

Rubbish Report

The Real Face of Power Struggles in Bosnia



RUBBISH REPORT

Executive Summary

Almost twenty years after the war, Bosnia and Herzegovina is still going through a period of groundbreaking social and economic changes, but it is also undergoing a painful process of replacing the old structures that Bosnian governance is still framed with.

The existing structural problems of the system are becoming all too apparent, and as the country heads towards the EU, one can only expect they would become even more complex. Through the story of rubbish, we examine where Bosnia stands today, and how governments on different levels of the Bosnian state perform. Moreover, we identify and analyse power struggles in Bosnia's everyday life which effectively deny citizens better services. By selecting two very different case studies (Sarajevo and Bijeljina), we examine the maturity of the Bosnian state, its governance and politics. While these two places share similar fates, their practices today are rather different. We explain why Sarajevo, as the capital city, cannot find a way to serve as a model for the rest of the country, in spite of all the modern technology available to it, and what barriers have to be removed. Furthermore, we examine how it is possible that in Bijeljina municipalities can co-operate for mutual benefit. Finally, we look at what happens when there is genuine determination to solve a specific issue.

The main goal of this paper is to understand the very essence of governance in post-Dayton Bosnia, with all its internal borders: entity, cantonal, and municipal. According to the BiH Agency for Statistics, an average citizen in BiH produces slightly over a kilogram of solid waste every day – rubbish that we all produce, toss, and forget about. Taking care of rubbish in Bosnia, just like in any other country in the world, requires a great deal of hard work and good governance mechanisms, along with effective co-ordination, so that best possible services can be provided to the citizens. Despite all the drawbacks presented in this paper, the story about rubbish in Bosnia presents opportunities which usually remain understated.

THE REAL FACE OF POWER STRUGGLES IN BOSNIA

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(D)Evolution of a City

In a 1989 episode of the sketch comedy Surrealists' Top Chart broadcast on TV Sarajevo, the authors presented their satirical view of political realities of future times. The sketch was a make-believe news broadcast dated six years into the future – 12 November 1995 – which portrayed Yugoslavia as broken up, and the Bosnian capital as split into East and West Sarajevo. The two are separated by a wall, but life goes on normally, until one day a glitch in the computer which regulates the shifts of East and West Sarajevo binmen causes both teams to meet at the wall. The story ends with a violent clash erupting between them.



Screenshots of the Surrealists' Top Chart sketch from 1989.

No matter how unlikely it may have seemed to viewers in 1989, this anti-utopian vision of the future actually became a reality for them on 21 November 1995. The Dayton agreement officially divided¹ Sarajevo into two parts – Sarajevo in the Federation of BiH, and Istočno (East) Sarajevo² in the Republika Srpska. Everything was reshuffled, and not only was pre-war Sarajevo divided between entities by the Dayton Peace Agreement, the City of Sarajevo – as an administrative unit – had ceased to exist.³ It was replaced by the Canton of Sarajevo, one of the cantons established by the

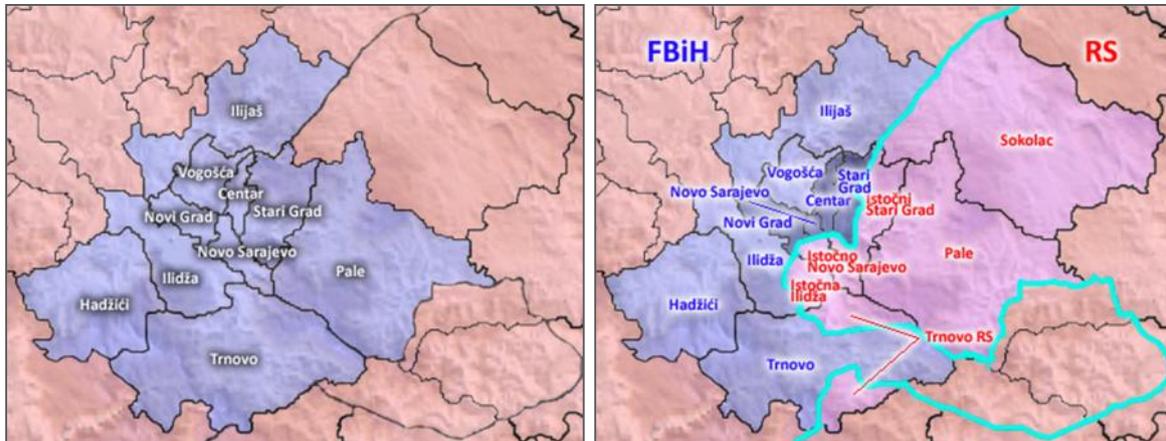
¹ The City Assembly of the present City of Istočno Sarajevo was established as the City of Srpsko Sarajevo Assembly on 13 March 1993, pursuant to the Municipal Charter No. 02-023-01/93.

The newly-established city consisted of two parts: the western and the eastern. The western part, mainly formed from Ilidza, Vogosca, Ilijas, parts of Grbavica and Hadzici, had a pronounced urban character compared to the eastern part of the City, formed from the suburban parts of Sarajevo such as Pale, Sokolac and Rogatica. The territory of the City of Srpsko Sarajevo covered an impressive area of 2143 km². Back then, it was the single biggest city in the Balkans with only 54,200 inhabitants. The settlement of Pale acted as the administrative centre of the City of Srpsko Sarajevo during the war, while the City of Srpsko Sarajevo itself acted as the capital of the Republika Srpska, until the institutions of the Republika Srpska moved to Banja Luka in the early 2000s.

² Srpsko Sarajevo bore its troublesome name until 2003, when the Constitutional Court of BiH ruled that the name of the city was offensive and had to be changed within three months. However, the RS national Assembly turned a deaf ear and did not implement the ruling. Instead, the RS Parliament adopted a new name of the city on 27 July 2004, in which instead of the prefix "Srpsko" the Parliament added a reference to the Republika Srpska. The City of Srpsko Sarajevo thus became "Sarajevo in the RS" (Oslobođenje, 23 October 2004). Again, the name was deemed unacceptable, and the Constitutional Court issued another ruling, which gave the city its present name – Istočno Sarajevo (Oslobođenje, 25 September 2004).

³ In fact, not a single peace document defines the status of Sarajevo, except for its location on the territory of the Federation. The Washington Agreement treated Sarajevo as a district, and this provision was later introduced into the Constitution of the Federation of Bosnia and Herzegovina, but that was disregarded by the Dayton constitution, which treated cantons, including Sarajevo, differently. BiH cantons differ from what the Constitution of the

1994 Washington Peace Agreement which created the FBiH. Immediately after the first post-war elections in 1996, the Canton was pushed into the City's administrative building, soon taking over all the functions of the City of Sarajevo, as well as the legislation, cadastre and planning documentation, and finally all the property that once belonged to the City.⁴



Administrative structure of Sarajevo in 1992 (left) and 2012 (right).

A year later, the City of Sarajevo was re-established by the FBiH as a distinct administrative unit,⁵ but in practice it meant very little, as it kept only four out of the ten pre-war municipalities, while the Canton stretched over the entire territory of pre-war Sarajevo which remained in the FBiH, as seen in the table on the following page.

The new structures of governance were cemented, and the governance mechanisms which had existed up to that point were no longer applicable. As in the TV sketch, the two parts of Sarajevo started administering the collection and disposal of rubbish separately, but the administrative realities of post-Dayton Bosnia went beyond the imagination of the authors of the sketch. While Istočno Sarajevo was chartered as a city by the Republika Srpska, and was given all the functions that one would expect a city to have, the City of Sarajevo was reduced to an almost ceremonial body, with very unclear competencies. This meant that the City was practically unable to perform any

Federation stipulates, and these changes affected the status of Sarajevo. As a result, the Party of Democratic Action (SDA) and the Croat Democratic Community (HDZ), coalition partners in FBiH at the time, failed to carry out their obligation to bring the Constitution of the Federation in line with the Dayton Constitution by March 14, because the status of the BiH capital was occasionally interpreted pursuant to the federal Constitution, and occasionally according to the Dayton constitution, which has created a complete chaos in connection with Sarajevo. The ruling Party of Democratic Action dissolved the city Assembly arbitrarily, it proclaimed Sarajevo a canton, and constituted a cantonal assembly from the present representatives of nine city municipalities. To make things worse, borders of the established Sarajevo canton were still an enigma, because it was still discussed whether or not the canton should include up to fourteen municipalities, including Kiseljak, Visoko and other surrounding places, not only the nine above-mentioned municipalities.

⁴ Mulić-Bušatlija Snježana, "Sarajevo se vraća kući", Dani [Bosnia], September 1, 2000.

⁵ The Constitution of Bosnia and Herzegovina had stipulated that the City of Sarajevo was the capital of Bosnia and Herzegovina. However, the functions, territorial scope, responsibilities as well as the sources of financing of the City of Sarajevo, as the state capital, were not considered. Also, Article 4 of the Constitution of the Federation BiH, stipulates that "the capital of the Federation is Sarajevo." Even here, no specific definition of the organisation of the City of Sarajevo and its functioning was given. Amendment XXVI to the Constitution of FBiH, of 8 May 1997, stipulates that the City of Sarajevo is established within the Sarajevo Canton. "The Constitution of the Sarajevo Canton will regulate which municipalities are part of the City of Sarajevo." Amendment I to the Constitution of the Sarajevo Canton stipulates that the Statute of the City of Sarajevo regulates everything: "... In the Sarajevo Canton, the City, as a unit of local governance, consists of four municipalities [...] Competencies and internal organisation of the City are regulated by the Statute of the City." - Grad Sarajevo. "Pravni položaj grada Sarajeva", www.sarajevo.ba

service it did before the war.⁶ Under such circumstances, the Canton of Sarajevo simply kept the competencies it took away from the city in 1996.

		Sarajevo at present		
		The Federation of BiH		The Republika Srpska
The City of Sarajevo		The City of Sarajevo	The Sarajevo Canton	Istočno (East) Sarajevo
Municipalities	Centar	Centar	Centar	
	Novi Grad	Novi Grad	Novi Grad	
	Novo Sarajevo	Novo Sarajevo	Novo Sarajevo	Istočno Novo Sarajevo
	Stari Grad	Stari Grad	Stari Grad	Istočni Stari Grad
	Ilidža		Ilidža	Istočna Ilidža
	Ilijaš		Ilijaš	
	Vogošća		Vogošća	
	Hadžići		Hadžići	
	Trnovo		Trnovo FBiH	Trnovo RS
	Pale			Pale
				Sokolac

Table 1: Municipalities of Sarajevo

For over a decade, the issue of the city/canton wrangle was far from a resolution, when the Constitutional Court of FBiH passed a partial judgment in 2010. The decision was that the Sarajevo Canton has to return to the City of Sarajevo its property, and to transfer the Canton's competencies⁷ back to the City of Sarajevo.⁸ Seemingly marking the beginning of an end to a 15-year long clash between the Canton and the City, the judgment was welcomed by the Sarajevo City Mayor Alija Behman as "A new chapter in the history of Sarajevo, which aims at returning the city back to its citizens and increasing the quality of their lives, therefore raising their dignity."⁹ But what does this mean?

Seeing it from the ground, it becomes clear that this is not a situation to be solved easily. Having in mind that both the City and the Canton remained within their 1997 borders, it is still a conundrum how the judgment will be implemented in practice. But more importantly, how will its implementation affect the citizens of Sarajevo and the services they are being provided with, and will the quality of these services improve?

⁶ For example, the service of organising public transport in Sarajevo could not be handled by the City, as the tramline goes all the way to Ilidža, which is a municipality now outside the City's boundaries.

⁷ So far, the judgment is only partial as it did not touch upon rubbish collection and other communal services such as water, sewers, heating, gas, markets, public parks, fire brigades, local health services, sports facilities, cemeteries. The City, however, hopes the judgment on these counts will be in line with the first part of the judgment.

⁸ The Court ruled in favour of the City of Sarajevo, stating that the canton is in violation of EU and domestic laws - the European Charter of Local Self-Government, the Constitution of BiH and the Constitution of FBiH - in regard to the right of the City of Sarajevo to local governance.

⁹ "Prof. dr. Alija Behmen, gradonačelnik Sarajeva: Sarajevo je grad koji je opstajao zahvaljujući zagledanosti u budućnost", Bedrudin Gušić, October 19, 2011.

Cantonal High Tech Toy

Reconstructed on a location used as a tip since 1963, the Canton Sarajevo landfill is praised as a model for the Western Balkans region for its utility performance and technological advancements. The old part of the landfill was closed, equipped with methane gas collection pipes, and planted with approximately 2,500 trees. The new landfill meets EU standards and the site was equipped with new disposal technology. The methane gas collected on both the old and the new landfill provides enough electricity for the operation of the landfill site. Modern wastewater treatment and monitoring systems have been installed, along with a monitoring system for gas concentration and radioactive decay, as well as for groundwater and wastewater levels.¹⁰

The Sarajevo Canton reports investment of around 20 million BAM¹¹ in the landfill so far. The Canton funded most of the project with their own funds, while a small portion came from donations and foreign loans.¹² Cantonal authorities show unabashed pride in this investment made for the sake of 450,000 citizens living in 9 municipalities of the Canton, as well as in the service they provide.

Zijada Krvavac, Assistant Minister at the Sarajevo Canton Ministry of Physical Planning and Environmental Protection proudly says: “We are pioneers when it comes to both legislation development and the implementation of those regulations!”¹³

When it comes to recycling, however, the Canton does not have much to brag about. The whole Canton recycles only about 12% of the total amount of collected rubbish.¹⁴ Regardless of the obvious lack of legislative backbone¹⁵, the main reason for such a small percentage of recycled waste – according to experts¹⁶ – is the structure of the Cantonal Public Enterprise, RAD.¹⁷ RAD presents an unprecedented model of a public company which provides services such as snow removal, street cleaning and managing car parks, and whose deficit, approximating 7.6 million BAM annually, is

¹⁰ United Nations Economic Commission for Europe: 2nd Environmental Performance Review Bosnia and Herzegovina, March 2011.

¹¹ Popolari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental Protection, Assistant Minister, May 2011.

¹² The Canton took a loan of approximately 2.5 million USD from the World Bank for the landfill, vehicles, and sorting facility.

¹³ Popolari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental Protection, Assistant Minister, May 2011.

¹⁴ Popolari Interview with Enes Filipović, KJKP RAD Executive Director of the Economic and Legal Sector, October 2011.

¹⁵ Both entities have created the foundation for environmental legislation, although only a limited amount of legislation relating to environmental economic instruments is operational thus far. In most cases, the current Government policy appears to be to manage environmental problems using regulatory instruments rather than market mechanisms. (United Nations Economic Commission for Europe: 2nd Environmental Performance Review Bosnia and Herzegovina, March 2011)

¹⁶ This the position of Grontmij, an international consultancy firm hired by Swedish SIDA to conduct a four and a half-year municipal waste programme in Bosnia. Continuing the long Scandinavian history of co-operatives, Grontmij began working in the Bijeljina region round the time the Bijeljina landfill opened, providing budget planning assistance, equipment donations, and capacity-building workshops. The project began with a complete overhaul of the municipal budgets for complete cost transparency, and each municipality was required to develop their own solid waste management strategies.

¹⁷ RAD can trace its origins to a city utility company originally called 'Čistoća i putevi' formed in 1946. The city changed the company's name to 'RAD' in 1961. The city of Sarajevo, however, is not the owner of RAD anymore; instead, it is the Sarajevo Canton. With its establishment, the Canton took over the RAD company, together with the majority of the city's former jurisdictions and property.

covered by the Canton Government subsidy.¹⁸ In addition, RAD makes profits by bidding for commercial activities.¹⁹

Such a structure makes the company's revenue streams somewhat unclear.²⁰ Moreover, the concept of a single company - in our case RAD - in charge of both collecting waste and managing the landfill on which it deposits that waste, does not create incentives for recycling.²¹ A generally accepted principle is that a separate company should run a landfill and charge a fixed rate per tonne of waste, which gives collection companies a motive to recycle and make a profit. Even the precise nature of the company's relations with its owner – the Canton – remains unclear. While the canton claims it subsidises RAD for operational purposes only,²² RAD sees this as a service provision relationship, where the Canton is only paying for services performed by the company – such as keeping the streets clean and removing snow during winter; no subsidies have been given to RAD.²³

In any case, the Canton ensured that Sarajevo citizens keep using the services of their company for the time being. Even though 14 private companies in Sarajevo possess a license to collect different categories of waste,²⁴ only the public company RAD is allowed to collect communal waste – the garbage produced by 500,000 citizens living in the Canton. Going back to the Constitutional Court's verdict in the case of the City vs. the Canton, the Canton will eventually need to amend its system of public services in many sectors, including waste management. The new system needs to involve the City of Sarajevo, as well as the municipalities, much more.²⁵ There is also a new draft law on communal waste governance, initiated by the Canton; however, it has yet to be discussed. The Law aims to lay down the precise roles which will be played by the City and the municipalities in the area of waste management, and those to be performed by the Canton, and to define how other service providers in the area of waste management will operate. This should finally make a clear distinction between the work of the cantonal public utility company and other service providers that would be contracted in line with public procurement procedures.²⁶ According to the Canton Sarajevo Chamber of Commerce, the current draft law did try to accomplish these goals, but failed.²⁷

¹⁸ The Federation of BiH, Audit Office for the Institutions of FBiH, "Izveštaj o reviziji finansijskih izvještaja budžeta kantona Sarajevo za 2010", Sarajevo, 2011. See also Sarajevo Canton Budget for 2011 and 2012.

¹⁹ Such as the demolition of illegally erected buildings, which is usually paid for by municipalities.

²⁰ Populari Interview with Željko Varunek, the Sarajevo Centar municipality, Secretary of Municipal Council, January 2012, and with Grontimij consultants, August 2011. They have raised the question of how much RAD is getting from citizens, how much in various payments made by the Canton, and how much from each of the company's activities, including commercial activities.

²¹ Separating the service of managing the landfill from collecting and transporting the communal waste was an integral part of the SWM intended to create incentives for the collecting companies to reduce the amount of waste they dispose of at the landfill, simply because they need to pay a fixed amount per tonne to a separate company managing the landfill. That way the collecting companies are motivated to sort and separate waste in order to trim down the amount of waste being disposed of, which in the long run will only bring them additional profit. This way the lifetime of the sanitary landfill is prolonged without the need for any additional investments. When a single company is in charge of everything, it leaves room to cover the losses of one sector from another more profitable sector.

²² Populari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental, Protection, Assistant Minister, May 2011.

²³ Populari Interview with Enes Filipović, KJKP Rad Executive Director of the Economic and Legal Sector, October 21, 2011.

²⁴ For example: old cars, metal, tyres, and plastic.

²⁵ The City municipalities have joined the City of Sarajevo in the lawsuit against the Canton over these competencies.

²⁶ Primjedbe, prijedlozi i mišljenja na Nacrt zakona o održavanju čistoće i upravljanju komunalnim otpadom (Engl. Comments, Suggestions and Opinions on the Draft Law on Maintaining Cleanliness and Waste Management, Case no.: SO/7-234/11, Canton Sarajevo Chamber of Commerce, December 8, 2011.

²⁷ Ibid.

Newly created dilemmas that are already high up on local policy-making agendas lead to very different positions. Both the Canton and RAD strongly believe that decentralisation of the services would lead to immediate chaos,²⁸ inevitably causing a sharp decrease in the quality of services provided to citizens. The City and some municipalities, on the other hand, believe that this fear of decentralisation is unfounded, as any private company that would eventually replace RAD would be contracted on the basis of the quality of its performance. Another possibility is to have several companies, each covering its own municipality/area.²⁹

It remains to be seen what the legal solution will be when the dispute is finally resolved, and more importantly, how this will work in practice. So far, the City of Sarajevo has done very little to look into the real issues surrounding communal waste. There is no strategy in place, nor has an action plan been developed, which would address the necessary capacities, skills, resources, etc.³⁰

Going East

Along the short drive from the high-tech Canton Sarajevo landfill to the City of Istočno Sarajevo, lorries full of everyday rubbish produced by citizens of Istočna Ilidža, Istočno Novo Sarajevo and Trnovo keep turning off the main road to dump their load into an abandoned part of a limestone quarry. An eyesore for the local community, the dumpsite 'Krupac' has been in use since 1995, and the location has been filled with a substantial amount of waste collected so far in Istočno Sarajevo.

This tip has no system for the treatment of landfill leachate, which ends up at the lowest point, in this case, the River Željeznica, one of the two the major water sources for the City.³¹ So far, it seems that the toxins leaked from the Krupac tip have not yet reached the drinking water reservoirs, but experts claim this is only a matter of time, and with every rain fall the chances rise.³² Additionally, as nearby extractions from a limestone quarry using explosives invariably create fissures, easily allowing the toxins from the Krupac landfill to seep through the rock into the ground, this landfill presents a ticking ecological time bomb.

While Canton Sarajevo could use Sarajevo City's pre-war communal utility infrastructure (although it was heavily damaged during the war), the newly-created City of Istočno Sarajevo – a 10 minute drive from the city centre in the FBiH – had to build their own from scratch. Still, although they lack an adequate city administration building,³³ Istočno Sarajevo officials are providing services for anywhere between 80,000 and 100,000 people who live in this part of Sarajevo, according to their estimates. They acknowledge the fact that the Krupac tip, although included in the planning documentation, is far from meeting any modern sanitary standards, and that it is threatening to contaminate water

²⁸ Populari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental, Protection, Assistant Minister, May 16, 2011., and with Enes Filipović, KJKP Rad Executive Director of the Economic and Legal Sector, October 21, 2011.

²⁹ Populari Interview with Željko Varunek, the Sarajevo Cantar Municipality, Secretary of Municipal Council, January 2012, and with Miroslav Živanović, City of Sarajevo Deputy Mayor, June 2011.

³⁰ Populari Interview with Miroslav Živanović, City of Sarajevo Deputy Mayor, June 2011.

³¹ Tikveša Rijad, "Teški metali stigli do rijeke", Fondoko Svijet, Sarajevo 2010, No. 32.

³² EKOTIM, a local NGO, tested samples of water from the Željeznica River, and the tests showed that the amount of heavy metals and other toxic chemicals had increased to an alarming level in the River Željeznica downstream from the Krupac landfill.

³³ Istočno Sarajevo City administration hires facilities from the Faculty of Electric Engineering in Istočno Sarajevo.

streams, some of which are used to supply running water to the citizens of Sarajevo.³⁴ This acknowledgment, however, did not help much.



Chaos versus Control: Krupac dumpsite (left) and Canton Sarajevo sanitary landfill (right).

All logic dictates straightforward integration of the Istočno Sarajevo tip into the existing cantonal landfill catchment area, and although the two administrations sat together several times to talk about this problem, no agreement has been reached. The closest they got to an agreement was back in 2005, when the City of Istočno Sarajevo and the Sarajevo Canton examined the modalities on how to solve the Krupac issue. It was agreed then that the relocation of waste from the Krupac tip in Istočno Sarajevo to the Cantonal landfill in Sarajevo should begin in July 2006. The local development agency SERDA secured the initial funds of some 250,000 BAM³⁵, but the project never started. The agreement was never signed, and one of the stumbling blocks was the price of waste disposal for Istočno Sarajevo.³⁶ There has been no communication on the issue ever since.³⁷ Currently, both the Sarajevo Canton and Sarajevo City appear to be more preoccupied with the struggle to control the revenue streams of the communal services, while the eco disaster waiting to happen on the outskirts of Sarajevo remains out of their focus simply because it is located on the territory of the RS.

Before concluding that this is a typical inter-ethnic issue that cannot be solved, as these people are of different ethnic background, affiliated to very different political parties, and who have no shared vision of the future, let us briefly reflect on a small town of Visoko. Located some 30 km from Sarajevo, Visoko is also affected by the Sarajevo Canton's policy on waste.

Sharing the same destiny with Istočno Sarajevo, the Visoko municipality is also disqualified from using the Sarajevo landfill because it lies just outside the Cantonal borders. Unlike Istočno Sarajevo, Visoko is part of the same entity as the Canton of Sarajevo and is governed by the same coalition parties of the same national background. In spite of the proximity of the Sarajevo landfill, Visoko must transport its waste to Zenica, 44 kilometres away, where the next closest sanitary regional landfill is located. For the small town of Visoko, this entails transport costs they can barely afford.

³⁴ Populari Interview with Istočno Sarajevo officials: Mile Borovina – Head of Istočno Sarajevo City Planning, Transportation and Communal Services Department, Miroslav Lučić – Chairman of the City Assembly, and Igor Goljanin – Chief of the Mayor's Office, June 2011.

³⁵ Šušnjar A., "Početak izmještanja smeća u julu", June 16, 2006.

³⁶ There were different interpretations on why the Agreement failed, but all actors agreed the major obstacle was the price.

³⁷ Populari Interview with Faruk Cerić, Project Manager, Sarajevo Economic Region Development Agency, May 2011.

Their solution: instead of sending ten lorries to the sanitary Zenica landfill, they send three, and the remaining seven dump their load on some illegal landfill in their municipality, or in the Bosna River.³⁸

Meanwhile, the Sarajevo Canton authorities remain even more set in their decision to use the landfill for their own purposes only, saying “it is hard to get more space for the landfill because of the illegal housing near the site.”³⁹ Currently, the landfill spans across a surface area of less than 65 ha from the total of 94.5 ha allotted to the landfill in the current Cantonal spatial plans,⁴⁰ with hopes of more land being allocated in the next planning document,⁴¹ as there is a possibility of expansion into the surrounding area.⁴² The waste management expert Mikael Boldt explains:

„If they moved their fence just 50 metres, suddenly there would be a whole valley of new space. Also, there are techniques that could help them manage their space more efficiently. At the moment they do not know about them, or they do not want to know about these methods.”⁴³

In 2012, on the other side of the city, Istočno Sarajevo officials are also not too keen to push for any more co-operation, insisting that any inter-entity co-operation requires entity government involvement.⁴⁴ They do recognise the economic incentive in collaboration, but think this is politically not viable at the moment. Given the political stalemate in which Bosnia has been stuck for the past few years, it is not likely that this will happen. Without too much objection to the Sarajevo Canton’s policy, the RS Ministry of spatial planning, civil engineering and ecology⁴⁵ has come up with another solution for the Krupac illegal landfill problem. One that does not require inter-entity co-operation at all.

The RS is considering undergoing a massive investment to construct a separate sanitary landfill for the citizens of Istočno Sarajevo. The idea is to run an economic feasibility study of converting the existing municipality’s unsanitary landfill at Pale into a sanitary one. If it proves feasible and cost-effective,⁴⁶ they will soon start to rehabilitate the existing landfill.⁴⁷ The best-case scenario: it will take at least six to seven years⁴⁸ to finish the project, and until then Istočno Sarajevo will keep using the existing tip – Krupac – which will continue to pose a serious environmental threat.

³⁸ Ibid.

³⁹ Popolari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental Protection, Assistant Minister, May 2011.

⁴⁰ The 2003-2023 Canton Sarajevo Spatial Plan expanded the landfill area to 94.5 ha (Section 3.3.15, Article 116)

⁴¹ Popolari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental Protection, Assistant Minister, May 2011.

⁴² 2nd Environmental Performance Review of Bosnia and Herzegovina, United Nations Economic Commission for Europe, March 2011.

⁴³ Popolari Interview with Mikael Boldt, waste management expert hired by Grontmij for SIDA’s BiH SWM Programme, May 2011.

⁴⁴ Popolari Interview with Istočno Sarajevo officials: Mile Borovina – Head of Istočno Sarajevo City Planning, Transportation and Communal Services Department, Miroslav Lučić – Chairman of the City Assembly, and Igor Goljanin – Chief of the Mayor’s Office, June 2011.

⁴⁵ Which is in charge of the Solid Waste management project implementation in the RS. Initially, the first phase of the SWM Project was carried out by a single team, organised under the FBiH Ministry for the Environment, with members from both entities, but for the second phase the RS insisted on having a separate team.

⁴⁶ It could not be financed from the WB loan. The RS applied for funding with the Western Balkans Investment Framework to develop the study. However, the WBIF will not provide funding for the study development if the WB will be the funder. Anyone else, e.g. EBRD, may finance the construction.

⁴⁷ An additional waste disposal yard will be built to be used while the existing landfill is being reconstructed.

⁴⁸ Popolari Interview with Svjetlana Radušin, Assistant to the Minister of the Environment, RS Government, October 2011.

Ironically, while the relevant stakeholders fail to come to an agreement on co-operation, the companies' workers from both sides have no such problems and are willing to help each other whenever needed.⁴⁹ The Istočno Sarajevo utility company – also named RAD – owns only five bin lorries, each over 20 years old, which often break down. When this happens, the Sarajevo Canton RAD sends its own lorries to assist Istočno Sarajevo RAD,⁵⁰ often free of charge.⁵¹ In terms of rubbish collection, this co-operation should be extended to all aspects of waste management and should cover the entire catchment area.

Proximity Principle – The Bosnian Way

In the EU, this rule is known as the proximity principle, and is – in addition to the necessary sanitary principles – one of the cornerstones of the EU policy on landfills. The Proximity Principle clearly states that waste should be disposed of as close as possible to where it is produced, in order to reduce time, energy, and the financial and environmental expense of long-distance transport – all of which may eventually outweigh the benefits of options such as recycling or composting.⁵²

During Yugoslav times, municipalities, or in some cases cities, like Sarajevo, had their own landfills built according to the town-planning schemes, but with no sanitary measures, at least not by today's standards. The post-Dayton⁵³ concept of waste management in BiH did not differ much from the old one – apart from having the additional burden of operating in a post-war environment – in both entities the municipalities remained responsible for the management of citizens' waste. There was no national strategy regulating waste, nor did the lower levels of government have adequate waste management strategies.

When the prospect of EU membership opened for BiH, the European Commission financed the BiH Strategy for Solid Waste Management (SWM), which was finished in 2000. Although the Strategy was never officially adopted by any BiH institution,⁵⁴ the entities adopted mutually compatible Actions Plans to implement it. At the same time, BiH signed a credit arrangement with the World Bank in 2002 for a loan targeting the implementation of the World Bank's BiH SWM Project, which, in essence, were the first practical steps towards implementing the BiH SWM Strategy.⁵⁵

⁴⁹ Whereas the three "upper" municipalities – Pale, Sokolac i Istočni Stari Grad – have their own local illegal landfills as well as collection companies.

⁵⁰ Populari Interview with Momir Bjelica, Director, Utility Company RAD Istočno Sarajevo, May 2011.

⁵¹ Populari Interview with Enes Filipović, KJKP Rad, Executive Director of the Economic and Legal Sector, October 2011.

⁵² The Proximity Principle was first introduced as a consideration in relation to waste within the European Community's Strategy for Waste Management, when the 1974 Framework Directive on Waste was amended in 1991 (FN- Under 91/156/EEC and 91/962/EEC) to include the concept at a national level. The amended Directive required that each member state be self-sufficient in the disposal of its own waste.

⁵³ According to the Constitution of BiH, the area of environmental protection is within the jurisdiction of the entities. In FBiH, the responsibilities have been levered even further to the cantons.

⁵⁴ Populari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental, Protection, Assistant Minister, May 2011.

⁵⁵ WB criteria required BiH to sign the loan, after which BiH distributed the funds to the entities. The beneficiaries were the regions which fulfilled the Solid Waste Management Project criteria. The main criteria had to do with the population and the size of a region (catchment area). Inter-municipal councils would then have to form a public company in charge of managing the landfill, and that public company would in turn take the WB loan necessary to construct the sanitary landfill, while the municipalities owning the company would guarantee to pay it back if the company should fail to do so, each municipality according to its share in the company's ownership. The collection

The Strategy's goal was to end the current disposal practices at local sites, as they were major causes of pollution and had negative impacts on health. They were to be replaced with "a maximum of 16 regional landfills serving several neighbouring municipalities"⁵⁶ by 2009.⁵⁷ Clearly following the EU policy on waste – which requires Member States to develop plans setting strategic goals and targets, but leaves details and practicalities to the regional and local plans – the BiH SWM strategy required that several municipalities (without explicitly saying which ones) find a common interest and co-ordinate through inter-municipal conglomerates,⁵⁸ in order to ensure that the regional sanitary landfills use as little utility services as possible.

Adhering to the proximity principle, the BiH SWM Strategy, once implemented, was to create a system more sustainable and cost efficient than the previous single municipality disposal tactics. Each of the 16 envisaged regional landfills should serve an area inhabited by at least 250,000 people, but within a radius of no more than 50 km. In order to adhere to the proximity principle, such catchment areas for landfills, defined as regions, would sometimes need to cross the inter-entity line.

In Sarajevo, this was obviously not the case. If the proximity principle were to be adhered to, Visoko and Istočno Sarajevo would naturally fall under this catchment area. However, despite its proximity to Sarajevo, Istočno Sarajevo does not transport its waste to the Canton Sarajevo landfill, which is used only for rubbish produced in the 9 municipalities of the Canton. It seems that – even though BiH nominally aspires to apply for EU candidacy status and start the accession negotiations on individual chapters of the Acquis – the cantonal waste policy is not geared towards achieving EU norms. They see the term "region" as a tricky one, saying that the "Sarajevo Canton may be considered a region, based on the number of citizens living in its 9 municipalities."⁵⁹

It seems, however, that there are some Bosnians who do understand the reasons why waste policy in the EU has evolved⁶⁰ into an integrated approach, treating waste more and more as a resource.⁶¹ Almost as if a parallel universe opened up in Bijeljina, a town located near the border of Serbia, 120 kilometres from Sarajevo.

YES They Can!

Municipal mayors: Mićo Mičić, Vasilije Perić, Sead Muminović, Taib Muminović, and Rado Savić meet regularly with Dragiša Marjanović, Director of the EKODEP public utility company. The company,

and transport would be handled by other companies, private or public, depending on each municipality's preference. In late 2008, the WB approved a second loan, 40 million USD, for the second phase of the SWM Project.

⁵⁶ Witton Karin, EUPHARE Study: BiH Strategy for Solid Waste Management. 2000.

⁵⁷ Even though the initial plan in 2000 predicted that the 16 landfills would be built by December 2009, the first phase of the World Bank credit (2002-2010) built only 6 sanitary sites; the hope remains that the construction of the remaining 10-12 landfills will be finished by the end of the second credit phase in 2014.

⁵⁸ By signing inter-municipal agreements and creating inter-municipal councils.

⁵⁹ Popolari Interview with Zijada Krvavac, Sarajevo Canton Ministry of Physical Planning and Environmental, Protection, Assistant Minister, May 2011.

⁶⁰ EU regulations stress producer responsibility, but also setting up waste collection systems with separate waste streams for collecting and sorting, building recycling and treatments facilities, and building landfills according to EU standards.

⁶¹ By limiting the quality and quantity of waste material going to the landfill, the Directive on the landfill of waste (99/31/EC) implicitly requires certain waste streams to be collected separately, and all waste to be treated before going to landfill sites, thus pre-treatment facilities need to be built. The Directive differentiates between three main categories of waste: non-hazardous waste, hazardous waste and inert waste, and it lays down different requirements for each.

established in 2005 by the three municipalities from the RS – Bijeljina, Ugljevik, Lopare – and two from FBiH – Čelić and Teočak – is in charge of managing the regional sanitary landfill Brijesnica, located in the Bijeljina municipality. The five municipalities have agreed to share the financial burden of building a sanitary landfill compatible with EU standards, with the funds from the World Bank's SWM Project loan, and the public utility company EKODEP acting as the principal borrower.⁶²



Members of the EKODEP Board in a meeting with Grontmij representatives (Photo: Grontmij)

In any democratic society, when a city's authorities improve a service they provide to citizens, the city mayor and the whole administration win the citizens' support. It also increases their chances of being re-elected in the next local elections. With no adequate facilities to deposit waste in the wider region, finding a solution was the goal of every municipal stakeholder in the Bijeljina region, regardless of the entity the municipality is in. Another important driving force behind their co-operation was certainly an economic one – sharing the financial burden of the loan. Joint work and co-ordination simply became a necessity in the process, and the fact that they come from different entities – and ethnicities – simply did not pose an obstacle.

Proportionally to population size, each of the five municipalities has a portion of EKODEP shares and the appropriate voting powers, but also the corresponding financial responsibility for the loan instalments,⁶³ as shown in the following chart:

⁶² They collect money which must be sent to the entity finance ministries, which then repay the state Ministry of Treasury, as the World Bank has a contractual relation only with the state level. This link must be solid, as the entity ministries must ensure that the borrowers are able to pay the credit back, and if not, find ways to cover their dues.

⁶³ Populari Interview with Dragiša Marjanović, Director of Eco-Dep Landfill, May 2011.

Municipality	Size ⁶⁴	Population ⁶⁵	Shares in EKODEP (%) ⁶⁶	Annual Financial Obligations (BAM)
Bijeljina	73.385	~ 160.000	67	173.262
Ugljevik	16.517	~ 26.000	10	25.860
Lopare	29.255	~ 14.000	10	25.860
Čelić	14.000	~ 10.000	8	20.688
Teočak	2.900	~ 8.000	5	12.930
TOTAL	136.057	~ 218.000	100	258.600

Table 2: Municipalities making up the EKODEP Governing Board.

Unlike the Sarajevo Canton's RAD, EKODEP conducts no activities other than managing the landfill. Each of the five municipalities decides on its own model of collection.⁶⁷ Financially, EKODEP depends solely on the quantity of rubbish it receives from these five municipalities and from the private companies they have a signed contract with to deposit waste at their landfill.

Operationally, EKODEP is in an entirely opposite situation from RAD. While RAD worries about having too much rubbish, EKODEP lacks almost half the waste they need to be able to cover the loan payments.⁶⁸ It turns out that the catchment area for the landfill was too small in terms of population. This problem could have been bypassed if Brčko had been integrated into their catchment area, as had originally been planned, but the District (not being part of any entity)⁶⁹ is under direct international supervision⁷⁰ and is often over-hampered by politics. Brčko's administrators insisted on having a separate landfill as if any other option would somehow threaten Brčko's independence. Thus, the District was excluded from the Bijeljina landfill scheme.⁷¹ To date, there is no sanitary landfill in Brčko.⁷²

⁶⁴ Analitika Centre for Social Research, My Place. "Statistics: Surface Area", www.mojemjesto.ba

⁶⁵ EkoDep Regional Landfill. "Regija Bijeljina", www.ekodep.com

⁶⁶ Populari Interview with Gunnar Linder, Team Leader of Grontmij's BiH SWM Programme funded by SIDA, May 19, 2011.

⁶⁷ Each of the five municipalities has their independent set-ups of waste collecting services. Teočak and Ugljevik have opted for a private company, Čelić and Lopare for public ones, while citizens of Bijeljina are served by one public and three private utility companies. Teočak and Čelić have not yet shut down their illegal landfills and they have not started transporting waste to EKODEP. This is expected to happen in 2012.

⁶⁸ Populari Interview with Dragiša Marjanović, Director of EKODEP Landfill, May 2011, and interview with Grontmij representatives in May and August 2011.

⁶⁹ "The Brčko District of Bosnia and Herzegovina, which exists under the sovereignty of Bosnia and Herzegovina and is subject to the responsibilities of the institutions of Bosnia and Herzegovina as those responsibilities derive from this Constitution, whose territory is jointly owned by (a condominium of) the Entities, is a unit of local self-government with its own institutions, laws and regulations, and with powers and status definitively prescribed by the awards of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brcko Area." Amendment I of the Constitution of BiH, PSBiH, No. 327/09, March 26, 2009, Sarajevo.

⁷⁰ The Brčko District was established after an arbitration process carried out by the International Arbitral Tribunal. According to the Dayton Peace Accords, however, the process could only arbitrate the disputed portion of the Inter-Entity Boundary Line (IEBL). The Brčko District was formed of the entire territory of the former Brčko municipality, of which 48% (including Brčko city) was in the Republika Srpska, while 52% was in the Federation of Bosnia and Herzegovina. A special International Arbitral Tribunal was established, which created the Brčko District by the so-called Final Award issued in August 1999. The District has an independent management, it belongs equally to both entities, but it is under the exclusive sovereignty of Bosnia and Herzegovina. The international supervisor was appointed in 1997 and was tasked with the monitoring of the implementation of the Dayton Accord.

⁷¹ Populari Interview with Dragiša Marjanović, Director of EkODEP Landfill, May 2011.

⁷² Populari Interview with Peter Appleby, Deputy Brčko District Supervisor, May 2011.

When it comes to other municipalities that funnel into EKODEP today, it must be said that they also had their reservations when they first heard of the inter-entity landfill concept, and did not immediately see the need to collaborate.⁷³ Nevertheless, with time, the local policy makers became more open to co-operation, as explained by one of the consultants engaged in making the BiH WSM strategy back in 2000: “It is not a problem for ordinary people at the local level to co-operate, but a problem for politicians on a higher level.”⁷⁴ It took a while, indeed, until the real co-ordination was established, but in the end they all came together and their efforts paid off.

Regardless of the financial difficulties it is facing at the moment, EKODEP sets a valuable example. Although representing ethnicities which were at war with each other not long ago, and in spite of the sentiments they would rather not talk about, EKODEP’s board members started doing business together. Business, in this case, is rubbish, and the goal is to provide the best possible services for citizens in the region, regardless of entity borderlines. Seeking only professionalism and responsibility, not necessarily to make new friends, these local politicians have recognised a common interest, because, as Sead Muminović, the mayor of Čelić, explains: “Waste should not be linked to politics.”⁷⁵

With the location for the landfill determined in 2006⁷⁶ and finances secured from the WB loan, the construction finally started, and the new landfill became operational in January 2010.⁷⁷ Having been recognised as a good practice model, due to their efforts and long-term vision outlook, the five municipalities became part of the Swedish government-funded municipal waste programme in Bosnia.⁷⁸ Although encouraged by the Swedish project,⁷⁹ their co-ordination still rests solely on the good governance practices of the local stakeholders. While the international community can provide technical and financial assistance, it cannot replace the willingness of the local policy makers to co-operate and jointly take care of their communities’ interests. Although the model on which the Bijeljina landfill is based has certain shortcomings which need to be addressed in order to make the waste management system in the region a success story, it is a valuable example of how co-operation between different administrative units leads to the establishment of a more efficient governance systems, which directly affects the quality of citizens’ lives.

What Should Citizens Expect?

In simple terms, “governance” means a process of decision-making and a process by which these decisions are implemented (or not implemented)⁸⁰ through institutions. The quality of governance is determined by the impact of this process on the quality of life enjoyed by citizens.⁸¹ If this process is

⁷³ Populari Interview with Rabija Idrizbegović, waste management expert hired by Grontmij for SIDA’s BiH SWM Programme, August 2011.

⁷⁴ Ibid.

⁷⁵ Populari Interview with Sead Muminović, Mayor of Čelić Municipality, May 2011.

⁷⁶ The location chosen was the site of the old (unsanitary) Bijeljina municipal landfill.

⁷⁷ Populari Interview with Dragiša Marjanović, Director of EKODEP Landfill, May 2011.

⁷⁸ Conducted by Grontmij.

⁷⁹ Apart from technical assistance and capacity building, SIDA, via Grontmij, donated bin lorries and waste bins to the participating municipalities.

⁸⁰ United Nations Economic and Social Commission for Asia and the Pacific. “What is Good Governance?”, UNESCAP.

⁸¹ Shah, Anwar. Public Sector Governance and Accountability Series: Public Services Delivery. Washington, D.C: The World Bank, 2005.

not conducted with the ultimate goal of providing high-quality services for all citizens, obstacles are not hard to find. The post-Dayton administrative borders within BiH are just that – obstacles.

At first glance, waste management services provided to citizens of the Sarajevo Canton appear to be satisfactory. However, once we look at the whole picture, it becomes clear that the policies currently in place offer very little. The rigid framework and the unwillingness to find a solution to integrate nearby municipalities are issues of grave concern for the entire Canton. At the same time, Istočno Sarajevo – with its utility company's equipment and its capacities – is simply financially incapable of providing high quality service. Instead of seeking an agreement with the Canton, Istočno Sarajevo awaits its government from Banja Luka to solve this issue somehow.

In the Federal part of Sarajevo, there seems to be more concern about the revenue stream from the waste management public company RAD than about the ecological time bomb ticking just a few kilometres away from the city centre. The Canton, the City and the municipalities each have their own visions of how the new system should be set up, yet none of them have a clear plan. Moreover, none of these administrative units seem to realise that whatever is done without considering Istočno Sarajevo's powder keg will simply fail to do the job. Their administrations, coming from the same entity and led by people of similar (if not the same) political affiliations, are distracted by a dispute over jurisdiction and property, all the while ignoring the issue which is supposed to be the core of their activities – providing high quality services to their citizens.

On a positive note, a solution is only a blink of an eye away. There is even no need to look for international experiences, as a blueprint for co-operation – perhaps not perfect, but still a solid one – can be found much closer. Bijeljina, Ugljevik, Čelić, Teočak and Lopare have already done it. A forward-looking vision and new business ventures brought into the area have prevailed, paving the way for joint investments, co-ordination, and inter-entity cooperation.

Every decision to be made will have a direct impact on citizen's health and the quality of their lives. Waste management requires competent authorities not only to keep the streets clean, but to make sure that they minimise the impact on the environment when dealing with rubbish. As the environmental damage will not be limited to any man-made boundaries, such as those separating different administrative units of Sarajevo, good governance requires looking into neighbouring *units* and co-operating with them on issues of mutual interest. Protecting the environment is unquestionably one such issue.

A Way Forward

The Sarajevo Canton, the City of Sarajevo and the interrelated municipalities, with the unreserved support of the Federation of BiH, should invite the city of Istočno Sarajevo and its municipalities to participate as equal partners in the debates on prospective models of communal waste management. These debates should not exclude other neighbouring municipalities, such as Visoko or Olovo, which might perhaps like to become part of this newly built system. All the relevant actors must be involved, as that is the only way to create a functional and sustainable long-term solution for communal waste.

At the same time, the City of Sarajevo, as well as some of the municipalities, should pay proper attention to this problem and approach the issue in a more serious and strategic manner. It is not enough to (re)gain the powers and transfer them to private companies. It is important to note that,

in spite of all the imperfections of RAD's structure, the unified structure of the Cantonal waste management services functions reasonably well in most respects⁸², except for recycling. In order to advance this infrastructure, there can be no partial solutions. This calls for a comprehensive approach, as any other would surely lead to deterioration of the existing system,⁸³ however imperfect it may already be.

An important milestone will be the separation of the landfill management service from the waste collection service. This should be done in co-operation and consultations with RAD. The new system which should eventually replace the existing one must be better than the public company RAD is at this moment. The city of Istočno Sarajevo and its municipalities should acknowledge that the economic considerations are more important than the political ones, especially when the economic crisis severely affects everyday life of BiH citizens. Furthermore, the consequences of not co-operating, especially in the area of environment protection, may present an immediate threat to citizens. The only responsible solution would be that the city of Istočno Sarajevo and its municipalities find a common language with Canton Sarajevo and devote their scarce resources to more appropriate projects.

Disputes over the price per tonne of waste should be solved by setting an economical price for the landfill used by the RS, and the citizens of Istočno Sarajevo should put pressure on the RS Government to subsidise the citizens of Istočno Sarajevo just as the Sarajevo Canton does in the Federation. The Sarajevo Canton should immediately open its door to co-operation, as a plan for a new landfill in Pale is solely the consequence of the cantonal policy. The Federation should promptly assume part of the responsibility for this issue and engage the Sarajevo Canton to help acquire more expertise in the matter. The RS Government should give up the plan of constructing the landfill exclusively for the city of Istočno Sarajevo and the City municipalities. The landfill construction could soon prove not only an unnecessary expense, but also an unsustainable endeavour due to the insufficient quantities of waste within the proposed catchment area. Instead, being a scattered and predominantly rural area, the city of Istočno Sarajevo should consider a transfer station model.

Although completely marginalised and left out of the picture, the transfer stations are in fact small recycling yards that may bring additional income to those who decide to create them. In addition, if agreement and co-operation on this issue is achieved among the key actors, the conditions for EU funding would be met and there would be more resources to improve the system.

The SWM strategy needs to be reconsidered and agreed upon, as there are two very different views on it.⁸⁴ It is of crucial importance that the entities work together, as this is an issue of common interest. Good governance requires policy makers to think outside their small administrative units, particularly when it comes to services in the area of environment, as the environment does not recognise any administrative borders.

Finally, to achieve any of the proposed activities, the citizens themselves must be proactive and become involved in the changing of "our ways" and habits concerning our immediate surroundings.

⁸² No doubt that the quality of waste management services in terms of frequency of waste collection, handling, and final disposal of the collected waste has improved in Sarajevo, with 1.1 m³ skips placed in 6,700 locations. United Nations Economic Commission for Europe: 2nd Environmental Performance Review Bosnia and Herzegovina, March 2011.

⁸³ Comments, Suggestions and Opinions on the Draft Law on maintaining Cleanliness and Waste Management, Case no.: SO/7-234/11, Canton Sarajevo Chamber of Commerce, December 8, 2011

⁸⁴ FBiH considers the strategy satisfactory while the RS government finds it outdated and is beginning to act independently on the issue.

When citizens recognise the close connection between their health and environment protection on one side, and the benefit of long-term systematic solutions on the other, only then can real progress be expected and achieved.



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