wider area, strategic development documents, state and entities, and international guidelines, charters and conventions as in the case of Federation BiH and Republika of Srpska, as a basis, omitted. In fact, at the state level there is no development and spatial document.

Law on spatial planning and land use in the FBiH it was found that spatial plans of cantons should be done within 2 years from the date of entry into force of this law. The cantons were obliged to do, and adopt spatial plans no matter what spatial plan of the Federation of BiH was not adopted. The Law prescribes that in force remains the spatial plan of the Republic of Bosnia and Herzegovina was made for the period from 1981 to 2000, which means that from this plan in the cantonal plans taken over data on strategic goals and all other commitments related to spatial development. The largest number of municipalities,

mainly due to lack of financial resources, as well as a very complicated procedure of selecting the carrier of the planning document, was not prepared and adopted spatial plan of their municipality. In the absence of planning documents, spatial regulation takes place on the basis of principles, goals and mode of works given in the cantonal plans or, what is even more dangerous on the basis of "expert opinion" the committee that formed municipal councils. In this case, the expert opinions provided by unskilled persons, which leads to an increase in corruption, improper use and misuse of space.

For change management it is necessary to precisely define the management strategy in all aspects of life, and the instrument for the establishment of order and the achievement of the strategic goals of is the Law on planning. Although the laws in both entities have a common goal: achieving greater efficiency in the field of spatial planning, encouraging faster and more efficient construction of general development, socio-economic, socio-political and other reasons in Bosnian society did not allow the achievement of more progress in this area.

First of all, in almost all municipalities of Bosnia and Herzegovina there is a problem of updated geodetic and cadastral maps. The law prescribes the preparation of planning documents in analogue and digital form, but the largest number of municipalities has not completed the digitization of these media, mainly due to lack of trained staff, lack of equipment and programming software, which require a lot of money. Also, in the area of land registry in both entities are still double register (old and new survey) that are not aligned with each other and so it is an additional problem in planning.

Since the adoption of the law on spatial planning, at all three levels of government should establish a spatial information systems. However, this process takes place without a roof ordinances were prescribed standards and other requirements in order to ensure mutual coherence at all levels. The lack of standardized approach makes it difficult to achieve efficiency in the work, often due to a variety of tools and prevents the implementation and use of data and plans. In the Federation BiH by Regulation on contents and carriers of information systems, methodology for collection and processing of data and monotype forms for record keeping, all prescribed but not given instructions on how to commit to each other and coordinate all who have information about the area: ministries, municipal authorities, utilities and other organizations that run their own databases, development and scientific organizations and other institutions that have these data.

In the laws of both entities is prescribed in all levels of government that are the implementers of the preparation of a planning document ministries and services in local communities. The implementers of preparation has the obligation of monitoring in development of the plan, to prepare and organize public consultations, carried out and participate in the consideration and adoption of the planning documents, work reports on the situation in the area and preparing intervention programs. Spatial planning, especially in smaller municipalities is the usually composed of some services with related activities (surveying, property and legal affairs, home affairs, etc.), and the activity of spatial planning are completely marginalized and reduced mainly to administrative procedures, and work on zoning approvals and building permits. Considering that the management of the space full range of processes that are aimed at ensuring that the different needs of all social structures and of each individual, the most common is the for these services, unsatisfactory qualification structure, education level insufficient for this complex and demanding multidisciplinary work what is the spatial planning. In a very small number of municipalities

in the framework of Department for spatial planning there is defined one or two jobs, executors, who deal exclusively affairs of spatial planning.

CONCLUSION

In Bosnia and Herzegovina's planning practice is still partially present, in spite of the adopted new zakonia, the old model of planning. Flexibility, adaptability, efficiency and transparency of the planning documents are the basic features of the new approach to planning that in Bosnia and Herzegovina, can not fully take hold for several reasons. Specific changes in terms of new approaches in spatial planning (which are legally required) are:

- The application of GIS in planning (geographic information system)
- The introduction of public debates in the process of planning,
- The introduction of zoning plans with flexible regulatory elements,
- Improving the process of spatial regulation, by increasing efficiency and quality of service of local government which dealing with spatial planning.

However, in this area remains to be done lot of changes and activities. First of all, all factors (legislative and executive decision-makers) responsible for spatial development should be especially aware of the basic objectives and principles of the spatial development of the EU so that it can respect and implement in laws and by-laws.

No links between all institutions and organizations that have data on the area, is one of the reasons that so far at any level is not the right way to take hold of a unified database.

Production and control over the development spatial plans is entrusted to expert and for that registered institutions, representing impractical solution because it slows down the process of developing the plan and its production more expensive, and in a time when particular communities in big financial problems, it becomes impossible. If properly prescribed all the elements of the Programme for the implementation of the public consultation, the way of implementation, qualification structure of participants and other elements, these activities could, with the additional involvement of expert consultants, successfully perform services for spatial planning, which would accelerate the process of developing the plan and with it was much more economical.

In the Federation of Bosnia and Herzegovina, the Ministry of spatial planning, is planned to establish the Department of planning to deal with precisely the activities of making, amending, monitoring implementation and compliance of the different levels spatial plans, but to date the Department has not been established.

It is essential to the rulebooks for systematization enter the obligation to establish a working team or sub-division (in larger municipalities) or workplace (small municipalities) who would perform affairs of spatial planning and preparations for the development of planning documents, making monitoring and control and implementation of adopted planning documents in accordance with the Law and the Methodology, which is the basic requirement for effective and efficient management of space.

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