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Glossary of Acronyms

Annexes I to V

Questionnaires

Final Project Report

Project Synopsis

Project Title: Mapping Study of Non-State Actors (NSA) in Bosnia-Herzegovina

Wider Objective:

To encourage a broad involvement of NSA in the public debate on setting development objectives and reinforcing good governance and the rule of law.

Immediate Objective:

To give an overview of the main NSA networks and organisations (including national NGOs, media, economic and social partners, research organisations, women associations, etc.) in each of the following sectors:

- democratic stabilisation
- economic and social development
- administrative capacity building
- justice and home affairs

Activities:

The following activities were carried out in order to achieve the expected results:

- Interviews with representatives of main donors, international organisations and other relevant stakeholders
- Screening of organisations and networks in order to select the ones to which the questionnaire will be sent
- Distribution of the questionnaire and follow-up as required
- Visits to selected NSAs following receipt of completed questionnaire
- Analysis of all the information gathered above in order to identify the main NSAs and appraise their capacity to contribute to the development process
- Meetings with Institutional bodies and legal research
- Investigation of past and current EC Delegation involvement of NSAs
- Consultations with EC and Directorate for European Integration (DEI)

Results:

The following results were obtained from the above activities:

- An analysis of Government's vision and strategies for civil society involvement in the development process.
- An analytical overview of the institutional mechanisms and the legislative framework under which NSAs operate and that guides the interaction between Government and civil society.
- An overview of other main donor initiatives related to involving civil society in dialogue as well as to capacity building of civil society.
- An overview of the main NSA organisations and networks and appraisal of the capacity of these organisations to contribute to the development process
- An analysis of mechanisms already in place or to be put in place in order for NSAs to be involved in the programming, reviewing and evaluation of EC-financed development cooperation.

Introduction

The EU and NSAs

Towards the end of 2002 the European Commission and the European Council issued a joint Communication¹ with the objective of promoting participatory approaches which could contribute to enhancing the ownership by beneficiaries of strategies developed by partner countries in EC development policies. This was followed in November 2004 by the ‘Guidelines on Principles and Good Practices for the Participation of Non State Actors (NSAs) in the development dialogues and consultations’ issued by the Directorate General for Development.

According to these Guidelines, a “mapping study” on the situation of NSAs in the country or in the region can constitute a preparatory step before launching the participatory process. Once the knowledge of NSAs constraints, potentiality, needs, sectors of involvement and activities, is improved, then NSA involvement in the development process as well as the preparation of specific programmes in support for NSAs will be facilitated.

The Communication quoted above (see footnote 1) uses the term NSAs ‘to describe a range of organisations that bring together the principal, existing or emerging, structures of the society outside the government and public administration. NSAs are created voluntarily by citizens, their aim being to promote an issue or an interest, either general or specific. They are independent of the state and can be profit or non-profit-making organisations. The following are examples of NSAs: Non-Governmental Organisations/Community Based Organisations (NGO/CBO) and their representative platforms in different sectors, social partners (trade unions, employers associations), private sector associations and business organisations, associations of churches and confessional movements, universities, cultural associations, media’.

Given the overall aim of the project and the EC objective to encourage the participation of beneficiaries in its development policies, this project will not consider international NGOs and their branches as the object of the project research. It should be underlined however that some of them have given and in some cases most probably will continue to give important contributions to policy and strategy discussions, alone or in cooperation with other NSAs.

¹ Communication ‘Non-State Actors participation in EC Development Policies’, Ref. COM (2002)598 final of 07/11/02

Chapter 1: Methodology and Activities

In order to achieve the immediate objective and expected result, the following activities were performed:

- Interviews were carried out with main donors, International Community (IC) representatives and other relevant stakeholders to find out about their current activities involving NSAs and their opinions on and experiences with NSAs, both in general and related to their capacity to contribute to policy dialogue and monitoring in order to screen identified NSAs before further investigation. The interviews with main donors and their implementing partners also provided the Team with information on current and, where possible, future strategies related to civil society. See Annex I for complete list of meetings.
- Given the amplitude of the NSA spectrum, main project areas were identified during the inception phase for each of the four sectors of interest for the EC, taking into account both ongoing and potential assistance (an example of the latter is for media, an area where current EC projects address only the State sector). These project areas guided the identification of the main types of NSA to be looked for. Since the report is to take into account areas of strategic importance to EC cooperation and the project had to be carried out in a realistic way, it was decided during the inception period to exclude the following NSAs from the research: professional sport associations, leisure associations, religious communities and former combatants/veterans organisations. For the private sector, only networks were addressed, not individual firms. See Annex II for the table of NSA types.
- A questionnaire was compiled by the Team in order to collect the following: basic information and scope of activities; elements to assess sustainability capacity and skills; information on the level and ways of sharing information within the organisation; information about contacts and networking among NSAs and with the Government(s) and potential donors.
- Organisations and networks were screened in order to select the ones to which the questionnaire was to be sent according to the following criteria:-
 - *Activities*: NSAs were selected according to the types allocated to each sector;
 - *Geographical coverage*: the aim was to identify NSAs according to type whose activities cover as much of BiH as possible, starting with those at state and entity levels;
 - *Grassroots organisations*: 37% of the total number initially included in the sample were grassroots organisations;
 - *Networks*: according to the ICVA 2002 survey, 67% of the respondent organisations were members of a network. In order to give a more representative picture of the current situation in BiH, up to 20% of the total number of NSAs taking part in the questionnaires did not need to be members of a network;
 - *Donors*: NSAs who do not receive funding from major donors were also contacted in order to assist with the research on grassroots organisations.
- Where possible, the questionnaire was distributed through e-mail, both in English and in Bosnian. Only in a handful of cases was it necessary to send the questionnaire by fax because the NSA did not have access to e-mail. A total of 265 questionnaires were

distributed (Annex III) with an accompanying letter briefly explaining the reason of the mapping. 21 e-mail messages were returned as undelivered. A total of 49 questionnaires were completed and returned without any further contact from the Team. In another 60 cases the Team established contact by telephone in order to confirm the e-mail delivery and to offer if necessary additional clarifications on the mapping study. As a result, a further 32 questionnaires were completed and returned. Another nine questionnaires were sent spontaneously by NSAs which had received the questionnaire from other organisations and decided to take part to the mapping.

The response to the questionnaire (37%) can be explained by various reasons:

- When contacted, many NSAs told the Team that they were asked frequently to take part in surveys and did not have either the time or a reason to respond to this particular one, i.e., lack of interest;
 - From previous experience in BiH, the Team felt that a better response might have been achieved had it the time to visit more organisations and therefore compel them to complete the questionnaire in time for the visit;
- Following receipt of the completed questionnaire, NSAs were selected for visits. The Team tried to visit as many NSAs as possible, given the time constraints. The visits enabled the Team to see the premises and the environment where the NSAs operated. The questionnaire was used as guidance for the interview. More details were obtained on themes such as grassroots interests' representation and interactions both with other NSAs and with the Government(s). Of the 90 completed questionnaires received, a total of 72 organisations were visited (Annex IV).
 - Following the visits, an analysis was made of all the gathered information in order to identify the main NSAs and appraise their capacity to contribute to the development process. Criteria were as follows:
 - *Long term planning and sustainability*: Efforts to develop long term plans and secure funding were considered as an indication of general vision. These were either concrete in terms of actual allocated funds coming from a number of sources (main donor, private donations, independent fund-raising by the NSA, etc.) or are yet to be funded, but presented a well thought out approach to potential projects for the future. Initiatives for self-financing, thus moving the NSA away from donor-dependency, was considered to be a positive factor.
 - *Activities*: These were divided into direct project activities and general activities. Project activities were part of the criteria mentioned above for selecting the NSAs for the questionnaire. The final selection looked at general activities, such as regular staff/members meetings that give an indication of internal flow of information, training (either in-house or external) which shows interest in the capacity development of the staff/members, participation in conferences indicate the NSA's motivation to increase its knowledge/to be informed of developments within civil society/to broaden contacts, publicity (e.g., an up to date website or regular publication of a newsletter) shows initiative to advertise the NSA's work, advocacy campaigns indicate determination and organisation to advocate the NSA's interests/ideas/scope of activities.
 - *Geographical coverage of the NSAs activities*: The final selection aimed to include NSAs whose activities cover all of BiH, either individually, or side by side have complementary areas of responsibility (AOR) which together cover the entire country, such as at Entity level or at a smaller regional level;

- *Capacity to represent grassroots interests*: In order to show the extent to which the NSAs can be considered as representative of grassroots level interests, any direct contact that the NSAs has with such organisations within their AORs was researched, in particular concerning the interests of vulnerable people.
 - *Relations with other NSAs*: A positive indicator of each NSA's capacity and initiative was how it interacted with other NSAs by exchange of information and proven ability to cooperate and to work with other NSAs.
- Following the selection based on the above criteria, the Team made a final selection of the main organisations and networks, taking into account past experiences in advocacy and monitoring. As guidance for the final selection, the Team assigned a number of points to indicate the relevance of the experience of each NSA for that indicator. In particular, the Team looked at the capacity to represent grassroots interests (Grade 0 to 4), relations with other NSAs, i.e., the capacity and interest to liaise and cooperate with other NSAs (Grade 0 to 2), launching and participation in advocacy campaigns (Grade 0 to 4), participation in strategy drafting (Grade 0 to 1, given the difficulty to weight such contributions in the case of the Mid Term Development Strategy – MTDS - drafting, which was by far the most common case), active participation in monitoring strategies (mainly MTDS, but also sector strategies like Gender, Roma, and contributions to monitoring of the Human Rights Treaty compliances), and the participation in discussions on draft legislation (Grade 0 to 4). The results are visible in Annex IV.
- Meetings were held with various institutional bodies - BiH Ministry of Justice (MoJ), FBiH MoJ and RS Ministry of Government and Local-Self Government - in order to discuss the status of current and planned legislation under which NGOs operate.
- Meetings also took place with members of the Roma Advisory Board (RAB), the State Commission for Refugees and Displaced Persons, the Office of the State Coordinator for Anti-trafficking Activities and the Gender Centres in order for the Team to analyse the functioning of the institutional mechanisms that have been set up in these policy areas.
- Legal research was carried out to identify current legislation affecting NSAs. A list of the relevant laws is included in Annex II which also shows the different types of NSAs identified within each of the four EC sectors. The general framework legislation under which NGOs operate discussed in Chapter 3. Legislation affecting individual NSA types by sector is discussed in the relevant sector chapters (Chapters 5, 6, 7 and 8).
- The observations on the MTDS monitoring are based on meetings with or information obtained from Economic Policy Planning Unit (EPPU) of the MTDS, Initiatives and Civic Action (ICVA) and NSAs involved in the monitoring process.
- Meetings with all EC Task Managers during the inception phase provided information on the mechanisms used so far by the EC in BiH to involve NSAs in the programming phase. On the basis of this information, the Team decided to concentrate the analysis on three cases – Vocational Education and Training (VET), Environment and the Regional Development Agencies (RDA) within the EU Regional Economic Development Programme (EU RED) that have involved NSAs since the planning phase. Both the EC Delegation and the DEI were consulted about the modalities of current and future planning of the EC assistance to BiH.

Acknowledgements

Given the time framework of the project, the present mapping cannot aspire at being more than a starting point.

The Team was very well received when visiting the NSAs even after clarifying that it was not in position to provide any assistance, but that it was simply collating information, and would like to use this occasion to thank all of them again for their kindness and hospitality.

The Team would like to express its gratitude also to all the representatives of donors, international NGOs, institutional and governmental institutions who found the time to provide information and express their views.

Chapter 2: An analysis of Government's vision and strategies for civil society involvement in the development process

BiH does not have a strategy for cooperation of the Government with civil society, neither it do its Entities. There is no institutional body in charge of relations with civil society, with a partial exception that will be discussed below in this chapter. The institutional mechanisms involving NSAs (some examples of which will be discussed in Chapter 3) clearly do not stem from a unified vision but rather from the intervention of external actors.

Even if a standard approach of the BiH Government(s) towards the involvement of NGOs and associations in the phase of development of their policies is missing, this report provides a number of positive examples in which such cooperation has taken place. There are no doubts that there is a general trend towards increase of such cooperation, due probably both to better reciprocal knowledge and to an increase in the quality of contributions that CSOs are able to offer.

It is important to mention here that a significant portion of the non-governmental sector approached the Council of Ministers (CoM) with a concrete proposal to establish a framework for future cooperation (Chapter 3 for further details). No answer has been provided so far.

In this context the drafting of the MTDS and the monitoring of its implementation which followed its adoption deserve special attention.

The Human Rights Treaties reporting mechanisms will be also reviewed as they are cases where the State asks for contributions from NSAs when fulfilling its reporting obligations and thereby is able to establish (given the cyclic deadlines involved) a permanent dialogue with NSAs.

2.1 The MTDS

Drafting process

The MTDS is the first strategic document for the development of BiH which has been drafted and adopted by local institutions. The adoption of such a document was advised by the World Bank which insisted on the inclusion of NSAs in the drafting process.

The development of the Poverty Reduction Strategy Paper (PRSP), as this document was originally referred to and often still is, began in April 2002 and lasted 18 months. Alongside the Office of the Coordinator for the preparation of the PRSP was the institutional Coordination Board for Economic Development and EU Integration composed of the relevant State and Entity ministries which was in charge of defining the main priorities. The proposals for the priorities and the sectorial strategies were drafted by 20 working groups (WG) composed of representatives from all institutional levels in BiH (State, Entities, District, Cantons and municipalities). An Academic Advisory Board for the preparation of the PRSP chaired by the Deans of Banja Luka and Sarajevo Universities was responsible for ensuring adequate contributions from the academic world. Other experts were engaged to provide technical assistance for the sectors.

Several rounds of public debates were held in main towns in BiH, especially after the issuance of each draft (there drafts were successively produced) in order to provide the opportunity to civil society and individual citizens to contribute their ideas and proposals.

The NGO Council had proposed to the PRSP Coordinator as early as December 2001 to ensure and coordinate the participation of CSOs in the drafting of the plan, whilst other NSAs like the Trade Unions and the Chambers of Commerce were directly involved in the process by the Coordinator. The NGO Council drafted a plan of action for the NGO consultations which was then implemented with the economic support of Canadian International Development Agency (CIDA) since March 2002. The plan envisaged the election of a Core Group of five local and two international NGOs (with an advisory role) which was to lead the process of consultations with the NGO sector: planning, advisory, decision making role, coordination with existing networks in their regions, drafting the final document/policy recommendations on ways to reduce poverty in BiH. The Core Group was elected (by mail, e-mail, or fax) in April 2002 by 58 NGOs which decided to take part in the selection process: each could select a maximum of five persons among a list of 17 proposed candidates. The selected representatives belonged to Žena BiH Mostar, Corridor Sarajevo, Drina Srebrenica, IC Lotos Tuzla and Centre for Civic Initiatives (CCI) Banja Luka. ICVA served as a secretariat for the process, ensuring coordination, logical support and the dissemination of information. The plan included a direct consultation facilitated jointly by NGOs and government representatives with 15 local communities in order to encourage the involvement of the poorest groups and a follow-up of four regional meetings.

Successively, ICVA (this time supported by Oxfam) compiled in July 2003 CSOs' comments on the second draft from a conference held in June of the same year in Sarajevo. In addition to general comments and considerations, the final document contained recommendations related to five sectors: social policy, education, environment, agriculture and corruption. The NGOs involved expressed their regret at not having the conditions to participate in the 20 WGs through their representatives. ICVA informed the Team that in the very final phase such participation was made possible for the five WGs for which NGOs had suggested representatives. They also suggested adding a separate section in the Strategy on the development and strengthening of the third sector in BiH, a suggestion which was not followed up.

NSAs contributions were quite diverse and they gave different results: e.g., the Association of Metal Industries within the FBiH Chamber of Commerce wrote a whole strategic document on their sector which partly found its way to the final document.

The Team interviewed several NSAs who participated in the drafting and came across mixed evaluations of the results of their efforts, especially in relation to the degree in which their suggestions were taken into consideration. On the whole the feedback was positive. However, it has to be said that not many seem to consider the MTDS as a crucial document for their sector and rarely – if ever – refer to it in their advocacy campaigns.

The Strategy was adopted by the CoM in February 2004. As an annex, it includes a General Action Plan which includes all the measures to be adopted for each sector, indicating for each one the corresponding responsible Institution(s) and the deadlines.

Institutional Monitoring process

In May 2004 the CoM established an independent body, the Economic Planning and Research Office (EPPU). It is composed of the Unit for Economic Planning and Implementation (EPIU) and the Project Implementation and Monitoring Unit (PIMU). PIMU is responsible for monitoring the implementation of the Strategy and its action plans, for issuing new action plans

for each term and for consolidating suggestions for amendments to the Strategy. It has to submit a progress report every six months on the implementation of the MTDS to the CoM and to the Parliamentary Assembly of BiH. This monitoring report should also include the findings of the 20 WGs which are the direct heirs of the groups which drafted the plan (see above). Their composition includes at least three persons (one representative each from the State and the Entities) and their task is to continue to follow up on their sector and to suggest the necessary adjustments to the strategy. The process of appointment of the members of such WGs took several months and was concluded only in January 2005, so that the first report issued by EPPU in November 2004 includes mainly statistics about the measures implemented and short explanations. PIMU has decided to add a new WG on Gender.

The Director of the Unit is quite active in seeking the involvement of the civil society and the NGO sector; quite often she attends public conferences or seminars, constantly encouraging civil society and citizens to participate in the MTDS monitoring process. PIMU has started to issue a printed Newsletter (so far one issue in November 2004), provides updates on its activities to all subscribers of an e-mailing list and has opened an opportunity for direct communication with them via a web-form on their web site². One staff member is exclusively in charge of the contacts with civil society and public relations.

The participation of civil society in the WGs seemed at the beginning limited to an additional WG of the same name and to the Gender one (both yet to be established). ICVA, which continued to be the main interlocutor for CSOs with EPPU, provided by the end of 2004 the names of the CSOs representatives who would join the three WGs (for education, social protection and environment). So far two general meetings of all WGs took place in March and April 2005 (ICVA was invited and also attended).

Civil society monitoring process

With financial support from the EC and the Swiss Agency for Development and Cooperation (SDC), ICVA began coordinating a monitoring exercise by CSOs of the implementation of three sectors of the Strategy: education, social protection and environment. One component of the monitoring was at local level and included a series of interviews with interested stakeholders and citizens carried out in Tuzla and Banja Luka by the CCI. The other component involved 42 interested NGOs that – separately for each of the three sectors – held separate meetings and drafted their recommendations. The Tuzla NGO BOSPO provided preliminary training to the WG participants within the scope of the project.

ICVA organised a conference February 24th of this year in Sarajevo to present and discuss the findings of the MTDS monitoring. A report containing the results of the monitoring was printed and distributed in advance to all the participants. The report contained also general comments on the monitoring methodology, pointing out in particular the lack of information on the planned financial means for the enforcement of the planned measures. Besides donor representatives (who engaged in an interesting high level debate on the strategic options for BiH), as representatives of the institutions two members of Parliament were invited (only one showed up) and the Director of PIMU. The latter answered all the questions addressed to her, but did not give any comment on the merit of the report which was discussed, nor explained how the recommendations contained thereby could have been taken into consideration, and by whom. Once again she asked NGOs and citizens interested in providing their opinions on the development of MTDS and contribution to its improvement to contact her office.

² www.eppu.ba

Efforts were undoubtedly carried out in order to involve civil society. Still, many organisations were found by the Team which still did not know about the existence and role of EPPU, nor about the ICVA monitoring. This can be explained because the information sharing process is far from being concluded, and is progressing. For example, in April this year the EPPU was invited by the NGO Council and as usual all the members were invited to provide their contribution. What was really surprising for the Team was however to find out that the Executive Director of CCI did not know about the existence of the EPPU, its role or activities. This discovery should be considered in light of the following facts:

1) CCI is one of the major NGOs in BiH

This seems to indicate the lack of a systematic or active approach to the engagement of CSOs, rather waiting for occasions to be created. CCI's focus is exactly on the involvement of citizens in policy making and it has accumulated a unique professional experience in facilitating contacts among institutions and CSOs and citizens;

2) CCI was engaged by ICVA for the field part of its monitoring

This can be explained only assuming that relations among these two NGOs in which one assigns a task to the other is very similar to a commercial one (i.e. paid services) and the occasion is not used by any of the two parts to look together at the context of the exercise nor to critically think about it.

The strategies

The development of a series of sector strategies, mainly in the economic field, ancillary to the MTDS is ongoing. After the adoption of a BiH Strategy for the development of the information society (E-society), the following strategies are planned: Strategy for BiH Export, Strategy for Development of Small/Medium Enterprises (SME) - working group funded and supported by the EC, Strategy for Foreign Investment, Strategy for Corporation Restructuring, Strategy for the Reform of Public Administration and finally a Strategy for Agriculture. They are being drafted by WGs involving institutions at State and Entity levels.

The Team had decided during the inception phase to look at the involvement of NSAs in the drafting of such strategies and addressed the PIMU with a request to obtain names and contact details of the components of such WGs. This information was never provided: PIMU staff explained that this information (as well as the composition of the WGs for MTDS monitoring) is not made available in order to avoid flooding the people with different requests. The PIMU Director informed the Team that later in May the Strategy on SME will be sent out for public discussion – it will be useful (but unfortunately out of the time scope of this project) to observe the modalities and participation of such discussions. The WG for this particular strategy involved representatives both of Employers' Associations and of Chambers of Commerce. However it was noticed by the Team that even people belonging to the same organisations of these representatives – let alone belonging to other NSAs of the sector – were not aware of the progress or of the modalities of such strategy drafting. This indicates that a proper involvement of NSAs should also be accompanied by efficient media and information campaigns to make this process more accountable and transparent.

The EPPU became operative in April this year and has started the preparatory work to draft a paper on the main strategic options for BiH economical development. At variance with the MTDS, which deals mainly with creating the proper legislative and operational framework, the aim of such a draft paper would be to provide the conceptual framework within which all other strategies would lie and indicate the strategic priorities of BiH. Still it is not defined at which stage and with which modalities it will seek contributions from the NSAs.

Conclusion

Although clear efforts have been made to involve civil society in the MTDS drafting and monitoring process, many organisations contacted by the Team did not know about EPPU and/or about the ICVA monitoring. Although it is apparent that commendable efforts are being made in order to ensure the dissemination of information about the general framework of the MTDS implementation, this seems to indicate a non systematic approach and a lack of a clear information strategy.

The involvement of NSAs other than NGOs and CSOs (trade unions, employers, academic institutes) is scarce, and neither PIMU nor any other body is dealing with this issue. It is felt that an approach which aims to involve NSAs rather than only CSOs would be more successful, and as a side effect would create occasions of reciprocal knowledge among different types of actors.

Regardless of the openness demonstrated by EPPU, it is difficult to follow the whole development of the process from outside. The Team was unable to obtain information on the actual WG members and of the progress in drafting particular documents.

Even when contacts appear constant and friendly it seems that two different languages are being spoken. The monitoring reports from EPPU and ICVA are very different in style and method, and it is not clear to which extent they can produce effective interaction.

PIMU is openly encouraging NSAs participation in the MTDS process with the ICVA monitoring, but there is no clear mechanism to provide feed-back. This situation might improve if and when the WGs will be up and running.

Without feed-back even the organisations that did participate in the monitoring will be discouraged to continue this and similar efforts. It is useful to note that when public discussions on draft laws are launched by the Parliaments, the competent body is obliged to consider all written contributions received proposing amendments. If the proposals are rejected, explanations of the reasons for rejection have to be provided.

2.2 Human Right Treaties reporting

BiH is party to all the seven UN Human Rights Treaties and is due to present periodical compliance and implementation reports to the relevant treaty bodies. The UN recommends to governments to invite domestic NGOs to contribute to such reports. In BiH the reporting responsibility³ lies with the Ministry for Human Rights and Refugees (MHRR)⁴. The Office of the High Commissioner of Human Rights in BiH (OHCHR) has been instrumental in providing relevant training first to governmental officials and then also to Human Rights Institutions, NGOs and media.

MHRR produced a report on compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR) coordinating the work of participants from relevant State, Entity and cantonal ministries. Technical drafting WGs were active from July to December 2003. At

³ According to the Law on Ministers and Other Bodies of Administration of BiH (BiH Official Gazettes 5/03).

⁴ This Ministry might cease to exist when Annex 7 of the GFAP will be considered as implemented. The Functional review of the Justice Sector suggested transferring this responsibility to the MoJ.

the end of December, a public hearing was held to gather civil society feed back on the draft report.

The Helsinki Committee for Human Rights, the Independent Bureau for Humanitarian Issues (IBHI) and Global Rights (then still called International Human Rights Law Group) provided their comments to Geneva. The only BiH organisation with the status of observer at the UN Economic and Social Council (ECOSOC) is SIRL, the Union of Displaced Persons (DP) and Refugees Organisations (see Chapter 5) which provided also its comments orally in Geneva after consultations with its members and a public conference on the occasion of Human Rights Day on December 10, 2004.

In the case of the Convention against Torture (CAT), in October 2003 OHCHR facilitated a first joint meeting of the MHRR with the interested organisations, mainly associations of war-time inmates and of families of war victims. The MHRR presented in this case its skeleton draft and asked all the interested organisations to provide written comments before the institutional WG would proceed with the technical drafting. A concern voiced by all the associations was the lack of any reference to the war period, notwithstanding the fact that being the first compliance report it should cover the period from the accession to the Convention (1993) to the report (2004). Remarkably, the associations of former inmates of the three main ethnic groups presented a joint submission, which was eventually included in the introduction and in the conclusions of the State compliance report.

In the case of the Convention for the Elimination of Discrimination against Women, the MHRR asked the Gender Centres and the Agency for Gender Equality to draft the compliance report involving the relevant and interested NGOs. Independently, the international NGO Global Rights had gathered a group of 18 CSOs (remarkably including the female section of a trade union) to prepare the second shadow report on compliance with the Convention (the first had been drafted with the same modalities by Global Rights, and issued in 1999 in absence of the State one). Several NGOs contributed to both reports. The directors of the Gender Centres and Agency did not hide their disappointment at this alternative report notwithstanding all their efforts to include CSOs in the drafting of their own reports. Rather than indicating a substantial and irreconcilable divergence of views among the government agencies and the NGOs involved, the issuance of a separate shadow report seems due to the wish to conclude the process of training and drafting which lasted an entire whole year, thus ensuring its visibility.

The official report has been finished, but has not yet been cleared by the CoM nor officially delivered⁵, while the shadow one was publicly released in January 2004⁶.

At the end of April 2005 the OHCHR was able to offer a training in Sarajevo to a selected number of representatives of NGOs, ombudspersons and governmental institutions which could contribute profitably to the next deadlines: responding to the comments of the committees that will consider the BiH reports (CAT in November this year and ICESCR in May 2006), while MHRR is finalising the draft of the report concerning the International Covenant on Civil and Political Rights and has just started the one for the Migrant Workers Convention.

It appears that the BiH Institutions are increasing the participation of civil society in such exercises.

⁵ Text is available at www.mhrr.gov.ba .

⁶ Available at http://www.globalrights.org/site/PageServer?pagename=www_eur_index_62

Chapter 3: An analytical overview of the institutional mechanisms and the legislative framework under which NSAs operate

The first part of this chapter discusses the legal framework regulating the registration and the role of associations and organisations in general under which all NGOs and many other NSAs, such as Trade Unions, operate. More details on the relevant legislation framework affecting types of NSAs will be provided in the individual NSA Chapters 5, 6, 7 and 8.

The second part of the chapter discusses the sector institutional mechanisms involving NSAs in policy discussions and in particular gender policy strategy, anti-trafficking and Roma.

General Legal Framework for NGOs

Current and planned legislation

By the BiH Constitution, Annex 4 of the Dayton Peace Agreement, the BiH and both Entities are obliged to ensure the highest level of internationally recognised human rights and fundamental freedoms. The rights and freedoms as set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols apply directly in BiH and take priority over all other laws. The Constitution⁷, among other rights, guarantees freedom of expression, peaceful assembly and association with others, and there are no explicit barriers to interest group participation in politics. The registration of NGOs is directly regulated by the laws at state and entity level. In addition to these laws, administrations apply rulebooks on procedures for managing the register for associations and foundations and foreign organisations. A new rulebook for the establishment of a joint registry for associations and foundations at the state level is in preparation and will be soon adopted.

After years of lobbying by the NGO sector, the Entity Parliaments adopted harmonised laws. As in a number of cases for the key laws in post-war BiH, the Office of the High Representative (OHR) prepared the draft law which was then sent to the Entity Parliaments. The process took quite a long time during which interested NGOs could provide their comments, but it was not the fruit of direct lobbying with the members of the Parliaments or the competent ministries, but rather through OHR. Again, upon the initiative from NGOs to raise the need for a state law, OHR undertook the role to push for the adoption of the State Law on Associations and Foundations⁸. No further consultations on the drafting process were held and the BiH Parliament passed the Law on Associations and Foundations in 2001⁹ which, for the first time, allows NGOs to register at the State level.

Along with the Law on Associations and Foundations of the RS¹⁰, and the Law on Associations and Foundations of the FBiH¹¹, the State Law creates a legal environment for NGOs in BiH that represents a significant step towards a more enabling legal environment for NGOs in BiH.

⁷ Article II Human Rights and Fundamental Freedoms, points h and i.

⁸ Information received at the meeting with an OHR staff member.

⁹ BiH Official Gazette No. 32/01,42/03

¹⁰ RS Official Gazette No. 52/01, 42/05

An association may be registered only if its inaugural assembly adopts a founding act and statute and appoints the managing bodies in accordance with this Law. In addition to a founding act and statute, or their substantial equivalents, an association must have an assembly and it may also have a managing board. Associations or foundation that perform activities that substantially deviate from their goals and objectives can be fined by the competent Ministry.

In particular, according to the BiH Law on Associations and Foundations, associations and foundations are independent in determining their goals and activities in compliance with the Constitution and the Law. Physical and legal persons who are either citizens or residents of BiH, or who are registered therein, are free to voluntarily form associations or foundations for any purpose in compliance with the Constitution and the laws of BiH. However, their programme and activities can not contravene the constitutional order of BiH, nor can they be directed at its violent destruction, stirring of ethnic, racial or religious hatred, or any discrimination prohibited by law. "The goals and activities of an association or foundation also cannot include any engagement in pre-election campaigns of political parties and candidates, fundraising for political parties and their candidates and financing of political parties and candidates."

Among other joint provisions, it is important to outline that all three new laws (BiH and Entity Laws):

- Require a minimum of three natural persons who are citizens or residents of BiH (as opposed to the previous legislation that required thirty citizens), or legal persons registered in BiH, to establish an association;
- Equalise domestic and foreign persons as founders of a foundation;
- Equalise domestic and foreign persons as members of the board of a foundation;
- Allows associations and foundations to engage directly in related economic activities.

The Laws allow the possibility to close down organisations which have not been active for two years, but such provisions have never been put into practice.

Given the huge number of registered NGOs and the lack of a central source of information (also in view of security needs) an initiative to establish a central register has been launched. In 2004, State, District Brcko and Entity Governments signed a Memorandum of Understanding (MoU) for the Establishment of a Joint Registry for Associations and Foundations in BiH. This MoU was also signed for the purpose of "increasing freedom of movement of associations and foundations and for establishing a system of fast access to information on all foundations and associations". The rulebook to implement this MoU is being drafted by a working group including the three competent ministries and the United States Agency for International Development (USAID) funded International Criminal Investigative Training Assistance Programme, which will prepare the database in the framework of its support to the MoJs in BiH. The WG will address also the necessary legislative amendments to ensure that all the information that is to be put in the central register will be requested by each of the applicable laws. This could be a good occasion to exchange experiences and practices, to identify the possible need for further amendments and also to ensure a harmonised application and unique interpretation clarifying the existing provisions.

¹¹ FBiH Official Gazette, No. 45/02: this Law replaces the 1995 Law on Citizens' Associations, the 1998 Law on Foundations and Funds and the 1998 Law on Humanitarian Activities and Humanitarian Organisations (with the exception of a few articles).

A brief analysis of some main differences in provisions and application of the State, RS and FBiH Laws

According to the Team's findings there are still some problems in the practical application of the State Law.

Registration

At the Federal and State level, the MoJs are responsible for registration and for keeping the Registry Books for Associations and Foundations. According to the FBiH Law, in cases where documentation is missing and is not provided on time, a negative decision on the registration can be issued. This is generally the main cause of delay in registration processes both at the FBiH and BiH level.

According to the RS Law on Associations and Foundations, associations and foundations register at the Basic Court in the seat of the District Court in the area in which they have their seat. Courts are obliged to keep a registry and within eight days pass the information to the RS Ministry of Government and Local Self-Government which keeps unique central registers for associations, foundations and foreign and international NGOs which have registered their representation offices in the RS territory. The registration is considered as concluded if the Court fails to meet the registration deadline of 15 days. Given this regime of “automatic registration” in RS, the registration process is much more straightforward than in FBiH.

Re/registration

When the six-month deadline for harmonising the acts of Associations and Foundations with the new Law prior to the enactment of the Law being passed, (*Article 54 of the State Law “Associations and foundations, registered prior to enactment of this Law which want to register under this Law, have a duty to harmonise their acts with the provisions of this Law and, within six months from the day of entry of this Law into force, submit harmonised acts on the registration of the association or foundation to the Ministry”*), associations that have not respected this deadline still prefer to re-register rather than register as a new organisation in order to avoid problems of legal continuity which could also put at stake the right to property acquired or possessed under the old registration. Such a situation has arisen in relevant cases as with the main trade union in BiH - SSSBiH - and more recently with the NGO Vaša Prava. It should be underlined however how this does not affect the activities of the NSAs since registration at any level in BiH entitles an organisation to operate throughout the country, but is rather a matter of principle. State registration might be important for participation in international networks and organisations.

At the FBiH level a similar provision has been more liberally interpreted, so that re-registration is allowed even now. In RS the competent bodies do not face such problems in applying the Law¹².

Public benefit/ interest

In accordance with the State Law all associations or foundations can obtain public benefit or charitable status¹³ from the competent Ministry. Such a provision is not included in the FBiH Law, while a similar one has been introduced in RS by the most recent Law on Amendments and Changes to the RS Law on Associations and Foundations¹⁴ which regulates the status of association of public interest.

¹² Information gained from the RS Ministry for Government and Local Self-government

¹³ This status entitles organisations to obtain exemptions from tax, customs and other areas

¹⁴ RS Official Gazette 42/05

Related economic activities

According to all three Laws an association or foundation “in order to accomplish its statutory goals and activities may establish entities for economic and other activities under conditions determined by the Law and the statute of the association or foundation”. However it “may engage in non-related economic activities (economic activities that are not directly connected to the accomplishment of the main statutory goals of the association or foundation) only through specially established legal persons”. The FBiH MoJ indicated to the Team that this is a root cause of problems in the application of the Law since they consider that permitted activities are not specified. This might result in a delay in the registration process.

Names

According to the Law the names of BiH and its administrative units (Entity, Canton, municipality) can be included in the name of an association only with the authorisation of the competent administrative bodies. Some NSAs reported to the Team that they experienced difficulties in including the titles of administrative units when registering because an association performing the same activities at the same level had already registered with a different name but which included that particular administrative unit.

The aforementioned indicates how there is still no equal and harmonised registration policy at all levels in BiH. Despite the obvious benefits introduced by the new Laws, their practical application indicates that the system of “automatic” registration in force in RS could be a model for the rest of the country.

MoJs and cooperation with the NGO sector

- Currently the MoJs do not perform activities or interact with the NGO sector directly. The Team were told by the State MoJ that it would be ready to establish a more direct cooperation with the NGO sector next year. One idea is to issue brochures in order to simplify the registration procedures for potential organisations.
- The FBiH Ministry does not have such plans and stressed that nothing can substitute for their direct advice.
- The RS Ministry has much looser contacts with NGOs since it is the Courts who deal with the registration process, the Ministry merely keeps the registry. However, the recent amendments to the law mentioned above were drafted and submitted by the Ministry upon solicitation from the NGO sector.

Current and future related activities

General activities in progress

- Initiative of the Coalition to “Work and Succeed Together” to sign an Agreement between the CoM and the non-profit sector. The CoM received the proposal several months ago and has been urged to sign the Agreement as soon as possible.
- Changes to the BiH and Entity *Laws on Associations and Foundations* for the purpose of establishing a joint register that will oblige entities to submit NGO data. The goal is to harmonise the Laws at all levels. A WG for making the necessary technical changes to the above-mentioned Laws and harmonising them has been established.
- A draft law on volunteerism drafted by a WG including mostly local NGOs and chaired by the International Centre for Not-for-profit Law, to regulate the aspect of the activities of volunteers within NGOs.

- The RS draft *Law on Donations* (the WG is coordinated by Lex International¹⁵) which should make it more favourable for the private sector to contribute financially to NGOs and foundations.
- The FBiH draft *Law on Organisations of People with Disabilities* and the RS draft *Law on Invalids' Organisations* prepared by the respective Entity coordination bodies of disabled organisations in cooperation with their respective inter-ministerial coordination groups on invalidity and the CCI would give a special status to these kinds of organisations (see Chapter 6).

The current situation on the number of registered organisations is as follows:

I. Data obtained from the competent ministries

Register	BiH Level No. by 22.04.2005	FBiH Level No. by 17.02.05	RS level No. by 21.04.2005	Brčko District No. by 28.04.2005
Associations	274	853	1614	260
Foundations	24	50	22	1
Foundations of Public Interest (formerly called humanitarian organisations)	1			
Foreign and International Associations	13	185	45	
Foreign and International Foundations	6			
Foreign and International Non-Profit Organisations	18			
Total	336	1088	1681	261

¹⁵ A local NGO with its seat in Banja Luka. Unfortunately they did not respond to repeated invitations to take part in the mapping study.

II. Data regarding the Cantons (as obtained from the FBiH MoJ)

Canton – City	Total Number of Registered NGOs and Foundations By 17.02.2005
01 Bihac	693
02 Orasje	220
03 Tuzla	214
04 Zenica	Not available
05 Gorazde	119
06 Travnik	715
07 Mostar	767
08 Siroki Brijeg	253
09 Sarajevo	768
10 Livno	244
Grand Total	3,993

The total number of registered domestic associations and foundations in BiH is hence greater than 8,000 (7,335 and the missing data from Canton 4).

There are a number of NGOs that are registered, but they exist only on paper as they do not actually perform activities. It should be emphasised that the figures in the above tables refer only to associations and foundations which have harmonised their acts in accordance with the new Laws. Therefore, it is highly possible that some additional associations registered under the old law still continue with their activities since the status of a legal entity is not revoked until their compliance with the new law is verified. This only happens if the need for verification is indicated to the competent Ministry.

Sector institutional mechanisms of involvement of NSAs in policy discussions

Mechanism of cooperation between the municipality and citizens (NSAs) / Gender policy strategy
 Supervision of the implementation of the BiH Gender Equality Law is done by the MHRR. The Agency for Gender Equality has been formed for this purpose within the Ministry. The Gender Centre of the Federation and the Gender Centre of the RS monitor and supervise the implementation of the BiH Gender Equality Law and submit a report on the subject to the MHRR at least once a year. Whilst preparing the report, the Centres have to cooperate with and consult the non-governmental sector, in particular organisations that deal with the protection of human rights and women's rights. They also have to ensure that all levels of government have a balanced gender equality policy and have to cooperate with NGOs and unions in this area.

The biggest involvement of NSAs in policymaking and their direct incorporation in governmental bodies was the establishment of institutional mechanisms for gender issues at State, Entity, Cantonal and Municipal levels. The establishment of Gender Centres at Entity level and the State Agency for Gender Issues are positive examples of initiatives having direct involvement of NSAs in governmental policymaking.

Gender Centres, Gender Equality Agency and their roles

BiH is part of the process for EU enlargement and it is a member of the Council of Europe (CoE). Conditions for promoting gender equality, established by the CoE, are based on the EU Framework Strategy for Gender Equality. Countries who are members of the CoE are obliged to ensure that their institutions implement legislation that concerns gender and gender equality. In addition, they are obliged to respect the human rights of everyone who lives within their borders and to take positive measures in promoting and protecting those rights. The CoE has defined the Gender Equality Strategy as “reorganisation, development and evolution of political processes so that gender is incorporated into policy at all levels” taking into account planning, drafting and adoption of political instructions.

The BiH Government signed and adopted the Peking Declaration during the Fourth World Conference on Women, held in Peking in September 1995. The Government also accepted the responsibility to establish an institution for the progress of women as a central coordination unit within the Government. The main objective is to support the Government in applying gender equality in all areas of politics.

One of the necessary conditions for the effective functioning of the institutions that have been set up to deal with the gender issues comprehends:

Institutional mechanism or processes which make possible when needed decentralised planning, implementation and monitoring considering engaging NGOs and organisations at the local level from the widest masses.

The entire process of gender integration in BiH has taken time and needed strong financial support. The Gender Equity and Equality Project (GEEP), an international project of Finland and BiH, took on this responsibility in BiH. Coordination and realisation of the project was entrusted to the Gender Centres of the RS and the Federation and IBHI acted as executive agency. The main goal of the project was to create conditions for gender equity and gender equality which represent a precondition for democracy and the overall prosperity of society. The purpose of the GEEP project¹⁶ was gender integration as a strategy and the development of methods and means for achieving gender equity and equality with a final goal of a more efficient use of available human resources in society.

Gender Centres were established by the FBiH and RS Governments' Decisions before the BiH Law on Gender Equality was passed. At the very beginning the FBiH Gender Centre was established at the Ministry for Social Affairs as an ad hoc expert entity by the Decision of the FBiH Government 25th December 2000. Then it was formed as an independent body for developing national mechanisms for gender centres. The RS Centre for Equity and Equality (hereinafter RS Gender Centre) was established by the Decision of the RS Government 20th December 2001 and became operational in 2002. The establishment of such bodies at Entity level was one of the conditions for the entrance of BiH into the CoE. The mission of the Gender Centres is to introduce gender equality and equity in all areas of social life by means of laws, programmes and policies in cooperation with domestic institutions and organisations, as well as by following gender equality principles prescribed by international conventions and agreements ratified by BiH.

¹⁶ Implementation of the project started in 2000 and finished April 2005.

The BiH Gender Equality Law requested the establishment of a Gender Equality Agency at State level for the implementation of the law within the State MHRR. The Agency only became operational in February 2005, although it was established at an earlier date by the Government's decision. It undertakes the same activities as the Gender Centres. Currently it is working on the harmonisation of the State Plan of Action for promoting gender equality, which has been finalised at Entity level. A State Plan of Action will be formed from the two Entity Plans respecting the structure of BiH. The Agency is also coordinating and following the implementation of the Gender Equality Law.

In addition, a module is being created to identify any discrimination in the BiH legislation that directly concerns the areas targeted by the Law on Gender Equality and thereupon to identify which laws need to be amended. WGs have been established from non-governmental and governmental organisations. 18 NGOs are included in the Law implementation process.

Municipal Commissions for Gender Equality have been formed in almost all municipalities. In the Federation the first idea was to form Gender Commissions within mayors' cabinets, but later on it was decided to form the Commissions within the Municipal Councils. The RS Gender Centre established Commissions in 21 municipalities in the mayors' cabinets. The Commission in Brcko District was established by the Mayor of Brcko District.

The mandate of these Commissions at Municipal level is the same as the mandate of the Gender Centres, only reflecting a lower level. The Commissions have at least one representative from the NSA sector. This is an example of a direct institutional mechanism of cooperation between the municipality and citizens whereby representatives from the NSA sector can affect changes in municipal decisions.

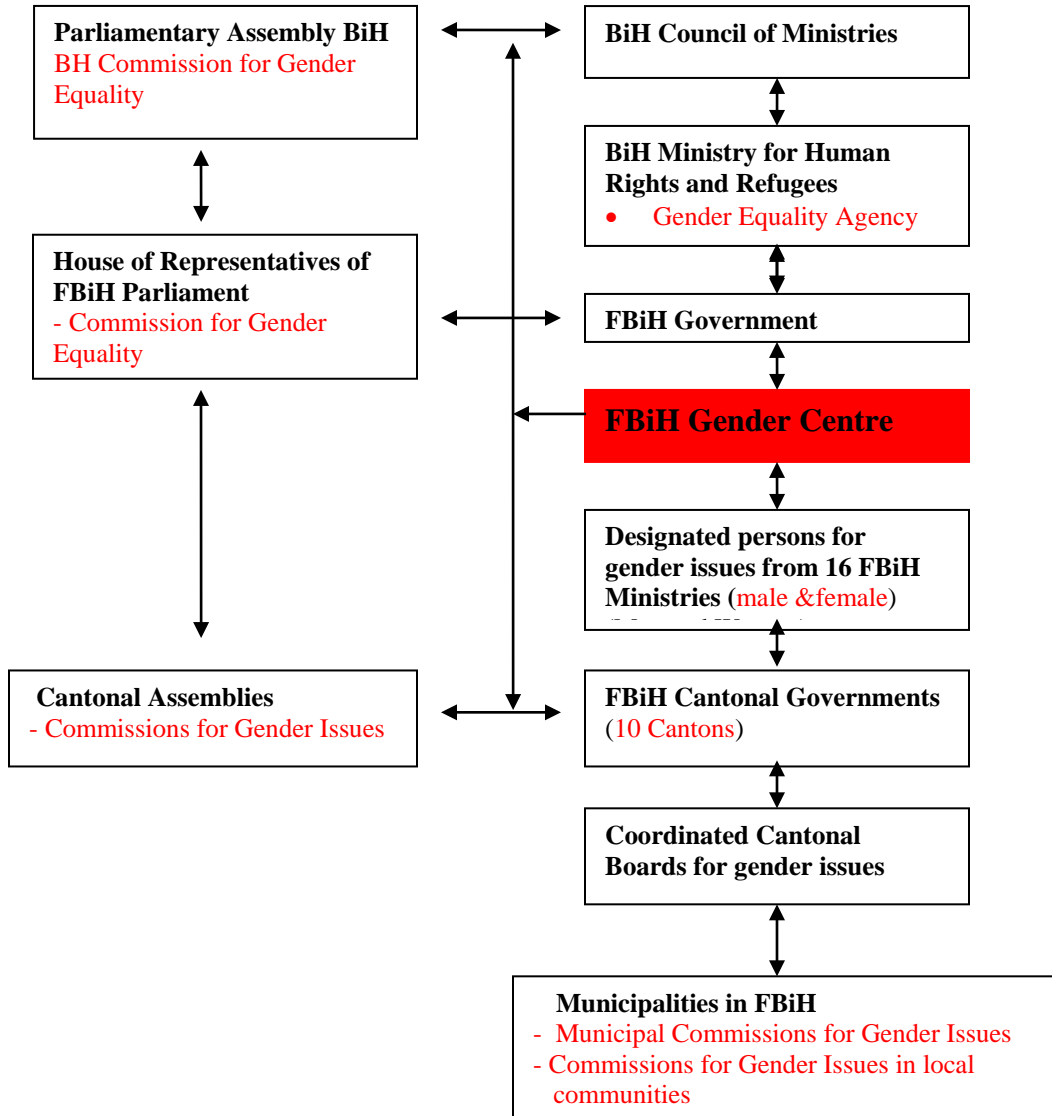
Comments from the Gender Centres on the involvement of NSAs representatives in practice

Cooperation with CSOs was at first related to drafting the first report on the Convention on Elimination of Discrimination against Women. However, when the organisations representing the NSAs were invited by the BiH Parliament after the public discussion to submit their comments in written form, they did not respond.

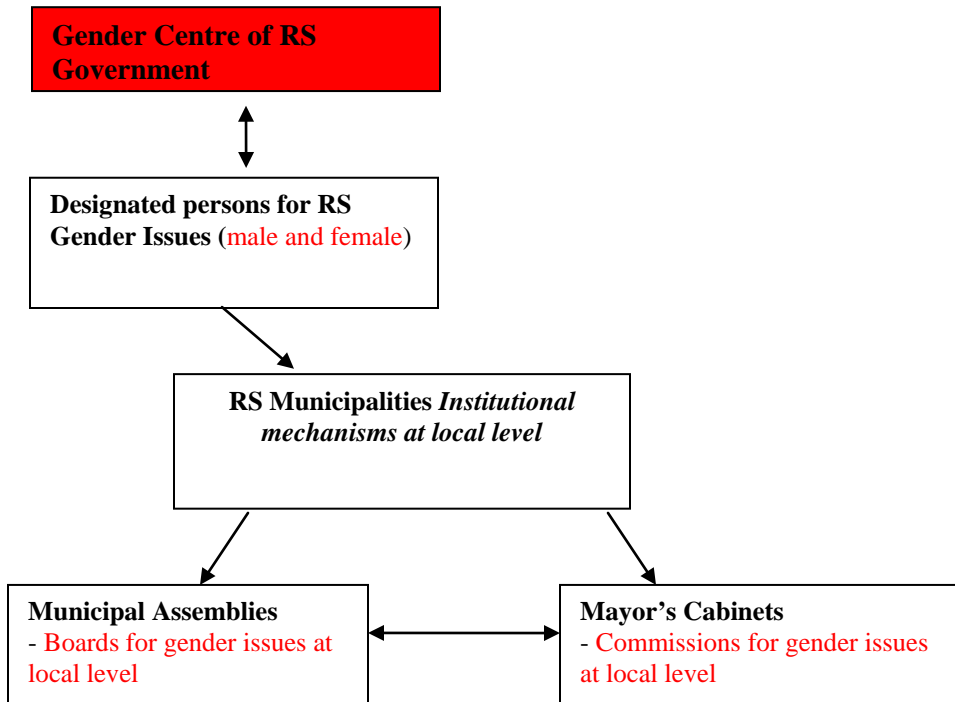
In addition, NSA representatives were invited to take part in the final discussions that were held on the draft State Action Plan where they had the opportunity to give their comments and suggestions. However, after the discussions only two organisations submitted their comments in writing.

In both Entities NGOs were involved in the process of drafting Entity Laws on Domestic Violence. NGOs were also actively involved in the process of adopting the BiH Family Law. However, although the Municipal Gender Commissions are mainly established in all municipalities, the majority of NGOs that were visited by the Team did not recognise the role of the Commissions as mechanisms of cooperation between the local governmental level and the citizens. Therefore, the functioning and effectiveness of these Commissions is yet to be seen.

I. Graphical overview of the institutional mechanisms for gender equality at state, federal, cantonal and municipal level



II. Graphical overview of the institutional mechanisms for gender equality at RS and RS municipal level



Anti-Trafficking Referral Meetings (ARM)

BiH has become a country of destination and transit for victims of trafficking. BiH authorities started to actively address the problem in 2001 when the CoM adopted the National Action Plan on the prevention of the trafficking of human beings. In July 2003 the CoM established the function of the State Coordinator for BiH which replaced the State Commission for realising the Action Plan. The State Coordinator – in cooperation with the State officials appointed for coordination within the relevant Ministries and the Office of the State Prosecutor – is responsible for organising and holding every three months a national referral meeting with all organisations and institutions, both domestic and international, that are involved in activities for the suppressing of trafficking of human beings and illegal immigration in BiH. Such referral meetings are praised by all the participants as an effective means of exchanging information and of identifying possibilities for better coordination. It is not uncommon that new activities and separate meetings on specific issues (like the sub-group on children that has been established) originated from such meetings.

Roma Advisory Board (RAB)

The establishment of this body resulted from the discussions between the Organisation for Security and Cooperation in Europe (OSCE) and the MHRR which took place at the beginning of

2002 following the adoption of the Roma Platform and the election of the Roma Council (see Chapter 5 for further details). The body is composed of 18 representatives (nine from the relevant State and Entity ministries and nine members of the Roma Council) and held its first meeting in June 2002. OSCE is regularly present at the sessions as an observer. Unfortunately the Team did not receive a reply to the request it sent to the MHRR to attend the RAB session which was held during the project period.

The RAB meetings are chaired by a Roma representative, but are actually convened by the MHRR. Meetings have taken place on an irregular basis. Roma Council participants are generally dissatisfied with the very poor attendance from the institutions, with the exception of MHRR representatives which are considered to be its driving force. No thematic subgroups have been established due to lack of travel resources and lack of time (especially concerning the institutional members of the Board). As a result, ministry representatives were involved in long discussions on issues that did not belong to their sector and began to attend the meetings less frequently.

Comparison of ARM and RAB

- The mandate and obligations of the institutional actors are clearly defined in the CoM's decision which establishes ARM.
- ARM constitutes an occasion for the effective exchange of information among the State coordinator and the NGOs which work on the same issues.
- The RAB should be the one pushing the relevant Ministries to take actions on specific concrete problems. If the ministry representatives are absent or do not report to their institutions, the chairperson should then solicit them. Certainly personal attitudes play a role, but it is also true that an institutional actor (like the Coordinator in the case of ARM) can easily be much more effective in front of local institutions.
- Funds are available to implement projects within the anti-trafficking sector whilst the Roma projects are limited to the very small RAB budget (20.000 KM for all its related activities in 2005) and have no connections with other donors.
- Potential donors attend – as members or observers – the ARM, which gives an additional incentive to participation.

<p>Chapter 4: An overview of other main donor initiatives related to involving civil society in dialogue as well as to capacity building of civil society</p>
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The end of 2005 will mark the ten year anniversary of the end of the war in BiH and the signing of the Dayton Peace Agreement. The initial focus of donor assistance was on humanitarian aid, such as housing, reconstruction and psycho-social support and later on income generation and the reintegration of returnees into their communities. It had as a side effect the creation of a number of domestic NGOs as implementing partners of such programmes, frequently under the umbrella of international NGOs. A second programming phase aimed mainly at strengthening civil society and at fostering community projects. Over the last years, the focus has generally turned towards increasing partnership among institutions and the non-governmental sector.

During the project implementation period, the Team met with various international organisations to discuss current and future programming and funding priorities within the context of civil society. There are still many organisations present in BiH providing a variety of funding opportunities on different levels. *The following information is an overview of information obtained from donors who are very visible on the field.*

Canadian International Development Agency (CIDA)

The Canadian approach to development assistance in the Balkans has been recently redefined and now reflects the priority needs addressed in the MTDS with focus in the sectors of rule of law, health and education.

The Peacebuilding Response Programme within the rule of law sector is a small grants quick-response scheme that supports initiatives from local partners to implement projects in various areas, such as education, environment, human rights and good governance, focusing on capacity development of local institutions and organisations. The health programme deals with issues such as improving the practice of family medicine and supporting disabled, war victims and youth. HIV/AIDS prevention is also an important focus in cooperation with the United Nations Children's Fund (UNICEF). In conjunction with the World Bank's Global Distance Learning Network, CIDA contributes to a learning programme aimed at developing public and private sector management.

Denmark

The Danish development programme aims to support beneficiary countries through long-term programmes which take into account national strategies by channelling assistance through sector programmes which support national initiatives within health, education, etc.

Since 1999 the Danish government has supported a regional civil society programme covering the former Yugoslavia, Albania, Bulgaria and Romania, consisting of six networks in the fields of media, human rights, refugee assistance and youth¹⁷. The focus of the programme, due to run until 2007, is strengthening of civil society, democratisation and reconciliation with an increased focus on advocacy and partnership with authorities. From the very beginning the programme took a participatory approach giving high priority to the development of the networks own decision-

¹⁷ See www.fresta.org.

making structure, funding mechanisms and ownership. Until this year, the programme has been implemented by a Danish organisation. Now the plan is to transfer responsibility to local partners. The secretariats of the above-mentioned networks are in the process of registering as local organisations and will take over the responsibility of the contracts.

The administrative capacity building programme focuses on return issues, economic development, administrative capacities, education and cooperation with civil society and citizens' participation. In particular the municipality capacity building programme has involved the participation of civil society organisations and has been very successful.

Administrative capacity building is to be integrated into the economic development programme. Projects are currently being identified with stakeholders' meetings planned for June and implementation will start towards the end of the year.

UK Department for International Development (DFID)

Following the closure of the Small Grants Scheme which was addressed to NSAs, DFID's future strategy to increase the role of civil society is through its contribution to the PIMU within the MTDS. The Foreign and Commonwealth Office does have funding opportunities through various foundations for civil society projects, but they are managed from London and do not involve DFID.

DFID believes that it is time for local ownership reform, but this requires accountability and transparency. It sees the MTDS process as a positive step for the involvement of NGOs and CSOs, but more indicators are required to show its progress. However, as mentioned in the previous paragraph, DFID has allocated funding for technical assistance to PIMU. The initial stage is to select five consulting companies who will provide the technical assistance. The selection should take place in London in July with, if plans go ahead, the direct participation of senior figures from PIMU and EPPU. The civil society component of the assistance is capacity building of local organisations - training and MTDS monitoring. The criteria are still to be identified, that will be one of the tasks of the consulting companies.

Embassy of the Kingdom of the Netherlands

Since the end of the war, the bulk of Dutch funding was allocated to reconstruction projects. For the past 4 to 5 years, a concise programme has been implemented and continues to be implemented for the development of good governance whereby funding has been provided to both institutions to strengthen local public administration and capacity building at state and municipal levels and to CSOs for the development of civil society and good governance.

Swiss Agency for Development and Cooperation (SDC)

Through IBHI, SDC continues to focus its social sector programmes on financial support to and institutional empowerment of NGOs which are engaged primarily in youth work, care of the elderly and mental health to strengthen their professional and organisational capacities.

A key challenge for past programmes supporting NGOs has been ensuring their sustainability and integration at the local level as well as supporting them to contribute to social development and social and political change. This type of capacity building will also continue to be an important part of the social sector programmes.

Support and expertise will be provided to support the MTDS with emphasis on increasing inputs in policy dialogue and active participation of NSAs through working groups and steering committees.

Swedish International Development Cooperation Agency (SIDA)

Swedish development assistance in BiH aims to integrate the country into European structures. Since European integration is becoming an important focus of development cooperation, SIDA actively supports the MTDS process which is recognised as a key policy document on economic and social issues. The current strategy which runs until 2006 concentrates on a number of sectors: human rights and democracy, social sector and culture, refugee return, private sector and public services.

Support to civil society has been extensive within the sector of human rights and democracy, in particular in areas of the independent media, women and gender equality, youth and democracy trainings. Swedish organisations are still active in BiH working with local partners such as Kvinna till Kvinna which provides supports to womens' organisations and the Olof Palme International Centre.

United States Agency for International Development (USAID)

The programmes of the aid agency of the Government of the United States aimed at civil society strengthening are the results of a comprehensive strategic view, created and reviewed on the basis of the USAID civil society assessment reports that were issued in 2000 and 2004 and are publicly available. Such reports were drafted following interviews and focus groups which involved members of 43 domestic NSAs. Therefore, USAID can be considered as the first donor in BiH which began to involve NSAs in its strategy making process.

USAID has also been the first donor to assign the management of financially relevant and complex projects directly to domestic NGOs (CCI and CPCS) without the mediation of an international partner.

The Urban Institute runs a multi-year programme involving policy making training for several institutional (mainly from EPPU and DEI) actors along with NSAs and in particular think-tanks.

USAID programmes include support to Trade Unions development, independent media and a grant to the International Centre for non-profit law based in Budapest to provide technical support to the process of revision of the legislative framework

The focus of the programming in the current planning period is continued minority returns, deepening economic return and strengthening democracy through an emphasis on local development and strengthening of state institutions. In terms of NGO sector programming, ongoing support aims to strengthen internal capacity of NGOs so they can effectively represent the interests of their constituents at government level, by increasing organisational capacity, developing personnel and management systems, bolstering governance structures and improving fund raising methods. Programmes also help local NGOs increase community and grassroots participation, and effectively use the media.

Office of the High Representative (OHR)

Although not a donor, it should be noted that OHR has recently expressed its intentions to provide more political support to civil society forces and issues by assisting the IC which is already heavily involved in this area.

As the chief civilian peace implementation agency in BiH, part of OHR's role is to co-ordinate the activities of the civilian organisations and agencies operating in BiH. OHR believes that an

active and engaged citizenry is essential for democracy and that a developed and strong civil society is an essential requirement for every modern democratic state. Therefore civil society strengthening represents one of the thematic focuses in the portfolio of the Senior Deputy High Representative.

An informal meeting was held March 7th, 2005, at OHR, chaired by Senior Deputy High Representative Ambassador Wnendt, with major IC representatives involved in civil society strengthening in BiH. The aim of the meeting was to discuss general efforts at strengthening civil society engagement and civil participation. OHR also presented briefly its project "Building the Identity of BiH Citizens" which aims to raise awareness of individual and collective civil rights and freedoms and strengthening the identity and self-confidence of BiH citizens. It is one of the projects currently being considered for implementation in cooperation with some major international and domestic agencies from the civil society sector.

It is expected that the new Senior Deputy High Representative who is due to take up his mandate at the beginning of June will continue to support these initiatives.

Remarks

- Programmes addressing institutions have also aimed at strengthening their capacity to establish partnerships with the non-governmental sector. At the State level efforts appear so far reasonably coordinated and concentrated on support to the establishment and strengthening of the EPPU as the body which should become able to identify and draft the strategic options for the country, and able to open on them a continuous dialogue with the civil society. At the municipal level a variety of initiatives aimed at establishing institutional forms of cooperation among local authorities and CSOs funded by several donors (the largest being the Governance Accountability Programme GAP funded by USAID) and the OSCE seem to overlap, leaving in some cases little space for a natural evolution of this relationship.
- Several programmes require that NGOs applying for funds seek recommendation and support from their local authorities. Such conditions which are aimed at ensuring a better coordination and representation of community interests have in some cases provided the possibility to mayors to prevent the development of projects created by organisations which are considered political opponents and in general introduce an element which might inhibit more critical stands to be taken by NGOs willing to develop their activities. A common stand of the donors on this issue would be valuable.
- The number of initiatives aimed at strengthening NSAs beyond traditional NGOs seems to be increasing, as is the case of trade unions (USAID) and agricultural producers associations (International Fund for Agricultural Development) and it would be recommendable for such trend to continue.
- The importance of small grants programmes can hardly be overestimated, since they enable new and grassroots organisations to realise their projects at a local level and offer them the possibility to prove themselves to apply for more consistent funds (like the European Initiative for Democracy and Human Rights). This year CIDA continues its small grants programme whereas DFID has terminated theirs at the end of the last financial year. The World Bank small grants will continue, but their total value is hardly making an impact (this year it amounted to 35.000 US\$). It should be seriously considered by donors the

possibility of basket-funding for a common new scheme. Through a consultation with the same NSAs – the better option for a small grant scheme (a State run fund like in Croatia, an existing foundation/organisation, or one created ad-hoc) could be identified. Interested donors could then, with consistent savings in staffing and monitoring, pour their contributions, earmarking them – if they so wish – for projects in a specific domain. The Dutch Embassy expressed to the Team its great interest for such a development.

- There are already several good examples of donor cooperation and basket funding: both SIDA and the Dutch Embassy have supported the EU RED programme by giving direct assistance to REZ, the RDA in Zenica which covers central BiH. UNICEF, within the context of its regional programme in the Balkans, has joint projects tackling the issue of HIV/AIDS prevention with both CIDA and SIDA and children's trafficking in cooperation with the Office of State Coordination for Anti-trafficking, along with OSCE.
- DFID recognises the existence of a common agenda with other donors and is keen to promote co-funding and partnerships between donors in order to avoid duplication. Discussions are currently taking place between DFID and the Swedish Embassy to pool funds within the area of economic development. Like DFID, the Dutch Embassy encourages a coherent effort when it comes to donor funding in order to avoid duplication. It was mentioned how the same proposal can be submitted to several donors and even approved by more than one donor since there is no effective method of verifying which proposals have been submitted and where. Austrian development assistance supports the idea of providing complementary funding to other donor projects in order to 'fill in the gaps', thereby allowing funding to be used to the maximum and avoiding project duplication. Donor cooperation is often spoken of, but does not seem to be using its full potential as it could do.

The following four chapters, in addition to addressing the analytical overview of the main NSAs and an appraisal of their capacity to contribute to the development process, will also, where applicable, refer to legislation that is relevant to its particular sector.

Chapter 5: Democratic Stabilisation

This chapter gives an overview of the main CSOs which are not included in the other sector chapters, and organisations which promote its role. Distinction is made between organisations which work mainly in the strengthening of the NGO sector and the ones which address civil society, promoting citizens participation in public policy. An overview is then given of “identity” organisations like Women, Youth, Roma and returnees. Associations of people with disabilities, which naturally belong here, are presented in Chapter 6 because of their substantial contribution to planning and enforcement of social policy. Similar considerations can be made for all organisations presented in the other Chapters since it is obvious that all of them in a sense contribute to democratic stabilisation with their work. A last section is dedicated to NSAs in the Media sector.

5.1 Legal framework affecting NSAs in the Democratic Stabilisation sector

The legislative framework affecting all the NSAs in this sector is discussed in Chapter 3. Here only the Law on Youth Organising¹⁸ will be referred to as it regulates separately the issues of registration, formation and organisation of youth organisations. This Law also creates the Youth Council as the Government partner in creating and implementing youth policy and clearly defines as an obligation that the RS Secretariat for Sport and Youth finances the RS Youth Council. When it comes to registration the provisions in the Law are the same as those in the RS Law on Associations and Foundations, i.e., youth organisations can be formed by at least three natural or legal persons, etc. FBiH still does not have a law on youth organising.

5.2 Overview of the main NSAs for each type in the Democratic Stabilisation sector

In this as well as in the next three chapters the main NSAs will be identified for each of the “types” identified within the sectors (see Annex II for NSA types).

Both voluntary participation in citizens associations and participation in policy making (e.g., at the local community level, or partially at the workplace) were concepts familiar to Yugoslav citizens. What was not common was the association of one with the other. After the war donors considered how to ensure the introduction of stability and democratic prosperity to citizens in BiH not only through elections but also through “democratisation” activities aimed at strengthening citizens’ participation in society. Many organisations recognised the importance of this change and chose this sector as their field of work. Some of them developed their activities successfully, bringing positive changes to ordinary people. Powerful organisations are still based in the big cities like Sarajevo, Tuzla and Banja Luka and bring changes at State and Entity levels whilst there are numerous organisations in small towns and villages whose efforts are having a positive impact on local communities.

This is something different from the existence of civil society as organised groups of citizens acting for their own good and the good of the environment in which they live. Among the studies

¹⁸ RS Official Gazette 98/04

produced on the subject, the Team refers the reader to the above-mentioned USAID report “Civil Society Assessment in BiH” of June 2004 in order to obtain a thorough analysis of the current status of civil society. The Sterland report “Serving the Community – An Assessment of Civil Society in Rural BiH” issued in January 2003 provides a unique insight into this specific reality. See Annex V for list of reports and publications consulted by the Team during the project implementation period.

NGO Strengthening Organisations

This group includes organisations and networks which aim at strengthening both NGOs and the role of the non-governmental sector in society.

The *Reference Group Tuzla (RGT)* was established at the end of 1996 as an informal network. Since that time it has become undoubtedly the most successful network in BiH and as a result even organisations outside its original area - Tuzla Canton – have asked to be affiliated. It includes now 69 organisations divided into six WGs: psycho-social support, media and networking, problems of disabled people, youth, economic sustainable development and legal issues. The thematic WGs meet at least every two months. All *RGT* members are extremely satisfied with the quantity and quality of the information they receive (mainly by e-mail) on issues such as possible sources of funding, tenders, training opportunities, policy discussions, etc. Through its working groups, the *RGT* has participated in a number of public advocacy campaigns (for the Law on Domestic Violence, the implementation of the BiH Gender Equality Law). It has also contributed to a number of strategic documents (the MTDS, the strategic development plan for Tuzla Canton, the strategic development plan of West Bosnia with the local Regional Development Agency ARD NW¹⁹).

The *Centar za promociju civilnog drustva (CPCS – Centre for the promotion of civil society)* aims primarily at developing civil society influence on public policy. It produces a range of publications; its magazine “Local Self-governance” – directed at municipality civil servants – is an example of their approach to the institutions. The *CPCS* has developed contacts with political parties (e.g., a project funded by the CoE on BiH political school); due to the fact that one of its staff is also a member of the RS National Assembly, they are one of the NGOs which has better contacts with political parties (together with the CCI, see below). They are now expanding their interests to establish relations with the private sector and have in progress a project on the “Social responsibility of companies”. The organisation is very much centred on the figure of its Executive Director, who seems to be the only one possessing the complete picture of the current activities and of the next possible strategic steps.

CPCS has been heavily involved in the coordination of the project which led to the establishment of the *Coalition To work and Succeed Together (Koalicija Raditi i Uspijeti Zajedno - KRUZ)*. The first steps of the project date back to February 2001, when representatives of different NGOs were invited by the *CPCS* to a conference titled “Towards a better understanding of the civil society”. The process which was then initiated²⁰ led to discussions by an increasing number of NGO representatives about a Development Strategy of the non-profit sector of BiH. While such a strategy document has yet to be completed (only its main points have been sketched) the clear direction taken was to create a network of organisations that would abide by a Code of Conduct for the non-government sector in BiH. Such a network (which eventually became the *KRUZ*)

¹⁹ See Chapter 9

²⁰ More details can be found in the booklet “The history of the Coalition” issued by the *CPCS* in June 2004. In the same series they published booklets (in English and Bosnian) for each of the key documents mentioned in this paragraph.

would be to draft and propose for signature an Agreement on relations between the CoM of BiH and the non-governmental sector in BiH which would have as annex a document on Service quality standards between the CoM and the non-governmental sector in BiH. Such documents have in fact been drafted with the contributions of a number of NGOs, and are now waiting for an answer from the CoM about the proposal to sign them jointly.

Appreciating the value of the Tuzla experience, it was decided to develop 14 more Reference Groups all over the rest of BiH. *KRUZ* now includes more than 300 organisations divided into 15 Reference Groups (including the *RGT*). The area covered by each reference group has been established following geographical criteria rather than the political administrative boundaries within BiH. The *RGT* trained all the other new groups in order to pass on its experience of successful networking, flow of information, creating initiatives and respect of difference among members.

At this stage, the Reference Groups are in the process of registering as associations (each chooses the administrative level at which they prefer to register); when this process is concluded all of them will be able to formally constitute the *Coalition KRUZ* which then should be registered at the State level. Some of the Reference Groups are aiming at initiating activities in the future. According to the Team's findings, the amount of information shared by each Reference Group with its members is not uniform, nor is the frequency of the meetings.

It is difficult to predict if this Coalition will survive on the long term when there will be no funded project supporting it. However, even in the worst case (disbanding of the Coalition) it appears that at least some of its Reference Groups will remain as sustainable networks which could be considered a success. At the moment, funds for the project are guaranteed by USAID for two more years to come.

The Coalition held a general meeting in December 2004 in Sarajevo, making public the point of its activities. It is now actively looking to secure donor funding to hold another meeting in December 2005. This could be a good occasion for the EC to directly address an important group of NSAs and the civil society, encouraging their participation – direct or indirect – to the consultation process on EC-funded planning.

The organisation which has probably the longest presence in the BiH NGO scene is *ICVA*, since 2002 registered on the State level as *ICVA – Initiatives and Civic Action*. In 1996 *ICVA* was the local section of the International Council of Voluntary Associations and as such was organising regular meetings among the (at the time, only international) NGOs. This function has been inherited by the *NGO Council* (see below), for which *ICVA* is serving as a secretariat (besides being an active member), getting for this service half of the fees paid by the Council members.

After having issued in the last years a range of publications on the NGO sector²¹, *ICVA* is now specialising in strengthening and empowering NGOs for their dialogue with government on strategic policies. In 2004 it developed for Nations Development Program (UNDP) a series of criteria for evaluating human rights standards compliance, and is now involved in the MTDS monitoring (see Chapter 3 for more details). *ICVA* is now in the process of preparing a new NGO Directory for BiH (the last was issued in 2002).

With four staff members, out of which two have mostly administrative tasks, *ICVA* is a small organisation led by two dedicated individuals. Its strengths – the network of contacts acquired in

²¹ The list in Appendix V includes the most significant.

years of work and its visibility with the donor community – are probably at the same time its weaknesses because it has demonstrated that while it is always open to share information with anyone would request it, it is not so actively seeking to enlarge the scope of its network.

The *NGO Council* affiliates currently 29 International NGOs and 16 local NGOs, all but one (Žene BiH Mostar) based in Sarajevo. It holds monthly meetings and disseminates information to its members. In 2005 a total of ten multi-lateral international agencies and donor representatives attended the meetings as observers. The Council elects an Executive Committee (ExComm) in charge of planning and developing policies. ICVA as a secretariat provides the technical support for the meetings.

Thanks to *ICVA's* visibility in the donor community, the Council receives requests and information. The distinctive characteristic of this informal network is the mix of international and local NGOs in the membership (some NGOs interviewed by the Team saw it mainly as an opportunity to make them known to potential funders). After the facilitation of the CSO participation into the MTDS drafting initiated by its ExComm in 2001 (see Chapter 2), the Council has not taken any public initiatives. It appears that the new managing board elected last March for a one year term will take a more active role in proposing actions related to the change of the taxes provisions affecting NGOs laws. As a network it has not yet contributed to any policy discussions, nor have its members seem to have taken such decisions.

The *Union of Telecottages (Savez Teledomova)* is another network whose goal is to strengthen and provide support to its members NGOs. Telecottages were established by DemNet (Foundation for Development of Democratic Rights) USAID funded project in the whole territory of BiH, mostly in rural areas or in minor towns. Their aim is to improve the standard of living in their communities and provide a range of services to the citizens, as well as to promote local development and employment. All the current 24 members have been funded in the past by the USAID DemNet Programme and have a shared background of joint training; some of them were already existing NGOs and have kept a range of other activities (like the *CIPP Zvornik*), some were created as telecottages and developed further (*Luna*, *Rudo*), some continue to be only telecottages (*Višegrad*, *Kozara*). The network as such is not yet interested in taking part in policy/strategy discussions and is now in the delicate phase following the end of the programme which led to its establishment.

It is worth mentioning here that several organisations are able to positively contribute to the strengthening of other NGOs by providing specialised training, such as *TALDI* and *BOSPO* in Tuzla, *Helsinki Forum Gradjana* in Banja Luka, *Izborplus* in Sarajevo. *Pro Mente* in Sarajevo (which works on the support of the society through psychological, pedagogical and social disciplines) is the first which has initiated an advertisement campaign for its services (started addressing the NGO Council). While usually such trainings are a charged service, these organisations are generally ready to provide them for free (i.e. having only costs reimbursed) for emerging but budget-less grassroots organisations.

Citizens' participation strengthening organisations

The most professional organisation which deals with the strengthening of civil society by increasing citizens' participation in decision making process is the *Centre for Civic Initiatives (Centri Civilnih Inicijativa – CCI)*. It employs 35 staff members in a total of six branches throughout BiH covering eight municipalities. At the beginning of their activities they organised the monitoring of elections, acquiring the capacity to mobilise a huge number of citizens' organisations and groups. They have led and supported a large number of advocacy campaigns, which they selected for the impact they were able to have on the participation of citizens in public

life. Two of the most successful campaigns were for the direct election of mayors in FBiH and for the election of schools directors by citizens in Tuzla Canton.

CCI could also be included in the preceding category (NGO strengthening) since it works with a number of organisations, such as organisations of people with disabilities for the project “We are all equals”²², different NGOs in Canton 7 when advocating for the adoption of the Cantonal Law regulating social protection. Currently they are contributing (never alone, and acting as facilitators rather than giving their own suggestions) at reviewing and drafting ten laws in BiH - five in RS and five in FBiH.

The Team has to remark how all but one²³ of the organisations that cooperate with *CCI* mentioned them in a positive context (which in the BiH NGO community seems more an exception than the rule). One of the strengths of the *CCI* is the remarkable capacity it has to mobilise the media to support its campaigns.

An organisation with similar goals to introduce positive changes in society but working only at a regional level is *BOSPO* which has organised more than 20 advocacy campaigns. The most significant one (run together with *CCI*) is the election of two school principals in Tuzla Canton where parents and teachers participated actively.

Vesta Tuzla is an organisation for public advocacy working towards the active participation of citizens and gender equality in decision making process at the local level. It differs from the other organisations because it owns a radio station through which it runs programmes for the strengthening of participative media. The direct radio programme is related to gender sensibility, awareness of environment, strengthening of human rights.

The *Helsinki Citizen Assembly (Helsinki Parlament Građana)* concentrates on gender issues, youth, relatively recently on national minorities and on the improvement of the relations among municipalities and citizens. Although based in Banja Luka, it covers entire BiH. It is one of the leading pillars of the RG in Banja Luka.

The only domestic organisation at State level aiming at empowering local communities is *Mozaik*, which used to be known as *NGO Foundation*. Its main programme consists of providing community capacity training through a network of specialised trainers (mainly belonging to NGOs) to local small CSOs in selected local communities, and appropriate small grants to enable them to carry out their priority projects. It has coordinated the production of five strategic papers on the capacity of BiH with regard to the main areas (Competition and State Aids, Internal Market, SMEs, Energy and Justice and Home Affairs, all available at their website) crucial for the EU accession process, commissioned by the European Institute in Sofia. The role of *Mozaik* was to coordinate and support the work of the individual external researchers that were identified; it decided not to contribute further to this project because it was not in line with its mission and priorities²⁴.

A number of organisations based in middle size towns/communities perform a diversified range of activities, which make them difficult to categorise (this is why they are classified generally under “civil society strengthening” in the Table in Annex III). They admittedly follow donors’

²² See further Chapter 6

²³ The Roma Council, which complained because it was not consulted at all for the initiative of amending the BiH Law on Protection of Rights of Members of National Minorities, BiH Official Gazettes 12/03

²⁴ More information on the project available at <http://www.western-balkans.info>.

priorities, (sometimes for them drafting a strategic plan means trying to guess donors priorities in advance). Their role should however not be underestimated: in the locality where they operate they may be the only active non-institutional body and can act as catalysers for citizens for a range of activities. Their contribution to policy making and monitoring can be valuable because they can be the link between civil society where they belong and the policy makers. Many of these have participated in advocacy campaign at a local level. It is worth mentioning *Futura Plus* in Teslić (participated in campaigns on the Law on Prevention of Smoking Tobacco Products in Public Places on RS level and the Law on Social Protection), *Udruženje inženjera* in Banovići which led important initiatives at local level like the Proposal for the creation of Strategy of Banovici Municipality working together with municipal representatives and an anti-corruption campaign), *DON* from Prijedor (initiated the public campaign “Let’s protect the River Sana” and advocated with the municipality for its cooperation with NGOs). *Bona Fides* in Bijeljina is one of the rare organisations which have a project with the local business sector (the company 'Bobar' pays scholarship for students).

Women's Associations

There are many women's associations, and there is not a single network which gathers them. The case of the discussion on the draft Law on Domestic Violence has shown however that they are able to come up with joint positions and joint initiatives.

In Sarajevo the organisation *Women to Women (Zene zenama)* works on empowering women and women’s groups. With a long list of international donors they played an important role in campaigns at both State and municipal levels. At the State level they lobbied for the Law on Gender Equality. At the municipal level the organisation took part in the forming of the Gender Commissions. It maintains especially close relations with the other women's organisations funded by the Swedish Kvinna Til Kvinna. All of the members of this informal network met by the Team were enthusiastic of the attitude of their common donors, a mixture of attention and interest without interference on their choice of goals.

The two organisations *BiH Women’s Initiative Foundation* and *Bosnian Women Economic network*, which are briefly presented in Chapter 6, also took part in lobbying for the Law on Gender Equality and played an active role in the creation of MTDS.

There are several very active women's organisations based in Tuzla - *Amica Educa* and *Prijateljice* through similar activities work on women issues. They have participated in advocacy campaigns and have taken part in the creation and monitoring of MTDS through the *RTG*.

One particularly interesting women's organisation based in Tuzla is *Better Future*. It is specific because it is the only organisation that works on issues of Roma women. As member of the Roma Council (see below) it has contributed to the drafting of the Roma Platform and of the National strategy for the solution of the Roma problems.

The *Association Zena BiH* based in Mostar covers with its activities the Herzegovina Neretva Canton. Its activities focus on women, elderly and children without parental care. They own property which provides support to women in education, from where they run a business and a day-care centre for elderly people. Recently they opened a shelter for women victims of trafficking. *Most* in Visegrad works on rights of women at Entity level. A real grassroots organisation visited by the Team is located in the village of Kravica near Bratunac - *Maja Kravica*. This small group of women deal with gender awareness and women's rights. They have made remarkable changes in the local community regarding the participation of women in local government.

Youth Associations

Organisations working on youth issues understand that the youth is the future and they have started to act more aggressively in the field of politics and economics. Good examples are present in big cities like Sarajevo as well as in the smaller towns like Prijedor and Rudo.

The *Youth Information Agency (Omladinska informativna agencija – OIA)* has a consolidated reputation throughout BiH and also on the international scene. Among campaigns promoted by the organisation are: the Resolution on Youth in 2002, recommendations to create a Federal Centre for Youth within the Ministry of Culture and Sport in 2003 and recommendations on Youth Organisations Law in RS. It also influences other youth organisations in both Entities.

Pro et Contra from Prijedor is one of the most advanced and very progressive NGOs in building partnerships of governmental and non-governmental sectors at local level. They advocate for strengthening of civil society and democratic society where human rights are respected and all citizens have equal opportunities. Also they take actions for promoting quality of life youth and women regardless of their national, religious, social or political affiliation. They have participated in a number of public campaigns (i.e. Institutional participation of youth in BiH) and also in advocacy campaigns for drafting the Law on Domestic Violence, Law on Youth Organisations and the BiH Law on Gender Equality.

A very active youth organisation is based in the small town of Rudo in Eastern RS. Passing through years of national governance in a small town like Rudo cannot have always been easy, but *Luna* has developed into a very popular youth organisation both in the community and throughout the country. Other organisations promoting youth rights are *Nove Nade* from Bihac and *DIA* from Novi Grad.

Roma Associations

Roma represent by far the largest national minority in BiH. According to a joint fact-finding project of the OSCE and the Council of Europe, there are currently in BiH among 30.000 and 60.000 Roma citizens. In February 2002 the OSCE Mission to BiH gathered in Vogošća near Sarajevo representatives of all the Roma Organisations in BiH. In this occasion a *Roma Council* of nine members was elected and a Roma Platform was adopted. The number of Roma Organisations in BiH has since then increased; the council provided a list of 42 of them.

The Roma Council members are also representing Roma in the Roma Advisory Board (RAB, see Chapter 3). In this context it has recently advocated for the adoption of a National Plan to solve the Roma issue. A majority of the members asked two of its members including the RAB president to step down for lack of sufficient activity.

Next autumn a new general assembly should take place and new members of the Council should be elected; most probably the members of the RAB will be selected separately so to clarify their relationship and to make Roma delegation to the RAB accountable to the Roma Council.

A problem recognised by the same representatives interviewed by the Team was that while the traditional role of Roma organisations is to collect information about their members in order to compile lists in occasion of some donation in kind, the flow of information from top to bottom is very scarce for a membership organisation. Involvement of Roma organisations might often mean only the involvement of their leaders and their inner circle.

Return and Reintegration

At the State level is an umbrella organisation - the *Union of Associations of Refugees and Returnees (Savez udruženja/udruga izbjeglica i raseljenih lica – SIRL)* which includes 82 organisations working with returnees and refugees on the territory of BiH and two organisations from Serbia and Montenegro (since part of the activities have a regional dimension with Croatia and Serbia and Montenegro). The association implements projects through their member associations in local communities. At the same time the member associations are financed from the project they implement. In 43 local communities they signed a MoU with the municipalities in order to cooperate for returnees as a vulnerable category of population. The member of SIRL who attends the sessions of the State commission on DPs and Refugees proposed and succeeded in making sure in that context that administrative taxes for returnees' documentation are not requested.

The Team visited in Bijeljina the association *Return and Sustainable Survival (Povratak i održiv opstanak)*. This returnees' association works in the town of Bijeljina and now is extending its activities to the village of Janja. They provide almost any kind of assistance to returnees including protection of human rights, support for starting their own business, agricultural assistance, etc. A significant step in their advocacy efforts is their success in hiring 10 Bosniak teachers in schools in Bijeljina and Janja, although this number is still negligible in comparison to the total number of teachers. Now the association is preparing two more campaigns: one is regarding the implementation of the MoU with the Ministries of Education concerning the right to have taught national subjects for returnees, the other is in cooperation with OHR Bratunac about pressing for changing street names. This association has been able to guarantee adequate media coverage to their activities and positions. Its Director is in the managing Board of the SIRL.

Media

The Press Council was established in 1999 in order to guarantee the observance of the Press Code which was adopted by all the main journalists associations in BiH in the same year. At variance with its counterpart for the electronic media (the Communication Regulatory Agency, which has other institutional obligations) it has to provide for its own funding (so far secured by foreign donors). Besides its institutional role, it has developed training projects for journalists and has taken part in advocacy campaigns related to the sector – the main one being against the introduction of value added tax on press products. It maintains good relations with all the journalists associations and can be an interesting interlocutor regarding policy discussions on the media sector.

The journalists associations in BiH have decreased from six to four, when the three organisations which had formed the Coordination of Journalists Associations in BiH in April 2001 merged to establish the *Association of BiH Journalists* in December 2004. They did not complete the questionnaire. However, the association's secretary did present their plans to the Team: registration at the State level to be completed by May, continuation of the support telephone line for journalists which was run by NUPN - Independent Union of Professional Journalists - and drafting of long term training plan for their members.

The following table summarises the information collected by the Independent Union of Professional Journalists ²⁵:

<i>Former name</i>	<i>Current name</i>	<i>Members in June 2004</i>	<i>Advocacy & Drafting Activities</i>
Independent Union of Professional Journalists – NUPN – Sarajevo	Udruženje / Udruga BiH Novinara	413	Public Campaign on Law on Protection from Defamation and on the Law on Public Broadcasting System
Journalists Association APEL – Mostar		50	
Independent Association of RS journalists – Banja Luka		100	
	Association of Croat journalists in BiH – Mostar	183	Discussions on the status of Croat media and Croat language in BiH
	Journalists Union – Savez novinara Sarajevo	627	Mainly through the Press Council
	RS Journalists Association – Banja Luka	385	Participation in WG drafting laws

The Association of Young Journalists from RS was established in December 2004 by a small group of journalist dissatisfied with the lack of activities by the existing associations. They have affiliated 155 members from different media; according to their estimation 70% of the RS journalists is under 30 years of age. The association is just taking its first steps. It has applied for office premises to the Town Municipality of Banja Luka and is currently waiting for an answer. At variance with the traditional associations they have more regular contacts with the NGO sector, being members of the Reference Group Banja Luka (through which they came to know about this mapping study).

There is an association of owners of electronic media (which mainly deals with the problems connected to the allocation of frequencies by the Communication Regulatory Agency but there is no correspondent for the printed media.

5. 3 Comments and Recommendations

If time had allowed, there were several other organisations that had responded to the questionnaire that the Team would have liked to visit: Milicanin from Milici; Women's Forum from Bratunac; Youth Centre Pod Istim Suncem from Jablanica; Women's Centre from Trebinje; Association of Towns and Municipalities from RS.

In addition, there are also some that did not send back the questionnaire, but would have been able to bring added value to the mapping study: Women's Alternative Forum from Kakanj; Youth Centre in Livno; Citizens' Forum in Tuzla; Roma Association Neretva from Mostar; SAE Roma

²⁵ As found on www.nupn.ba.

in Tuzla; Vidra in Banja Luka; Žar Centar za Žene in Sarajevo and the Association of Towns and Municipalities from FBiH.

Networking and interaction between NSAs

The two main NGOs networks, KRUZ and NGO Council, follow generally distinct paths, but do not have any joint projects. The main link among them is the RGT which is not a member anymore but has an agreement on information sharing with the Council. Currently, only KRUZ seems willing to be considered as an interlocutor able to represent the sector.

Other forms of informal networks play an important role in the sharing of information. Organisations which share (or used to share) the same main donor do have generally preferential contacts among themselves, both when it comes to participating in joint initiatives and to encouragement, either directly or indirectly, from donors willing to enhance synergies to exchange information.

Joint participation in training and in conferences is an important way to create and maintain informal links. In particular this seems to be the case for women's organisations.

Networks which were created by projects often do not survive to the end of the project because of the investment in time and money which is necessary to allow regular meetings. However, they continue often to function as informal networks and are can be quickly organised to be involved in advocacy campaigns when required.

Local informal networks of CSOs were reported to exist at municipal level or – in areas with a scarce presence of CSOs – within two or three neighbouring municipalities which is still a scale smaller than the one covered by the Reference Groups. Advocacy for the establishment of municipal mechanisms for cooperation with the NGO sector tends to naturally lead to such gatherings.

When asked, the majority of NGOs commented on how both the private and NGO sector could benefit from increased synergies, especially when looking at the opportunity to encourage donations by amendments to the taxation system. However, with a few exceptions (Obrazovanje gradi BiH and Bona Fides) cooperation which takes advantage of the small incentive currently present in the tax system is rare and there is no joint advocacy or lobbying campaign to achieve such legislative amendments. As an exception, the President of the (small) Association of Private Employers of RS and owner of a television station in Gradiška has been a member of the managing board of the NGO Foundation (now Mozaik) for years.

Grassroots Organisations

The organisations belonging to the Democratic Stabilisation sector which received the questionnaire included 45% of grassroots organisations and networks (57 out of a total 128). They are defined as CSOs without the involvement of professionals. Grassroots constituted 33% returned questionnaires in this sector - 13 out of 39.

In some cases medium sized NGOs have “mentored”, trained or helped to obtain funding for the smaller ones. However the latter report how they feel a large gap of information among the “spontaneous” CSOs and the professional NGOs, regardless of the fact that in some cases they might be based in the same place. Cooperation between small CSOs and larger “professional” organisations appears more possible in smaller places, although sharing of information tends to happen within a project rather than spontaneously.

Advocacy

The enhancement of citizens' participation in public life and policy development is a sector in which international organisations in BiH have heavily used their influence to “open doors” with local institutions – and continue to do so. Advocacy campaigns obtained the most noticeable results at a local level. Several campaigns at local level were within projects at a national level sponsored by donors. Nevertheless they have certainly contributed to break the ice, both in citizens' way of thinking and in the NGO world which might have become partly conscious of its potentialities.

Final Recommendations: KRUZ (Coalition), Žene Ženama, OIA, SIRL and Roma Council

Although most of the members of **KRUZ** say that the effectiveness of the network could be improved and that the exchange of information could flow more smoothly – especially in some areas – it has many strong and active members who contribute to its work, thereby giving it the potential to be an extremely influential network. One of the members is the *RGT* which itself has a strong members - *CCI*, *BOSPO*, *Amica/Educa*, *Prijatelice* and *IC Lotos*²⁶ to name but a few - including grassroots organisations and has proven capacity to contribute to policy debates. It is still early to expect the other Reference Groups covering BiH that are also members of **KRUZ** to be as successful as *RGT*. **KRUZ** aspires to be a counterpart for dialogue with the BiH Government, but so far it has not been tested “in action” due to the lack of response received. The Team recommends the selection of **KRUZ** as interlocutor for policy discussions since it has the potential to guarantee the widest possible sharing of information through its wide variety of members, including a consistent number of grassroots organisations. It is not possible to predict at this stage if it would be interested in and able to contribute only to policy debates related to the NGO sector or whether it will take on other issues.

Žene Ženama has proved very effective in advocacy and in forming links with other associations, including a number of grassroots organisations. It is particularly interested in policy discussions related to, but not limited to, gender issues. Thanks to its participation in the Court Network Project (see Chapter 8), this association might also contribute to the policy in Justice and Home Affairs sector.

Being fairly representative of the multitude of youth groups in BiH **OIA**'s main strengths appear to lie in the capacity to provide useful contributions to policy debates and in being able to liaise with a number of youth organisations in both Entities. It is encouraging to notice that other high ranking local organisation like *Nove Nade* from Bihac and *Luna* from Rudo stated the extent of their good cooperation with **OIA**.

SIRL, the Association of Refugees and Displaced Persons in BiH, has made successful efforts at State level in favour of returnees and enjoys good cooperation with municipalities BiH-wide concerning the status of returnees. As an umbrella organisation, it reaches out to many returnee and refugee organisations and to an important group of vulnerable people.

The Team recommends the inclusion of a Roma organisation in the selection for this sector, regardless of the ranking, because of their constituency which represents as the MTDS document puts it “a minority group which is almost entirely marginalised”. **KRUZ** includes only six Roma associations and it is not yet apparent how active they are within the Coalition. The choice falls hence on the **Roma Council** as a network. Although not particularly experienced, it represents at

²⁶ See Chapter 8 for more details on this organisation.

least 42 associations and has already been involved in strategy making through the Roma Platform and is now advocating for the adoption of the National Strategy on Roma.

It should be mentioned finally here that the experiences of *ICVA* and particularly of *CCI* would be of paramount importance to ensure a successful consultation process.

Chapter 6: Economic and Social Development

In this chapter separate overviews will be made for the Economic and Social Sectors and a final joint paragraph for the complete sector with comments and recommendations.

6.A Economic Sector

This section covers Trade Unions, Employers Associations, Chambers of Commerce, Business Support organisations, Unions of Cooperatives, Agricultural Associations and Ecological Associations.

6.A1 Legal framework affecting NSAs in the economic sector and related institutional mechanisms

The FBiH Constitution ensures that all persons within the territory of the Federation shall enjoy the rights to fundamental freedoms, among which are also freedom of assembly; freedom of association, including the formation of labour unions and the freedom not to associate; and freedom to work.

The RS Constitution also guarantees the freedom of forming trade unions and organisations, the possibility to perform their activities and ensures to employed persons the right to strike under conditions specified by law.

Trade Unions are registered as citizens association (see Chapter 3), but they contend that their special characteristics cannot fit into that legislation – as an example the obligation that associations have to hold a meeting of the assembly at least once a year directly conflicts with the Unions where the corresponding organ (the Congress) meets every four years.

Both Entity Labour Laws (adopted in June 1999 in the FBiH and November 2000 in RS) assign an important role to the tripartite institutional mechanisms including the governments and the social parties: first and main *fora* for this dialogue are the Economic and Social councils (Ekonomsko-socijalno vijece in the FBiH and the Ekonomsko-socijalni Savjet in RS) which are supposed to debate issues of common interest in accordance with measures of economic and social policy. In such bodies the law envisaged the participation of the Employers Associations before the associations actually existed, so that until their establishment they were substituted in this role by the Chambers of Commerce.

The RS *Commission for social care of workers who lost their job during the privatisation or bankruptcy process* which has some funds at its disposal to address this dramatic problem is an example of another institutional mechanism involving representatives from both Trade Unions and Employers Associations.

Considering the constitutional division of competences, labour issues are within the competence of the Entities. However, parliamentary initiatives for the adoption of a State level Labour Law which would among other issues ensure uniform treatment for State employees. Independently from this, a broad consensus seems to have been reached on the establishment an Economic and Social Council at the State level, which is expected to be realised within this year.

6.A2 Overview of the main NSAs for each type in the Economic Sector

Academic Resources and Think Tanks

Several faculties and university institutes (like the Human Rights Centre of Sarajevo University, the Economic Faculties of Banja Luka and Sarajevo or the Hydrogeological Institute) have been contributing positively to policy analysis and proposals in the economic and social sector, mostly following requests from the institutions in BiH or from international donors.

The Sarajevo Economic Institute (EIS), formed in 1950 as part of the Sarajevo University and independent since 1994, drafted the UNDP BiH Human Development Report in 2002. The Centre for Policy Studies (CEPOS), the policy researching branch of the marketing firm Prisma, has recently published an evaluation of the FBiH programme addressing unemployment. Both EIS and CEPOS have been selected by the Urban Institute to be supported and strengthened so to be able to provide consultation services on policy issues to government(s) and political parties.

Usually the links of such academic institutions with the rest of the NSAs are very weak. An exception is the Sarajevo Agriculture Faculty which participated in an MTDS working group with ICVA.

This type of NSAs would deserve more attention, but the Team was unable to explore it further due to time constraints.

Trade Unions

Trade Unions, celebrating this year their first century of activities in BiH, are (with the religious communities and the bar chambers) one of the oldest NSAs acting in the country. In 1990 the Trade Union of the socialist time (Sindikata) was replaced by the *Confederation of Independent Trade Unions (Savez Samostalnih Sindikata BiH, SSSBiH)*. The *Trade Union Confederation of Republika Srpska (Savez Sindikata Republike Srpske, SSRS)* was founded in August 1992. Both Confederations represent continuity with the socialist time, both in terms of cadres and of background culture, and are facing similar challenges and transformation processes. Confederations unite the branch Unions (14 in the SSRS case and 27 for the SSSBiH).

In some cases, whole important branches have seceded from their Confederation²⁷ and they have now been replaced by new branch unions in the frame of the main confederations²⁸. All these initiatives were led by the respective union presidents, in all cases old activists of the union, and do not seem to point at a new way of syndicalism. No other workers unions have been formed, with the possible exceptions of initiatives at the level of individual firms/factories.

The sustainability of the unions has so far been guaranteed by membership fees which are collected directly by the employer from each worker who has signed up for membership. This source of income together with the strength and representativity of the unions are threatened by three factors: the branches' secession mentioned above, the drastic fall and often complete disappearance of union branches following the privatisation of a firm (due to the attitude of the new owners) and the decline in membership. Moreover, they do not represent the grey sector which forms an important part of the economy, although the main confederations are planning some initiatives to address also this type of workers.

²⁷ It has been the case for the PPDIVUT (Union of Workers of Agriculture, Food Processing and Tobacco, which has been now joined by workers from the water companies, restoration tourism and commerce) in the FBiH and the Union of Workers from the Energy Sector which left the SSRS in 1999.

²⁸ In 2004 however when the Union of Metalworkers and Miners (Sindikata Metalaca i Rudaraca, a category employing approximately 40,000 workers) abandoned the Union, the SSRS promptly re-formed its branch.

A Union of Independent Unions (Unija Nezavisnih Sindikata) is active in Herzegovina where it aims to affiliate Croat workers, especially in the education sector: unfortunately no data was available about their membership.

According to data provided by the SSRS, 67% of the 178.345 persons registered as employed in RS at the end of 2003 were members of their Union and an additional 7% was affiliated to other unions.

Both main Confederations receive continuous support (including support to provide free legal aid for the protection of workers rights) from the International Confederation of Free Trade Unions (ICFTU) which has an office in Sarajevo since 1997, and are entertaining international relations with sister organisations in Europe. This has allowed them to participate in a number of international seminars and meeting and the launching of a series of training programmes. In 2004 USAID started to fund a project, implemented by the Solidarity Centre, to provide them training, economic advice and technical support.

The Entity Trade Unions, also thanks to the joint projects run with the ICFTU, have a satisfactory degree of reciprocal knowledge and in March 2003 they submitted to the Office of the State Coordinator a joint "Opinion and commentary to the PRPSP". They reached in February 2005 a written agreement on the composition of the future delegation to the BiH Economic and Social Council (three members each plus one from the Brčko District Unions) which would be their first joint enterprise. This year for the first time they issued a joint public statement on the occasion of May Day.

A State Confederation has not been formed yet. The ICFTU has considered that the SSSBiH made all reasonable efforts in this direction, and admitted it as a member. The SSRS considers that the SSSBiH should re-register at the FBiH level and therefore both Entity unions could form a new subject at the BiH level. SSSBiH maintains that they are a confederation working all over BiH and not only in one of its Entities. This year both the SSRS, in July, and the SSSBiH, in autumn, will hold their third congress.

Employers Associations

They have all been established recently and are a new imported concept since this type of association did not exist under the old Yugoslav system. In RS the main registered union is the *Union of Associations of Employers of RS (Unija udruženja poslodavaca RS)* which, according to the RS Government, is the only one which is representative enough to be included in the Economic and Social Council. However, with the consensus of all other members of the Council, one of the three representatives of the employers is appointed by the *Union of Employers of RS (Savez Poslodavaca RS)*.

The *Union of Associations of Employers of RS*, officially established in 2004, is composed of 14 sectorial branches, each of which has the status of legal person and its separate seat (very often in the firm of the coordinator). It unites 256 firms which together employ approximately 40,000 workers. Its relations with the RS Chamber of Commerce are very good, as it exemplifies the fact that its office is within their premises.

In comparison, the RS Union of Employers includes much less economical subjects, mainly concentrated in the wider Banja Luka area, but is quite active in seeking partnership and implementing projects.

In the FBiH the *Union of Employers of FBiH (Udruženje Poslodavaca FBiH)* was established in 2002, while the Žepče Union of Employers remains active. The *Union of Employers of FBiH* is very critical towards the Chambers of Commerce. It considers it not active and unable to adapt to the current system.

In June 2004 the *Association of BiH Employers (Asocijacija Poslodavaca BiH - APBiH)* was established. It includes all the aforementioned Entity employers associations, with the exception of the main RS Unija; they have been unable to reach an agreement on the number of representatives in the managing board, but contacts are still open. Members include also some sector employers unions and even individual firms. The APBiH is still a young organisation and is seeking to expand its membership, for example the Association of Banks may decide to join soon.

In December 2004, the APBiH took over the management of the Bulldozer Initiative from OHR. The Bulldozer Commission was launched by OHR in November 2002 in order to gather suggestions from the private sector for measures to be taken to ensure a favorable legislative environment for business development. After 100 measures were proposed, responsibility has been handed over to the APBiH which continues to collect proposals and submit them to the competent Governments, each of which has appointed a Coordinator for fast reforms. The Commission does not limit itself to consult the membership of the APBiH, but addresses any interested party. Consultations and proposals are grouped on a geographical basis, according to each of the economic regions covered by the RDAs (see Chapter 9).

In general most employers do not recognise the merits of the association, as it demonstrates the difficulties met in collecting membership fees. Employers associations are still not able to be self-sustainable.

Chambers of Commerce

The Chambers of Commerce system reflects the complex political structure of post-war BiH: two Entity Chambers (plus one for Brčko District), ten Cantonal Chambers, five Regional Chambers in RS and an external commerce chamber for BiH. Their traditional role has been profoundly challenged by the legislative amendments (introduced in 2003 and initially suggested by the Bulldozer Commission) which introduce voluntary membership and by the emergence of employers associations. A new identity has to be acquired.

A WG for the drafting of a State law on Chambers of Commerce has been established by the Association of Employers of BiH – discussions are supporting the establishment of a unique Chamber of Commerce for BiH (one proposal is to have one regional Chamber in each of the five EU RED economic regions).

The *Chamber of Commerce of the FBiH*, which was formed in 1998 from the merging of the Privredna Komora BiH and the Gospodarska Komora Herceg-Bosne, has two seats in Sarajevo and in Mostar. Following the introduction of the amendments to the Law on Chamber of Commerce in 2003 which rendered membership voluntary, a situation has been created in which some firms choose to become members of the Cantonal Chamber, but not of the Federal one, paying contributions directly to the first (or vice-versa) instead of paying to the general Chamber account (in this case it is regulated that 65% of the paid fee goes to the relevant Cantonal Chamber and 35% to the Federal one). The FBiH Chamber supports the adoption of further amendments to the FBiH Law on Chamber of Commerce to regulate this relationship. A draft in this sense is already tabled at the FBiH Parliament.

According to the FBiH Law on the registration of economic subjects which was adopted at the end of April 2005, the Chamber will receive all data concerning registrations from the Courts, so they plan now to join these data with those from internal or other external sources (like the customs service) in order to be able to offer a valuable information service to domestic and foreign clients.

Business Support Organisations

A number of business support organisations have been formed by donors wishing to boost the economic sector in BiH after they were unable to find reliable institutional counterparts to support new businesses. They include networks, business incubators and service centres. Some of them might find themselves having to close down or to redefine their role when the Chambers of Commerce and Employers Associations will be able to reposition their offer of services to their members. For the moment they offer services which are not present otherwise – like Link in Mostar which offers support to preparing business plans in order to get credits – and show through practical examples the advantages for economic subjects of networking and associating.

Two networks aimed at strengthening women's businesses and employment opportunities deserve a special mention. The *Bosnian Women's Initiatives Foundation* offers small grants to start economic activities, as well as grants to support their other programme on gender awareness, to women (single or in groups) identified by one of the 35 NGOs which are members of the network. The *Bosnian Women Economic Network BHŽEM* is a network of women of different professions and of women's associations whose goal is to promote female entrepreneurship.

In Gorazde, *ALDI*, Agency for Local Development Initiatives, promotes local economic and private sector development by providing SME business support. Approximately 25% of its yearly budget comes from consultancy services.

The *Independent Bureau for Development* in Modriča provides business support to returnees. It is successful in that it is almost 60% self-sustainable through its SME consultancy services and business incubator projects. *Taldi* from Tuzla supports socio-economic reconstruction, sustainable development and the work and development of the NGO sector through education, consulting and information services. *LESPnet*, of which the above-mentioned three organisations are members, is an association of business consultants in BiH based in Sarajevo that provides consultancy services and education and training in the business sector.

Microcredit organisations were not included in the initial sample of this mapping.

Unions of Cooperatives

A State Law on Cooperatives was adopted in July 2003 to replace the previous Entity laws. The new Law assigns a special role to the Cooperatives Unions (*Zadružni Savezi*) whereby the unions represent the interests of their associates with the State bodies and are responsible for tasks, such as ensuring the review of the activities of active cooperatives and disposing of the property of the ones that cease to exist.

There are two Entity Unions of Cooperatives and a State one whose members are appointed by the Entity ones. In principle they group together any kind of cooperatives as the Law does not mention the type of activities they have to perform; de facto the vast majority are agricultural cooperatives. When the Team attended the annual Assembly of the FBiH Union it appeared clear the size of its predicament: not enough members were present to reach the quorum for the third time in a row, so that it was proposed to change the statute in the next meeting. In a meeting which followed this short assembly session, the secretary of the FBiH Union presented the

current problems, mainly related to the legal status of the land which was used by the cooperatives but not owned by them, and the possibility to proceed with the privatisation of cooperatives.

None of the Unions completed the questionnaires. At the moment they are probably more concerned with their own problems and are not sufficiently representative to be able to contribute to policy or strategy making. Should it be decided that BiH should strategically reinforce its cooperative sector, these are the natural NSA to be addressed and strengthened. At the moment Swedish cooperative unions are supporting their BiH counterparts.

Agricultural Associations

The Functional Review of the Agricultural Sector in BiH²⁹ described the efforts by associations of farmers and cooperatives to influence policy action and strategy formulation as having limited impact. Agribusiness associations are mentioned as not being involved enough.

An *Association of agricultural producers* (Udruženje poljoprivrednika) is quite present in the media, intervening especially in the last months on the problems created by the Free-trade agreement with neighbouring countries. The association is clearly politicised. Its president does not hide his affiliation to a political party (Radom za boljitak, led by an entrepreneur of the food-processing sector) and has been appointed as member of the Alternative Presidency related to the Alternative Government of BiH, sponsored by the same party. Although the president of the association did express an interest in cooperating with the Team, the questionnaire was never returned.

Entity associations of agricultural producers also exist. It was very difficult for the Team to get hold of their contact details and in the end they did not respond to the questionnaire. The extent of their representation is surely questionable: neither international organisations (the Food and Agriculture Organisation which has mapped the local stakeholders in five municipalities in BiH, International Orthodox Christian Charities – see below) nor NSAs (Povratak in Bijeljina, the Director of the AgroNeretva firm gathering six cooperatives from Herzegovina Mostar) addressed by the Team had knowledge about any municipal associations of producers affiliated to the Entity ones in the municipalities where they work.

International Orthodox Christian Charities and Lutheran World Federation implemented for the International Fund for Agricultural Development programme of cooperation with the Entity Ministries for Agriculture a project aimed at establishing and empowering agricultural producers associations in small municipalities where they were absent. Producers associations can play an important role in negotiating better market conditions for their affiliates and can play an important role in pushing municipalities. It would be interesting to monitor if and how such newly established grassroots organisations will affiliate to existing associations or look for new ways to have their voices heard.

Ecologist Associations

In 2003 each Entity adopted a set of five environmental laws³⁰ which were drafted within the Phare/EU project. The Laws on Environment envisage the involvement of NGOs in education campaigns. Also in 2003, the National Environmental Plan³¹ was adopted by the competent

²⁹ In particular Annex 8 of the Review.

³⁰ Law on environmental protection, Law on nature protection, Law on air, Law on water protection, Law on waste management.

³¹ Available at www.neapbih.ba.

ministries of both Entities. This document includes as a pre-requisite for its implementation the establishment of a National Agency for the Environment, which has also been included in the MTDS as one of the priorities for the environmental sector. The deadline for its establishment by the third quarter of 2004 has not been met.

The Regional Environmental Centre, an environmental organisation based in Budapest operating throughout South-Eastern Europe countries distributing small grants to environmental NGOs through its civil society component and providing institutional support on environmental policy, created a WG with ministerial and independent experts which is finalising a feasibility study for the National Agency. The competent Ministry at the State level, the Ministry of Foreign Trade and Economic Relations (MoFTER), preferred to work on a State Law on Environmental Protection which would include the creation of the Agency.

The mission of the *Mladi Istraživači Banja Luka (MIBL – Young Researchers from Banja Luka)* consists in raising the conscience of citizens about the environment and a sustainable development. Part of their activities involve youth in a series of initiatives to make them aware of ecological themes and bring them closer to nature. Another significant part consists in advocacy and informative campaigns. They are active members of the coalition against the building of a dam on the River Vrbas which gathers more than 20 local associations and has succeeded in getting very good visibility through a number of sources: media, public events, collection of signatures in protest, a letter sent to all members of the RS National Assembly on the occasion of the vote on this issue. They are also actively supporting the campaign for the accession of BiH to the Aarhus Convention³², which would obligate the State to share information and seek advice from the civil society.

Eko-Neretva from Jablanica has lobbied successfully with its municipality for the adoption of the Local Environmental Action Plan although the task might have been made easier by the fact that the leader of the organisation is also member of the municipal council. *Eko-Neretva* is the coordinator of a WG for the monitoring of the MTDS (see Chapter 2).

The EcoNetwork *EkoMreža BiH*, originally functioning only through electronic exchange when it was formed through a project of the Regional Environmental Centre, has evolved into a real network due also to a CARDS 2002 project and is now fighting with bureaucracy for the registration at the State level. The RS Ministry of Agriculture has invited the network to a WG to discuss the Law on Water. The network includes ecological organisations which are more active in policy discussions – if it were to succeed to keep all of them as members it could be considered as one of the few examples of working thematic networks.

6.B Social Sector

Included in this section are organisations dealing with education and disabled persons associations.

6.B1 Legal framework affecting NSAs in the Social sector and related institutional mechanisms

As part of the educational reform process the BiH Framework Law on Primary and Secondary Education was adopted in June 2003. Legislation in compliance with this Framework Law has

³² The Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters adopted in Aarhus (Denmark) in 1998. See: <http://www.unece.org/env/pp/>

now been put into place in the RS, Cantons and District of Brčko. The Framework Law ensures greater mobility for all students across BiH and will facilitate a wider recognition of school certificates. It allows for greater school autonomy and increased parent and teacher involvement and partnerships, i.e. it introduces rights for pupils' parents to form Councils of Parents and rights for pupils to form Councils of Pupils. Parents and Teachers Associations (PTAs) are not envisaged by the Entity but by several Cantonal laws. The State Framework Law on Higher Education, which was initially put into Parliamentary procedure in spring 2004, is still under discussion.

The FBiH Framework Law regulating social protection³³ which was adopted in 1999 addressed the possibility of invalids organisations being established as citizens associations. They would be comprised of invalids or their relatives or representatives and would cooperate with the federal and cantonal bodies dealing with social protection. The text of this law was amended in October 2004 as a result of the campaign “Pomozite danas nama, sutra možda sebi” (Help us today, maybe tomorrow it will be you) and refers to these organisations as “organisations of people with disabilities” and binds the competent bodies at federal, cantonal and municipal bodies when deciding on social policies to cooperate with them and with other organisations dealing with social care, upon their initiatives, in accordance with the UN Standard Rules. The new text of the Law includes also a whole new chapter on the “Basic rights of people with disabilities”. The application of these new provisions entailed an additional burden on the FBiH 2005 budget which had not been envisaged in advance. The FBiH Government has postponed the application of such law, and the issue has become a burning one. An Association of Invalids of BiH from Tuzla, which is not a member of any of the coordinating bodies mentioned below, occupied the building of the FBiH Government for two nights in April and left it having reached an agreement on the time frame implementation. This constituted for the “institutional” associations of people with disabilities a further example of the need for to advocate for a separate law regulating the right to represent the invalid population (see below for more details).

6.B2 Overview of the main NSAs for each type in the Social Sector

Parents and Teachers Associations (PTAs)

Parents associations and PTAs can be important at local level, but have no formal coordination amongst themselves. An exception is those that have been established through a number of projects implemented by Catholic Relief Services over a five year period and have maintained a constant exchange of experiences and have established an assembly at national level.

The organisation which has distinguished itself for its expertise and interest in inclusive education for children with special needs is the association *Duga (Rainbow)*. Founded in 1999, it aims to provide adequate psycho-social support to children and youth in society, either directly or by providing training to their parents and teachers. On its staff is a team of professional educationalists, therapists, psychologists and social workers. They have been actively participating in the OSCE led WG discussing the Law on Primary Education and are now included in the monitoring of the MTDS in the sector of education where they focus on inclusive education for disabled children.

The association *Obrazovanje gradi BiH* promotes the education of children who have lost a parent and the education of talented children assigning them regular scholarships. It is able to

³³ Law on the Basis of Social Protection, Protection of Civil War Victims and Protection of Families with Children (FBiH OG 36/99).

fund itself in a considerable way and has contributed to the monitoring of the MTDS with ICVA in the WG on education.

Students Associations

The students of each faculty in BiH elect their representatives each year. Although there is no official data available, turn-out to such elections is estimated to be quite low. The OSCE Mission to BiH promotes and chairs regular gatherings of the Students Unions in order to have views exchanged on subjects of common interest. The more organised unions and more active in terms of proposing systemic reforms are the Students Unions from RS and from West Mostar University. They are also the ones which have a stronger political agenda and assign great importance to the national differences. As a consequence, these two unions have also developed special relations among themselves. During the Team interview, the president of the RS Students Union emphasised how he is against the political option now ruling, but at the same time insisted how important loyalty is to RS.

In February of this year the association *BiH Rector Conference (Konferencija dekana BiH)* gathering the rectors of the eight universities in BiH (Banja Luka, East Sarajevo, Sarajevo, Tuzla, Bihać, Zenica and two in Mostar) was established. When the Team contacted the Conference secretariat (the current president is the rector of the University of Sarajevo) by sending the questionnaire for completion, the response was a list of contact details of all the rectors in BiH.

Organisations of people with Disabilities

As it used to be in former Yugoslavia, most people with disabilities are organised in associations according to their disability. They are usually organised at municipal level– and in the FBiH also at Cantonal level - and each of them refers to the respective Entity Union (e.g., the FBiH Union of Dystrophic has 1055 members associated through Cantonal associations and municipal branches). All these organisations are based on the membership of people with disabilities, with the only exception of those that deal with mentally disabled people, which group the family members and/or experts working with the actual disabled person. Entity coordination boards have been established (see below), while at the State level so far only the Unions of Blind have established an umbrella organisation.

The last decades have seen the affirmation in Europe of the so-called “social model” of disability. This model was developed to contrast the existing model – then dubbed as “medical model” – which was considered to conceptualise disability as a tragic individual’s problem or a negative limiting condition, which compels a response of pity and charity. Within the social model, disability is perceived as a form of institutional discrimination and social exclusion, rather than as a product of physical difference between individuals. Disability can be minimised by adjustments to the environment through more inclusive policies and practices.³⁴ Organisations which share the social model focus on efforts to change society and so naturally tend to gather people with different disabilities or no disability at all. Such kinds of organisations are generally seen with diffidence by the most traditional unions, which believe that their strength as “a membership organisation” makes them accountable and transparent through their internal control mechanisms, as opposed to NGOs which are seen as black boxes. As an example, the coordinator of the Coordination Board of Invalid Organisations in RS (Kordinacioni Odbor Organizacija Invalida

³⁴ <http://www.ccc.newcastle.edu.au/student-support/DisabilityResourceKit/Overview%20of%20Disability%20Issues.htm>

Republike Srpske – KOOIRS refers to them as “private organisations”. Some of these “classical” organisations in BiH can also however be close to the social model.

In 1996 the *Coordination Board of Invalid Organisations in RS (Kordinacioni Odbor Organizacija Invalida Republike Srpske – KOOIRS)* was established with the aim of coordinating the work of the members association with regard to any joint interest, to promote contacts with similar organisations abroad and to develop and make progress the rights of people with invalidity through necessary legislative initiatives and through public campaigns about the rights, possibilities and needs of people with disabilities aimed at overcoming existing prejudices. The KOOIRS includes all the unions “by diagnosis”³⁵ and three other unions which gather people according to the cause of their invalidity (the Union of Labour invalids of RS, the Union of civilian war victims of RS and the Union of military war invalids of RS).

With the strategic support of the CCI in the framework of the project “We are all equals – Svi smo jednaki” initiated in 2003, the KOOIRS advocated within an inter-ministerial WG at the Entity level for the revision of the legislative framework affecting people with disabilities. As a first result, the Law on integration and employment of people with disabilities was adopted by the RS National Assembly in January 2005³⁶.

The same inter-ministerial group is now drafting with a substantial contribution from KOOIRS a draft Law on invalids' organisations, which at the moment of writing is being shared by the unions members of the KOOIRS within their membership. Such drafts define the criteria to be recognised as “invalid organisation”³⁷. The Ministry competent for Social Protection would on the basis of the request and of the attached evidence determine such a status, removing it when the conditions cease to exist and keep an updated register. The draft introduces also the concept (probably borrowed from the trade unions) of “Representative invalids organisations”, which would be the ones among the above active in RS and that include at least 50% of invalids.

A strategic goal of KOOIRS is to ensure that invalids organisations can – as was the case before the war – be fully funded from the lottery incomes. A decision of the RS Government of June 2004 assigns 6% of the proceeds from the sale of lottery tickets and other chance games to invalids organisations and 4% to youth and sport organisations. KOOIRS contends that there is a complete lack of transparency so that the sums allocated so far are, according to them, much smaller than what they should have been. For this reason KOOIRS advocates for a Law to regulate the allocation of the chance games. KOOIRS' budget was last year covered thanks to these funds – should they not have been sufficient the organisation's members would have been ready to cover the expenses.

In 2002 the *Coordination Board of the Unions of Civil Invalids of the FBiH (Kordinacioni Odbor Saveza Civilnih Invalida FBiH – KOSCI FBiH)* was formed. As the name suggests, this

³⁵ The Blinds Union of RS, the Dystrophic Union of RS, the Union of paraplegics and poliomyelitics, and other invalids of RS, the Union of Deaf and Mute-deaf of RS, the Union of Associations for the help of people with mental impairment of RS.

³⁶ The main provisions of this law envisage that any public or private firm who would not employ a quota of people with disabilities (initially one in every 49 employed workers, with a goal of one in every 16 workers to be reached by the end of 2009) should contribute with a percentage of their income to a central fund to further increase the employment of people with disabilities

³⁷ The draft shared on 20 April 2005 with the Team includes among these criteria that the name of the organisation should contain the type of invalidity, it should include at least 50% of all invalids of that kind in the geographical area where it operates and should prove to have enough means to realise its statutory goals.

excludes military invalids.³⁸ At variance with KOOIRS, the KOSCI is not registered as an association, it does not have a budget or a website and it seems that it is still taking its first steps as a coordination body. In 2004 each of its members was sustained in its basic activities by a grant of 30.000 KM from the FBiH Government.

Through the “Svi smo jednaki” campaign, the members of KOSCI are considering also a Law on organisations of people with disabilities, quite similar to the one drafted in RS, and also intend to discuss amendments to all relevant laws with the inter-ministerial WG which has been formed.

Among the KOSCI members, one that has probably more contacts with other NSAs and is more projected towards external issues is the *FBiH Union of Associations for providing help to people with mental disabilities (SUMERO - Savez Udruženja za pomoć osobama s Mentalnom Retardacijom FBiH)*. This union includes 22 associations, three institutes and soon it should associate nine special schools for mentally disabled children throughout FBiH. Last year they decided to adopt this shortened name (“Sumero” besides being very close to an acronym of their complete name, brings to mind the word Suma which in Bosnian language means “addition”) in order to increase their visibility both with the media and with the donors. One of its programmes consists of building partnership relations with other NGOs and organisations in BiH and abroad.

Another member of KOSCI is the *Union of paraplegics and people affected with polio (Savez paraplegičara i oboljelih od dječije paralyze FBiH)* which groups around 1,000 people through 14 local associations and is known for its advocacy activities. It is one of the members of KOSCI that is satisfied with the degree of consultations and cooperation among its members. The union led the campaign “Pomozite danas nama, sutra možda sebi” mentioned earlier for 66 months. With technical support from professors at the Faculty of Architectur in Sarajevo, they contributed to drafting the Book of Rules regulating architectonical barriers.

Informativni Centar LOTOS in Tuzla was founded in 1996 with the aim of promoting equal rights and opportunities for people with disabilities within society. In addition to regular information provided in cooperation with the Cantonal Union of the Blind of Canton Sarajevo, they initiated a campaign for the promotion of the UN Standard Rules on disabilities which gained momentum with the visit to BiH of the UN Special Rapporteur on the adoption of the Rules. The campaign succeeded in getting a formal endorsement from the Presidency of BiH and support from a number of members of Parliament who committed themselves to voting for the adoption of the Rules. The CoM eventually adopted the Rules in November 2003, following more lobbying in the framework of the project “Svi smo jednaki” (“We are all equals”, coordinated by CCI).

Over the last two years, in cooperation with the Association of Blind Citizens of Sarajevo Canton, LOTOS has organised an annual conference for all disabled organisations and relevant government representatives in BiH under the name “Jedinstvenim glasom” (“Unified voice”). In 2004 the main theme of the conference was the need for a National Strategy on Disabilities.

As a core partner for BiH of the Self-Help and Advocacy for Rights and Equal opportunities in South East Europe (SHARE – SEE) LOTUS co-organised and hosted the successful regional

³⁸ Its members are: the Union of Dystrophic of FBiH, the Union of Associations for the help of people with mental retardation of FBiH / Sumero, the Union of associations of citizens with hearing impairment of BiH, the Union of associations of sick of poliomyelitis and of spine and brain injuries in FBiH, the Union of associations of citizens sick from multiple sclerosis of BiH, the Union of paraplegics and sick of children paralysis of FBiH, the Union of Blind citizens of FBiH, the Union of labour invalids in FBiH and the Union of civilian war victims in FBiH.

conference “Steps toward Europe 2005” which saw the participation of representatives of governments and disabled associations of the region, together with leading European disabled associations.

LOTOS has launched together with the very active *Association of blind citizens of Sarajevo Canton* an “Agreement on cooperation on the organization of education for blind people members and activists of associations of blind people in BiH” which has so far been signed by other 6 local organizations. Each of the signatories commits itself to organise and to host at least one educational event (training, roundtable, workshop ...) and to send between 3 and 6 people to each event. What makes special such initiative is that it is not a “project” externally funded, but a free agreement through which, on the contrary, each organizations is due to cover 50% of the accommodation expenses of accommodation of their guest for the initiatives they organise.

LOTOS is not a membership based organisation, but an association of nine people, some with different disabilities, and as such has been looked on with diffidence by the more traditional organisations. Through their activities, which have constantly involved also the traditional organisations, they have acquired a respected status and can well constitute one of the bridges among disabled organisations and the rest of civil society.

An example of an organisation which operates at local level but aims to change the system in which it acts is the *Association for the social inclusion of people with mental disabilities, USUTZ – Tuzla*. It was formed in 1997 and its main goal is the de-institutionalisation and the prevention of institutionalisation and the progress of inclusive education of mentally disabled children. The driving force and founder of USUTZ is a professor at the Tuzla Faculty of Specialists in Disabilities, the only institute of higher education in BiH which prepares expert cadres that will work with mentally disabled people. This ensures a shared background with future representatives of institutions and a growing group of students and former students interested and involved in the activities of the association.

There are more than 1,100 residents in the three institutes for mentally disabled children that exist in FBiH. While the institutes were established to take care of people until they reach adulthood, lacking any viable solution at the end of this period, they have ended up continuing to host these people for life, so that their population is now composed mainly of adults. Each person accommodated at the institute receives an annual fee³⁹ paid by the Canton where they were last resident. This fact is crucial to make the process of de-institutionalisation almost self-sustainable, because USUTZ, in receiving the same fee, can provide accommodation for residents from the Institutes in much smaller family-like communities hosted in apartments in town, where integration with the surrounding society is part of every day life. In order to achieve this result, many efforts were made to lobby this issue at the responsible Ministry of Tuzla Canton. The response was positive and the necessary amendments to the Cantonal Law on Social Protection, Protection of Civil War Victims and Protection of Families with Children proposed by USUTZ were adopted in 2000. Three apartments in Tuzla which currently host 17 people from the institutes are now accordingly recognised as “public institutes” where such people can be taken care of. USUTZ’s intention is to diffuse this approach to other Cantons where more preparation to cultural change is needed as a precondition to adopt the necessary legislative amendments. USUTZ, as a member of SUMERO (see above), will present its experiences and possibly encourage similar actions in other Cantons at a seminar being organised by SUMERO in June.

³⁹ Amounting to 488 KM per year.

USUTZ took also the lead on the inclusive education issue – together with Duga – during the drafting of the Law on Primary Education arranged at the time by OSCE and has recently decided to join the group monitoring the part of the MTDS strategy related to education coordinated by ICVA.

The *Udruženje paraplegičara, oboljelih od dječije paralize i ostali tjelesnih invalida regije Dobož* lobbied with the RS Ministry for spatial planning and then contributed with the RS Union of Paraplegics (of which it is also a member) to the drafting of a *Book of Rules on the conditions to plan and project buildings for the unimpeded movement of children and persons with physical disabilities*, eventually adopted in November 2002. Significantly, the three drafters signed an MoU 5th December 2002 committing themselves to spreading the knowledge about this Book of Rules and to training the competent administrative bodies.

In 2003 the association founded the Coalition of organisations of disabled persons in the territory of North-East BiH (Dobož – Tuzla – Bijeljina – Brčko - Srebrenica) which organised an information campaign about the 22 UN Standard Rules. This coalition has held already one meeting after the end of the project supported by America's Development Foundation. It intends to continue its work and even to expand its geographical coverage. Time will show to what extent this coalition will be sustainable.

The association has established very good horizontal contacts both with other invalids organisations and with the NGO community - it is member of Reference Group Dobož, has regular contacts with RGT and cooperates with Budućnost Modriča). They strongly support the establishment of an organisation for invalids at the State level.

Anti-addiction

A number of NGOs is dealing with the growing phenomenon of drug abuse and addiction, together with the deeply rooted plague of alcoholism.

The association *Viktorija Banja Luka* founded in 2002 provides a comprehensive way to address problems related to addiction. It runs a counselling centre and an SOS telephone for addicted persons and their family members, a community that can for up to two years host drug addicts who want to cure themselves of their addiction (a second community is soon to be established) and a day centre which deals mainly with people who are on the waiting lists for the community. The interests of the association are very clearly focused and it chooses carefully the topics it follows. It has actively participated in the advocacy campaign and the public discussions which followed the RS *Law on trafficking, production and abuse of opium drugs* adopted in December 2004 and is currently participating in the drafting of the RS strategy on the fight against drug addiction. As was explained to the Team, *Viktorija* has never experienced difficulties in lobbying or advocating these issues. On the contrary, the association was consulted as experts on a field not well known to the RS Ministries of Interior and Health and by individual members of Parliament.

Viktorija has been the coordinator of the coalition *Zajedno* which unites 20 associations dealing with drugs and addiction throughout BiH. The project funded by USAID through America's Development Foundation has now terminated and the last meeting of the coalition members has been organised with the funds of another project. It is not sure what will be the future of this Coalition, but the contacts that have been established do remain.

6.3 Comments and Recommendations for the Economic and Social Sector

If time had allowed, there were several other organisations that had responded to the questionnaire that the Team would have liked to visit: LESP net - Uduženje poslovnih savijetnika u BiH, Eko-Neretva from Jablanica.

In addition, there are also some that did not send back the questionnaire, but would have been able to bring added value to the mapping study: Budi moj prijatelj Sarajevo, EkoTim Sarajevo, Genesis Project Banja Luka, Privredna Komora RS, Savez poslodavaca RS, SSSBiH, Centre for Policy Studies, Economical Institute in Sarajevo and pensioners associations,

Networking and interaction between NSAs

Social dialogue is in place in both Entities and as mentioned above it is only waiting to start at the State level. The relations among the Entity Chambers of Commerce are quite good, and definitely less conflictual than the ones among the Cantonal Chambers (especially the one in Sarajevo) and the Federal one.

Grassroots Organisations

The organisations belonging to the Economic and Social sector which received the questionnaire included 19% of grassroots organisations (17 out of 90). Grassroots constituted only 9% of the returned questionnaires in this sector - 3 out of 33.

In stark contrast with the important and growing cooperation among NSAs in the economic sector at State/Entity level, the situation at the base level and within the firms is often of non-cooperation: according to the unions no information – e.g. about the privatisation process – are shared by the employers, while the employers regret how the unions representatives are just demagogic. The view about the local trade unions that the NGO expressed during our interviews reflects the popular stereotypes which depict them as organisations still living in the socialist past, ineffective and sometimes even corrupt. Trade Unions are on the other hand traditionally used to work alone and an average cadre probably does not see any added value in the interaction with NGOs. The first steps of reciprocal knowledge which have been undertaken by the women's and youth sections of the trade unions and NGO representatives have been taken place so far only at central level.

Advocacy

Important results have been achieved as mentioned by the associations of people with disabilities, and several campaigns have been initiated at local level by ecological associations, the most visible the ones against the creation of new dams. They provide probably the best examples of the influence that an organised and active civil society can have on policy choices and ultimately in increasing the quality of life of the citizens.

Final Recommendations for the economic sector: SSSBiH, SSRS, APBiH, Inter-Chamber Council, Independent Bureau for Development Modriča and ALDI Goražde

Both Trade Unions the **SSSBiH** and the **SSRS** are, despite their limits, representative enough of the workers and have good experience in policy discussion. The **APBiH** can also be considered as well representative since it groups almost all the main employers associations in the country – and it is reasonable to expect that it will soon include them all since. Besides, the association presents the added value of the network of participants to the activities of the Bulldozer Commissions.

The **Inter-Chamber Council** as the body gathering State and Entity Chambers of Commerce would allow a consolidated stand from the sector.

The **Independent Bureau for Development** in Modriča participates regularly in municipal consultations and campaigns and the municipality has donated premises for the business incubators' project. **ALDI** from Gorazde has launched public discussions on reform of the agricultural sector.

Final Recommendations for the social sector: IC Lotos, Organisation of Paraplegics Doboj and Ekomreža BiH

IC Lotos ranks also among the best and its direct involvement would be suggested because of their capacity to mobilise the social sector, in cooperation with the **Organisation of paraplegics Doboj** so to be sure that both Entities will be covered. It should be underlined however that neither of them is representative of people with disabilities. It is hence important to make sure that if there are issues directly related to disable persons, the KOOIRS and KOSCI should be consulted. One of the strengths of the two organisations suggested is that they are able to ensure that such consultation does take place, and at the same time thanks to their contacts with grassroots organisations can ensure that the debate does not remain confined in a few rooms in Sarajevo and BanjaLuka.

Eko-Mreža is definitely to be recommended for the activities so far, but also because it includes the most active and competent organisations dealing with the environment protection (MIBL, Eko-Neretva, but also COORS Sarajevo and Ekotim Sarajevo).

Chapter 7: Administrative Capacity Building

According to the BiH constitution, the main responsibility for public administration reform (PAR) lies with the government of each jurisdiction including the Cantons. Given the lack of institutionalised structures and procedures for cooperation between the two Entities and the State Level, and between the Cantons and the Federation, implementation of a common PAR approach in BiH has proven to be extremely difficult.

The establishment of a stable, democratic BiH requires a major effort of administrative capacity building supported by comprehensive institution building support. The inability of the administration to address the challenge of state building and basic steps for regional and wider EU integration is limiting and is an area in need of much reform. The EC in its Country Strategy Paper 2002 to 2006 recognises the need for reform and supports the development of an effective, responsive and accountable public administration with the focus on State Institutions and Taxations and Customs. The Public Administration review is an important contribution in this direction.

It is difficult to enumerate here the various possibilities of involvement of NSAs in policy drafting regarding this sector. For example employers association could point at the eventual needs created by the newly introduced laws on procurement, trade unions could introduce their perspective related to the best way to reform the Public Administration, agricultural associations provide an input related to their sector, consumers associations be interested especially to utilities policy and service provided to the citizens. This chapter will address only the Consumers Associations since all the other NSAs mentioned above find their natural place in other chapters and in particular Chapter 6 - Economic and Social Development sector.

7.1 Legal framework affecting NSAs in the Administrative Capacity Building sector

The legal framework for this sector will refer only to legislation that affects the NSA type identified in this sector, i.e., Consumer Associations. In addition to the Laws on Associations and Foundations that regulate the registration of associations and foundations, the legal framework for the consumers' associations in BiH is presently undergoing some changes. It consists of the BiH Law on Consumers Protection adopted in 2002 that is currently being revised.

According to this Law a consumer is “a natural person who by purchasing or by procurement use products and services for personal needs or for the needs of their household, meaning they do not acquire them or use for trade, business or professional purpose”. The Law regulates also the rights and responsibilities of the Consumer Associations as one of the subjects responsible for the protection of consumers in BiH and envisages the possibility for them to form a Union of Consumers of BiH.

7.2 Overview of the main NSAs for each type in the Administrative Capacity Building sector

Consumers Associations

Six consumer associations were identified and were recipients of the questionnaire. Only two responded by completing the questionnaire – APEMA Consumers' Association and the BiH Union of Consumers, both based in Sarajevo.

Formed in 2001, *APEMA* aims to raise awareness of consumer rights and protection as well as the role of companies in society by lobbying with the authorities and other institutions. Although the association has actively participated in EU funded projects (Single Economic Space I and II), it only operates on a local level in Sarajevo and does not appear to interact with the municipality. From information received from the Single Economic Space project, *Apema* has, since the Team's meeting, joined the recently formed Consumers' Union (see Comments and Recommendations below).

The *BiH Union of Consumers* was formed back in 1987 and operates within the Sarajevo Canton. It aims to protect consumer rights through lobbying and participating in drafting legislation. During the past few years it has received EC and USAID funding, but it is now experiencing severe financial difficulties and its funding for the current year is practically non-existent. Moreover, the association lost its office space last year which was provided by Sarajevo Canton and is now 'homeless' until the Canton finds new space.

7.3 Comments and Recommendations

From research undertaken during the project implementation period, it can be said that consumer associations in BiH play a somewhat passive role despite the reasons for their existence. The protection of consumer rights and its legislation are issues which should involve the participation of organisations that are able to represent the general public, i.e. consumers. However, only a few organisations were identified and unfortunately the response to the questionnaire was extremely poor from those that were contacted as detailed in 7.2. The EU-funded Single Economic Space project has found the associations to be very independent minded and severely lacking resources, both funding and facilities. It was of no surprise to a key expert working on the Single Economic Space project that the associations did not respond to the questionnaire since there was nothing concrete of benefit to them.

Networking and interaction between NSAs

Consumer Unions comprising of Consumers Associations have been established in the past, but have not survived. The latest union to have been formed is a direct result of the Single Economic Space project (more details in Recommendations below). The existing associations in BiH do not appear to be active in creating partnerships with other related organisations. The contacts and links with other NGOs and CSOs have so far been extremely scarce, possibly to avoid the emersion of possible competition for the funds available in the field of consumers associations.

Grassroots Organisations

Taking into account the current status of Consumers Associations in BiH and their capacity, their representation of grassroots organisations is practically non-existent. The impression of the Team is that the associations contacted are very much 'one-man shows' with very few staff members.

Advocacy

It should be noted that the existing consumers associations in BiH are not very active in advocacy or public campaigns within the scope of their roles and activities.

Final Recommendations

The new Consumers' Union – others have existed in the past, but without much success - to operate at State level is the result of the EU project 'Support for the Establishment of a Single Economic Space in BiH' by which the association was established in October 2004 with affiliated offices in Tuzla, Mostar and Banja Luka. The main objectives of the association are to protect the interests and rights of BiH's consumers and to ensure the enforcement of law in the field of consumer protection. Recent additional members of the union are APEMA (mentioned above) and the Consumers' Associations in Zenica and Brcko.

The union has only recently become operational and obviously lacks experience in advocacy campaigns and consultations with the government, although the individual associations who are now members can bring their experiences to the table. In addition to receiving EU support for its training activities, the association is hoping to receive EU assistance in drafting legislation relating to consumer protection since the current legislation needs to be brought in line with EU legislation as part of the pre-accession process. With support from the Single Economic Space project, the union is planning in autumn 2005 to apply for a CARDS capacity building project through sponsorship with Consumers' International, a London-based federation of consumer organisations from all over the world. If the association is able to benefit from EU assistance and is seen to make positive progress in its start-up phase, it may well have the ability and experience to participate in EC development policies within the next few years. It is recommended that its progress be monitored.

Chapter 8: Justice and Home Affairs

This chapter considers NSAs who can positively contribute to programming and monitoring related to the judicial system, trafficking and asylum. The organisations mentioned could give positive contributions also to other fields either because they perform other activities as well or because they can add an additional dimension to other sectors, e.g., human rights associations could examine social and economic policies from the point of view of compliance with Economic and Social rights international standards.

8.1 Legal framework affecting NSAs in the Justice and Home Affairs sector

This sector is very poor when it comes to legislation affecting NSAs directly or in correlation with issues of justice and home affairs. The only NSAs whose existence is envisaged by the law are the Bar Chambers. According to both Entity Laws on Bar ("Zakon o advokaturi") all advocates and law clerks are obliged to associate to the Bar Chambers which are territorially competent for the place where the office is located. Such laws were imposed by the High Representative in May 2002 with the main goal of ensuring that attorneys could exercise anywhere in BiH regardless of their place of registration. According to such Laws, Bar Chambers are responsible for deciding and enforcing disciplinary measures, ensuring appropriate training for their associates and cooperating with the legislative and executive bodies all over BiH as well as with national and international organisations, institutions and associations⁴⁰.

Asylum and migration policy

The most important documents that guarantee the right of asylum in BiH are the International Convention on Refugee Status (1951) and the protocol on Refugee Status (1967). These documents are included in the BiH Constitution. The legal framework for asylum matters is defined by the BiH Law on Movements and Stay of Aliens and Asylum of 2003⁴¹. An alien wishing to apply for asylum may do so with any police unit or with the Ministry of Security. A special body within the BiH Ministry of Security is in charge of deciding on such applications; its decisions are final but under certain conditions they can be challenged in front of a court (administrative dispute), in which case any expulsion order is suspended until the end of the procedure. Bylaws regulating the execution of legal regulation have not yet been passed. The lack of such bylaws represents a serious obstacle to the law implementation. The migration policy is under the authority of BiH institutions and is regulated by the BiH Constitution.

Human Rights and Rule of Law

BiH has a very unique constitutional situation in relation to human rights protection and non-discrimination. The BiH Constitution provides for an open-ended non-discriminative clause that makes it an obligation for BiH that the enjoyment of the rights and freedoms provided in Constitution, or the listed international agreements in the Constitution, shall be secured to all persons in BiH without discrimination on any ground. Annex I of the Constitution lists an additional 16 international documents. In addition, the F BiH Constitution lists an additional 21 international instruments that have the legal force as any other constitutional provision. The RS Constitution guarantees to all equality of freedom, rights and duties before the law and the right

⁴⁰ Article 9.

⁴¹ BiH Official Gazettes No; 29/03

to equal legal protection irrespective of their race, sex, language, national origin, religion, social origin, birth, education, property status, political and other beliefs, social status and other personal attributes. On March 5th, 2003, the BiH Parliamentary Assembly finally adopted the BiH Gender Equality Law that provides for non-discrimination in all spheres of life. In addition to the competent courts and institutional mechanisms that ensure the protection of Human Rights and Rule of Law are the BiH and Entity Ombudsmen.

Legal Aid / Rule of Law

In 2003 new procedural and substantial codes were introduced both for criminal and the civil justice. With the new criminal laws, criminal proceedings were defined as a combination of legal tradition in BiH and the modern European system. The new laws brought substantial changes to the criminal legal system. The declared goal of these changes is to strengthen the rule of law and the establishment of a criminal system that ensures that justice is swift, available, accessible and equal to all.

Access to justice is an essential component in the proper functioning of a judicial system in a state governed by the rule of law and it is a vital component of the fundamental human right to fair trial guaranteed by article 6 of the European Convention on Human Rights (ECHR). Access to justice can only be ensured by a system that is capable of providing free or partially free legal aid for indigent people seeking to determine their civil rights and obligations. This has become even more important after the adoption of new civil legislation. Access to justice must be insured for all, including the poor. The Entity Criminal Procedure Codes provide for free legal aid to indigent persons.

War Crime Chamber and Court Support Network Project

In August 2003, the UN Security Council, in Resolution 1503, endorsed the establishment of a War Crimes Chamber (WCC) within the BiH Court as an essential prerequisite for compliance with the International Criminal Tribunal for the former Yugoslavia (ICTY). The purpose of the WCC is to provide a system of justice with the means and the capacity to ensure international standards in the prosecution and trial of war crime cases. This year the Court Support Network project within the WCC envisages the creation of a support network of institutions, groups and organisations within the Bosnian society with the purpose of providing information and guidance to thousands of potential witnesses and concrete assistance and support to those who appear as witnesses in concrete war crimes cases.

In addition to potential witnesses, the network will serve a concrete purpose in the public information and outreach effort of the WCC aimed at the general population of the country. The network of organisations and institutions will serve as a vehicle for the dissemination of information and the involvement of various groups in the work of the WCC. It will be a crucial element for the creation of the WCC's constituency, whose creation is of huge importance for the acceptance and integration of this institution into BiH society. Taking into account the unofficial projections of the first cases to be tried before the WCC, the Court Support Network will open its first three centres in Sarajevo, Tuzla and Prijedor. Three organisations have been identified as partners in the initial six-month period: Zena Zenama in Sarajevo, Tuzla Referentna Grupa and Izvor in Prijedor. These three organisations have been assessed as able to fulfil the envisaged role; memorandums of understanding will be signed soon in which the budget and model of cooperation will be defined.

This involvement of local NGOs in the activities of the WCC that aims to respond to the various needs of potential witnesses provides a good basis for increasing confidence in judicial institutions, both national and international, when it comes to the prosecution of war crimes. It is

also a means of direct contact with citizens and of disseminating information on the activities of the WCC.

Given the existence of this project, which already aims at getting feedback from civil society on the activity of the WCC, the Team decided not to contact further the groups of war victims' families and association of former inmates. If this should be done, then the assistance of the International Commission for Missing Persons would be crucial to identify and contact them.

8.2 Overview of the main NSAs for each type in the Justice and Home Affairs sector

Judicial system

Bar Associations

Notwithstanding the depth of changes in the judicial reform process, the *Bar Associations* did not take part so far in reform policy discussions; in fact their contributions have been limited to protecting the material interests of the category they represent. According to the Team's findings, negotiations are ongoing towards the formation of a National Bar Association which should unite the two Entity Bar Associations. In November 2004 they even reached a written agreement on a National Council of Bar. However this failed to be implemented because they were unable to agree on its first presidency (the Statute envisaged a 6 month presidency alternatively from each Association). Discussions for forming the State level Bar Associations are still ongoing.

The Team did not get any response to the questionnaire from the Entity Bar Associations nor did the Team manage to arrange meetings with them.

Legal Aid

A number of organisations offer free legal aid to BiH citizens, including MPDL (an international NGO operating in the Banja Luka area), *Justitia* and *Lex* in Banja Luka, and *Helsinki Committee for Human Rights* in Sarajevo.

The organisation *Vaša Prava* from Sarajevo (formerly a UNHCR network) appears however to be the largest and the most active organisation, as well as takes part in public discussions and in legislation drafting processes. It is a local non-governmental, non-profit association which incorporates the work, mandate and goals of the previous Legal Aid and Information Centres that were funded by UNHCR which is still the main donor. The goals of the organisation are to support the rule of law by enabling individuals to realise their rights. Organised as a network of 15 offices and more than 50 mobile teams throughout BiH, *Vaša Prava* is the main free legal aid provider in the country and one of the largest local NGOs in the region. It provides free legal aid to displaced persons in BiH, to returnees and to vulnerable local residents in cases related to sustainable return and socio-economical rights under local law and international legal instruments.

The network also assists asylum seekers and refugees in BiH, as well as other particularly vulnerable individuals such as victims of trafficking, by fostering a fair access to justice as is their right. An agreement to facilitate access to and from this group of people has been concluded with the State Ministry of Security.

The Executive Director explained to the Team how the network raises public awareness on the rights and obligations of the beneficiaries, on relevant legal developments and trends and problems faced by the affected population through the *Vaša Prava* magazine and other media outlets.

The organisation has succeeded in getting an invitation for one NGO to take part in the working group established by the BiH Ministry of Justice to draft a Law on Free Legal Aid. The Executive Director communicated to the Team the intention of *Vaša Prava* to invite to a preliminary meeting all the other organisations known to offer legal aid (MPDL – international, *Justitia* and *Lex* in Banja Luka, *Helsinki Committee for Human Rights* Sarajevo) in order to come up with one joint proposal for the NGO representative to attend the working group.

Trafficking and Domestic Violence

La Strada International is an international network that recognizes that BiH is one of the important points in Europe regarding trafficking. A member of this network and the only organisation working exclusively on trafficking issues in BiH is *La Strada* association based in Mostar and registered as a local association. Unfortunately, it seems that this association is not in a position to take the lead in coordinating the other organisations which include anti-trafficking in their activities because of the current leadership.

According to *La Strada* Mostar there are two ways in which BiH is affected by trafficking. The first one is international trafficking which is when women usually from ex-communist countries are victims of this business and either transit through BiH or end up working as prostitutes in BiH. The other one is internal trafficking in BiH where young girls especially from the eastern part of BiH-Republika Srpska, trying to find solutions for themselves by escaping from very bad economic situations and very often from domestic violence, become victims of traffic. *La Strada* has participated in discussions on the Law on Movements and Stay of Aliens and Asylum when it was still a draft.

Lara from Bijeljina – which as a womens association had other interests - was the first organisation to draw the attention of the media and international organisations to the spread of trafficking through BiH.

The link among domestic violence and vulnerability to trafficking is recognised also by other organisations, including international donors. The network *BATcom* which provides small grants for projects dealing with trafficking has included projects on the prevention of domestic violence. More and more organisations working on women and children rights protection are getting involved in these problems: *Žena BiH* (Mostar), *Lara* (Bijeljina), *Budučnost* (Modriča), *Medica* (Zenica), *ADF Sarajevo*, *Most* (Višegrad). All of these organisations just mentioned, with the exception of *Most*, and *La Strada* offer premises for the victims under an agreement with the BiH Ministry of Security.

The network *RING* gathers virtually all the organisations which are even marginally involved with this issue. The name and the members of such networks are well recognised, but all its members contacted by the Team (included the current coordinator of the network, *Medica* Zenica) were not satisfied due to the lack of common projects or common stands. In fact the network does not meet nor exchange information on a regular basis, but it is possible to contact the network and the information will be spread within it.

Budučnost works on the protection of human rights with a focus on the protection of women rights and in particular the issue of domestic violence. It has carried out public awareness campaigns on trafficking and has a safe house for women who are victims of domestic violence.

Human Rights

Several NGOs adopt a right-based approach in their activities (for example *Budučnost* Modriča, *Žene Ženama* in Sarajevo) and others include in their activities information and promotion of the

human rights concept (for example *Bona Fides* and *Helsinki Committee for Human Rights in RS*, both in Bijeljina and *Centar informativno pravne pomoci* in Zvornik). As mentioned in Chapter 2, more and more NGOs are adding this dimension to their everyday work through their contribution to the Human Rights treaty compliance mechanisms which involve continuous monitoring.

The *Helsinki Committee for Human Rights of RS* based in Bijeljina and the *BiH Helsinki Committee for Human Rights* based in Sarajevo are the only local organisations which deal exclusively with human rights. Both enjoy good press coverage and have raised their voice to bring the attention of the public and authorities on human rights violations and have initiated advocacy campaigns. They have regular contacts with the NGO community (as an example both are members of their respective Reference Group) and (especially the Sarajevo committee) enjoy of undisputed reputation among them. They are however not mentoring other NGOs or promoting a rights based approach in their work, leaving both apparently this role to crucial external actors as the OHCHR and Global Rights. The RS Committee is realising in cooperation with the International Criminal Tribunal for the former Yugoslavia a series of conferences in the places where war crimes were committed in order to share with the citizenship the main Tribunal's findings.

The two committees, formed independently in the immediate aftermath of the war, used to have close and friendly cooperation (the president of the Bijeljina Committee was also a member of the Steering Board of the Sarajevo Committee). When the BiH Government handed over a group of former Algerian citizens recently naturalised as BiH citizens to the US authorities, a harsh split occurred. Currently communications between the two committees is limited to only official and necessary issues.

8. 3. Comments and Recommendations

Several organisations who did not complete the questionnaire would have been able to bring added value to the mapping study: the two Bar Associations; the Helsinki Committee for Human Rights in Sarajevo; the Centre for Legal Aid to Women from Zenica; Lex International and Iustitia from Banja Luka; the League for the Protection of Private Property from Trebinje; Una's Women from Bihać.

Networking and interaction between NSAs

Discussions on the best system for Legal Aid to be implemented in BiH could be an occasion for closer cooperation among NGOs dealing with the judicial sector, and among them and the Bar Association. So far, this has not yet happened.

Grassroots Organisations

The organisations belonging to the Justice and Home Affairs sector which received the questionnaire included 20% of grassroots organisations (four out of 20). Some have been included in Chapter 5 due to the scope of their activities.

Advocacy

In this sector notwithstanding the huge changes introduced in the judicial system of BiH and the ongoing discussions on the police re-organisation, NSAs have completely left these issues in the hands of the international organisations in BiH and of political parties.

Final Recommendations: Transparency International, Vaša Prava, La Strada Mostar and Lara Bijeljina (RING network), the Bar Associations

Because of its qualified and active participation in monitoring of the system under the very important aspect of transparency and corruption, **Transparency International** in Banja Luka would be definitely an important interlocutor.

Vaša Prava having contacts both with a number of citizens, including the ones from rural and minor places, and experiencing directly the weaknesses and strength of the judicial and administrative systems, is in a good position to provide useful contributions to policy debates which are grounded in the reality.

Rather than selecting just one of the various valid organisations dealing with anti-trafficking which could add their perspective to policy debates in this sector, namely **La Strada** in Mostar and **Lara** in Bijeljina, it is recommended to address them jointly through the **RING network**. Even if, as described above, this network has not so far taken common stands, it is composed of strong organisations which know each other quite well: many have been supported by *BATcom* and most take part regularly in the National referral meetings on anti-trafficking.

The **Bar Associations**, although they did not respond to the questionnaire, and have not yet shown any particular interest in policy discussions on the future of the judicial system, could potentially be good partners considering their capacity and skills and direct experience of the system. Therefore, they should be encouraged to be involved more in this process, and if this would be done publicly it could lead to the emersion of internal forces more keen to play a role in society.

Chapter 9: Mechanisms to involve NSAs in the programming, reviewing and evaluation of EC-financed development cooperation

The first sections of this chapter present two cases of EC projects identified during the inception phase as worthy of additional investigation because of their early involvement of NSAs – as was the case with the ongoing VET Programme – or because their aim was to create mechanisms associating institutional actors, the private sector and civil society – as with the establishment of the RDAs within the EU RED project, due for completion in September of this year. Both programs lead in fact to the establishment of bodies including NSAs as important members, which could be usefully involved in the programming, reviewing and evaluation of EC-financed development cooperation. The degree of active and quality participation in such initiatives can serve as a good indicator of the capacity of the involved NSAs to participate in policy making and monitoring and can give indications on the strengths and weaknesses of the mechanism itself. The CARDS Advisory Committee for Environment is mentioned as a first example of involvement of NSAs (two NGOs in this case) which are not direct stakeholders in the evaluation of several EC funded projects.

The final section of the Chapter – after a brief description of the current programming procedure in BiH for EC funded assistance and its expected evolution – discusses possible alternative mechanisms to be put in place for NSAs involvement in the programming, reviewing and evaluation of EC-financed development.

VET Programme

Since 1997 the EC has implemented a series of programmes dealing with VET. Their objectives consisted of three components: policy and strategy; curricula development and teacher training; adult education and training programmes.

The objective of the first component was to introduce a State Framework Law on Vocational Education and Training, thereby including mechanisms for inter-entity and inter-ethnic co-operation. The main goal was to reform school boards and introduce an equal education system at all levels, but at the same time being flexible enough to allow room for manoeuvre within cantons/regions. The drafting process involved 25 key actors of the VET Programme, among which several NSAs: Teacher Trade Union of BiH; Trade Entrepreneurial Chamber RS; Employers Organisation Federation «Bosnalijek»; Trade Union Commerce, Tourism and Service Sector of RS.

According to information the Team received, it is difficult to say if all the NSAs who were among the key actors for the drafting process played a significant role. However, it is important to mention that they were all involved in the work and committed to the outcome. The draft law is now before the BiH Parliament.

The second and third components of the VET Programme concentrated on curricula development and teacher training in vocational schools and the implementation of education and training

measures for the reintegration of refugees, DPs and other special groups, such as war widows, people with disabilities and economically disadvantaged persons.

One of the first steps taken was the rationalisation and simplification of the VET occupations in order to put them in line with the current labour market needs and with European standards. The teacher training component of the programme aimed at introducing new teaching methodology in order to adapt the VET teaching system to the socio-economic needs of the country and to modernise the curriculum to meet the demands of the country's labour market. Therefore, it was vital that representatives of the economic sector take part in this process. Partnerships were established with vocational schools and enterprises in the EU to assist in the reform process by bringing new ideas and methods more relevant to the new labour market requirements in BiH.

For these steps it was decided to involve again the relevant NSAs, in particular Teachers Trade Unions, Chamber of Commerce and Employers Associations.

According to the EC VET Programme Deputy Team Leader, at the beginning there was considerable resistance to the changes coming from the teachers. Gradually they have since proven to be open-minded and were more willing to speak up and have their opinions heard. Support and cooperation from relevant educational Ministries has been reportedly very positive.

Although the main cooperating partners are state institutions who play an important role in the entire education reform process, a significant role was envisaged for NSAs such as Trade Unions, Employers Associations and Chambers of Commerce as they are considered to be an important link with the labour market. A major problem encountered with involving NSAs was finding those that were able to represent group interests and not individual ones and identifying representatives from companies who were able to take an active part in this process. Today Chambers of Commerce are seen to be more pro-active, now that they are no longer funded by the State. Company and Employers Associations showed some cooperation, mainly those which had available resources and good ideas to be involved in the reform processes.

According to findings in the Prizma report 'Evaluation of EC Support to Reform of VET in BiH', published in January 2005, there still needs to be improved cooperation between schools and the labour market. The report indicates that 56% of school directors and only 30% of teachers who took part in the Prizma survey consider that reform activities have improved their cooperation with representatives of the labour market (p.50 of report). The current weak economy is partly to blame. There are few companies that are willing to or are able to provide work experience to students. Prizma findings show that the cooperation that does exist is due to personal contacts between smaller private companies and school staff.

Plans are underway to form a VET Council at state level and, as one of the expected results of the VET Programme, the council should be established and operational by the end of 2006. The first seminar for the Council organised by the VET Programme is to take place in May. The Board will be comprised of 25 members among whom the following NSAs have been nominated: Trade Unions (2), Employers Associations (2) and Teachers Unions (2).

The EU VET programme will continue at least until 2007. As has been the case in the previous programmes, it is envisaged that NSAs will play a significant role by bridging the gap between the VET education system and the labour market.

Environmental Projects

The EC Delegation set up an Advisory Committee for Environment to provide support, follow-up and monitoring of CARDS 2002 and 2003 project implementation and to contribute to the preparation of CARDS 2004 projects.

One of the objectives of Advisory committees in general is to promote ownership of the assistance by giving responsibility for key decisions to the institutions and stakeholders of the beneficiary country. The participation of stakeholders from different institutions/organisations allows a wider representation of interests.

The initial structure of the Advisory Committee for Environment was to include representatives from a number of organisations: DEI, various governmental ministries, OHR, Regional Environmental Centre and the NGOs 'BETA' and 'Young Researchers of Banja Luka'.

The purpose of the Committee was initially to replace the Steering Committee for a number of EC environmental projects that started around the same time. Once the projects got underway and were seen to be successful with them finding their own beneficiaries, the concept was changed and the role of the Committee was to discuss a broader range of EC related issues or issues in common for EC interventions (such as mid term review findings) with a wider range of beneficiaries. The Committee meets at least twice a year and more as needed. During the initial phase, the NGO selection was random. The idea is that the selection process might change once some experience has been gained with ongoing projects with NGOs.

EU RED Programme - Regional Development Agencies

The EU RED project, which has been running for just over two years, has the objective of improving the economic environment in BiH through a regional approach. In order to identify the economic regions in BiH, EU RED adopted a "bottom-up" advisory approach, whereby municipalities themselves decided which region was most likely to meet their future requirements and so they agreed upon the following: ARDA NW based in Banja Luka for the North-West; NERDA based in Tuzla for the North-East; REZ in Zenica for Central region; SERDA in Sarajevo; and REDAH in Mostar for Herzegovina.

RDAs have been formed to encourage cooperation among different local governments and in particular with NSAs. In turn, the RDAs themselves can be considered as NSAs and in fact are registered as such. ARDA, NERDA and REDAH are registered as citizens associations with NGO representatives as assembly members. REZ and SERDA are registered limited companies. REZ is the result of a USAID-funded project and SERDA already existed.

One of the first priorities of the RDAs was to draft developmental strategies for each region. WGs were formed consisting of RDA and municipal representatives to act as core operational bodies of the strategy building process. Cooperation between the members is considered to have been very successful. Partnership groups were formed with representatives from the private, public and NGO sectors to review and comment on the strategy building process. Although all the partnership groups had considerable NSA representation (Chambers of Commerce, Employers Association, NGOs, etc.), it appears that they took more of an observer role during discussions even though they had the opportunity to play a more substantial role. The development strategies were finalised and launched in December 2004. According to the EU RED team, this phase of the EU RED project has successfully achieved its objective.

A Secretariat and Council for Social and Economic Development are to be set up within the MoFTER through the EU RED project at some point during this year. Since the current EU RED project is due to finish September 2005, it is to be expected that at least the Secretariat will be formed in the near future. Negotiations are now underway. The Secretariat will be comprised of a member from each partnership group within each RDA (including NSAs), government representatives and the RDA directors. RDAs have not been included in Chapter 6 because of this planned inclusion in an institutional consultation body which separately will be able to provide feed-back on EU-funded planning and monitoring. Their role in bringing institutions and NSAs closer at regional level cannot be underestimated and it is still in its developing phase.

EC-funded assistance in BiH

The key document guiding the EC assistance is the multi-year Country Strategy Paper (CSP) which identifies the main strategic priorities for the assistance to be provided during the programming period. The current CSP covers the period from 2002 to 2006. The multi-annual indicative programmes (MIPs) cover shorter time intervals within the one covered by the CSP and go into further details, guiding directly the annual assistance programmes.

This year, the mechanism for programming CARDS 2006 has introduced substantial changes in relation to previous years, increasing the role and responsibilities of the BiH institutions, although still leaving the final programming responsibility with the EC Delegation. The process involves three main actors: the DEI, the line ministries of the CoM and the EC Delegation. Each Ministry has identified a Senior Professional Officer (SPO) who will be the counterpart for all projects of his/her competence together with the respective EC Task Manager and a DEI officer from the Sector for the Coordination of the EU aid. For each Project a Project Programming Committee composed by these three subjects is assigned; each of these members – or as a matter of fact the whole same Team – can however be assigned to more than one project. A Programming Management Committee composed by senior management staff from DEI and from the EC Delegation oversees the whole process.

Due to under-staffing in several ministries this year, other State institutions have been involved in the programming, providing SPOs, in particular those institutions that are completely independent from the Government(s) of BiH, but still are budget users (like the High Judicial and Prosecutorial Council and Communication Regulatory Agency). This is of course a non-optimal solution because it creates conflict among the independent nature of such institutions and the need to ensure democratic accountability for choices on the use of resources which only an elected government can ensure.

The DEI is responsible for ensuring coordination among all stakeholders.

The Stabilisation and Accession process undergone by BiH will introduce further changes. CARDS Programmes should eventually be substituted by Instrument of Pre-Accession Programmes. A decentralised mechanism, in which the beneficiary country is ultimately responsible for the programming rather than the EC Delegation, could be introduced as early as 2006, or at least further steps will be made in this direction. Hence the role of the SPOs and DEI will be substantially increased.

It is reasonable to expect that during the period covered by the next CSP BiH will sign a Stabilisation and Accession Agreement and will successively become a candidate country. One of the conditions that candidate countries have to fulfil is to adopt a National Development Plan (NDP) which clearly indicates the strategic priorities and the path that will be followed in order to achieve the conditions required for accession. This also would affect indirectly the CSP, since

the strategy for assistance to a candidate country naturally follows the priorities indicated in its NDP.

In this case the timeframe is such that a CSP should be adopted by the EC before the country adopts its NDP. Since, in view of the decentralisation trend mentioned above, the domestic institutions will be playing also a crucial role in indicating the CSP priorities, it would seem recommendable and logical in order to ensure a consistent approach that the task of coordinating the input for the CSP would be assigned to the same technical body that will eventually draft the NDP (being obviously the CoM the political body responsible for approval– after appropriate consultations with the Entities – in both cases).

It can be assumed that the State institution which will be in charge of coordinating the inputs from line ministries and from other relevant institutions in order to draft a CSP will be the DEI, and it will be ultimately upon the DEI to ensure that, in accordance with the EC requirements, NSAs are involved in this process, as well as in the subsequent evaluation. Possible modalities of such involvement will be considered below.

Possible future mechanisms for NSAs involvement

The revision, monitoring and evaluation of individual projects could relatively easily include NSAs in the existing structures, like in the CARDS Environment Advisory Committee case discussed above. The choice of the participants should be made by the relevant SPOs, but should be possibly made public and a call for self-candidatures should be open. All the relevant project documentation should be made available to the participating NSAs as soon as received by the SPOs. If necessary – which should not be the case for most NGOs, but might be more probable for other NSAs – it should be made possible for the participating members to receive an introductory training on Project Cycle Management. Participating NSAs should be able to separately provide their views both on the implementation of the project, and on its design (not only its purposes, but also the effectiveness of indicators and means of verification). Advisory committees should be formally mandated by the beneficiary institution since, without this, the committee's decisions may not have validity. The requirements for mandating vary and, for example, in the case of Ministry may require a Ministerial Order.

More complex is the question of the most effective mechanism of involvement of NSAs in consultations about the CSP and general priorities or in new projects identification and design, where a much broader involvement is required.

The simplest possibility to be considered would be to have each SPO/DEI officer pair leading consultations for their own sector inviting the representatives of relevant NSAs and other Institutions to participate. This is in fact the solution adopted for the programming of CARDS 2006 this year. Each SPO had the possibility to arrange external workshops or consultative meetings for particular issues, or for discussing the whole project concept. As the Team found out in conversations with DEI, no use has been made of such possibility so far, regardless of some officers' wish to so, mainly because of lack of time and of the right contacts. The novelty of the whole programming system can also contribute to explain why such additional option was not made use of. Also, in lack of a clear policy indication, the organization of such consultations depends almost exclusively on the good will of the single officers. People at DEI were not yet aware of the Communication 'Non-State Actors participation in EC Development Policies'⁴².

⁴² See above page 1.

While the present mapping study is supposed to constitute a starting point to help to identify possible interlocutors, the NSAs panorama is in constant evolution. Both external visibility and direct contacts are crucial for the institutions in order to ensure reciprocal knowledge with the organized groups in society. The experience of the drafting of the PRSP has also indicated how many particular efforts have to be put in order to reach effectively the most relevant NSAs. The contributions have to be organised, and in fact if participation is going to be effective, the relevant officers would be flooded with contacts and proposals, and would not be able to screen or filter them appropriately, not to speak about answering them.

For these reasons, a second more viable option would be for the DEI to assign the task of coordinating the consultation to an ad-hoc liaison unit. This unit would be receiving inputs about consultation needs from each SPO and from the DEI Sector for the Coordination of EU Aid and Sector for Strategic Integration; it goes beyond the scope of this discussion to indicate its possible systematization within the DEI structure, or its identification with existing staff. If NSAs would have such a structure as their first point of contact, the participatory dimension of the EU integration process would be more visible. DEI, as responsible of the drafting process and of the NSAs involvement, would keep the whole process under direct control.

At this stage it should be taken into consideration also the existence of another institution established by the Council of ministers – the EPPU PIMU presented above – tasked also of consultation of civil society, in relation to the MTDS. A third possibility to be considered would be hence to assign to that Unit the task to lead the consultations also concerning EC funded projects planning and evaluation, including the CSP.

This would however entail a drastic re-definition of the identity and task of this body, which has so far been dealing exclusively with the monitoring and reviewing of the MTDS and of the economic policy of the Council of Ministers. Such a solution would in fact re-define it as an (embryonic) office for consultation of BiH institutions with NSAs for strategic planning, as a window of the State towards civil society. For the Council of Ministers, which as mentioned above is lacking so far a strategic vision for civil society consultations, this would be a radical change.

Such solution might entail a re-naming of the Unit, as well as the redefinition of its relations with the rest of EPPU and the DEI. Also, while the experience and the contacts acquired so far would be a precious capital, they should be considered as a starting point for the establishment of a more effective consultation mechanism.

A fourth possibility would be to have one or more NSAs in charge to organize the consultation. Such an option would probably presuppose some funds to be provided for this exercise, for example to be allocated on the basis of a public tender. Hence also this mechanism, in order to be sustainable on the long term, could presuppose a strategic choice by the CoM to provide resources for such exercise.

The experience of the monitoring of the MTDS performed by ICVA⁴³ has pointed at some potential risks connected with such option. First, if contributions coming from NSAs would not be taken into appropriate consideration by the relevant Institutions, it would be more difficult for a non-governmental structure (and even more if directly dependent from public funding) to be able to effectively insist for an answer. Even the identification of the proper interlocutors at the institutional level would be more difficult for an outsider than for an institutional body, even if relatively new. Second, a problem of language could arise. While there are with no doubt many NSAs which are perfectly able to effectively communicate with State bodies (and in fact they do so), there is a risk that contributions received are so incompatible with the programming language

⁴³ See above pages 10-11.

that a real dialogue cannot be established. Third, the existing relations network of the NSA(s) in charge would heavily influence the scope of the consultation (this problem could be overcome by extending the number and range of NSAs in charge of the consultation, at the expense however of the simplicity of the mechanism). As outlined above, among NGOs and other NSAs – and in some cases even between NGOs – there is a scarce degree of interaction and to a certain extent even of reciprocal knowledge. Such reciprocal knowledge would be more a positive output of a joint participation to a consultation exercise rather than a viable assumption for its positive development. Also for this, it is important that various NSAs contributions are publicly shared and are object of possible cross analysis by other NSAs.

It is clear that each of the options presented above would deeply affect the mechanism of consultation and presents both advantages and disadvantages, briefly summarised in the following table:

CSP Consultation lead by	Strengths	Weaknesses
Each SPO/DEI officer	<ul style="list-style-type: none"> - Better formulation of the issues - Immediate feed-back to NSAs - Direct contact among NSAs and SPOs 	<ul style="list-style-type: none"> - Strong limitation to consultations due to lack of time/human resource - Unequal NSA involvement in different sectors according to the SPO's approach and personality - Insufficient knowledge of the NSAs panorama
DEI's NSAs unit	<ul style="list-style-type: none"> - More EU visibility - Closer link with documents drafters 	<ul style="list-style-type: none"> - Risk of partial duplication of roles with the PIMU
EPPU PIMU	<ul style="list-style-type: none"> - Use of established contact networks with CSOs - Characterise PIMU as the window of the government 	<ul style="list-style-type: none"> - Risk of lack of positive response, discouraging NSAs
Selected NSA(s)	<ul style="list-style-type: none"> - Empower the selected NSA(s) - Ensure that NSAs have a say on the consultation mechanism 	<ul style="list-style-type: none"> - Contributions not taken into consideration enough by Institutions - Problem of communication - Incomplete selection

For the reasons outlined above, the first possibility would not be recommendable because it would limit severely the scope and impact of the consultation. It is possible however to retain its positive aspects making sure that Project Officers keep a key role in formulating the issues and are put in condition to establish a direct contact with NSA in the course of the consultation.

The last option's positive sides can be achieved in any case through the establishment of a consultative body including NSAs which would comment and suggest improvements to the modalities of the consultation.

Both the second and third options envisage an institutional body to be in charge of the consultation and for the reasons stated above this seems the preferable solution.

A choice among them should depend on several factors which the Team is not in position to assess at the current moment, including: the attitude of the BiH Council of Ministers towards a policy for involvement of NSAs in consultations on policy making, the scope and manner of reorganisation of the EPPU PIMU especially in view of the future DFID funded project aimed at strengthening the capacity of interaction with the civil society, the staffing pace and future plans for the DEI, the evolution of the relationship among these two bodies.

Whichever will be the preferred option, the body in charge to streamline the consultation process for the drafting and monitoring of EC funded assistance to BiH, should be able to:

- Collect and solicit inputs from SPOs and DEI on specific issues on which opinions are sought;
- Collect and solicit inputs from NSAs on specific issues and on planning/project area on which they would like to intervene;
- Rely on a "Consultation Committee" including diverse NSAs to generally oversee and suggest necessary changes to the consultation process;
- Encourage NSAs to present contributions in written form and structured in a way that is appropriate to contribute to policy making and monitoring, and this is not the case;
- Consolidate the collected contributions, organise direct meetings of (representatives of) the contributors with the relevant SPO(s) in order to favour reciprocal direct knowledge, some form of immediate feedback and when appropriate a "technical" discussion;
- Solicit relevant SPOs and State institutions to provide short written feed-back when this does not happen, insisting for them to touch upon all the points raised;
- Make available on Internet the contributions from the NSAs and the feedback from the State institutions, as well as regular updates on the drafting and consultation process;
- Inform NSAs and the general public about EU policy for NSAs involvement.

Publicity of each of the steps above, through the media and the web, is crucial to ensure the accountability of the whole process: the accountability of the NSAs towards their members and the groups they advocate for as well as the accountability of the State institutions towards citizens. Making public their written contributions and their shortfalls would allow citizens to express their judgment on one and the other and to take more active steps to promote change.

Chapter 10: Final Remarks

An active non-state sector helps in building partnerships with the government, in turn opening doors for joint policy decisions processes making the government accountable for its decisions and actions. Programmes funded by the international community create conditions for developing the civil society and the NSA sector.

Nowadays NSAs are more involved in the public policy process, in public campaigns, in public discussion on laws and are willing to participate in such processes. In spite of the difficulties in actively involving organisations in the public policy process, there is increasing evidence of NGOs forming coalitions, networks, conducting advocacy campaigns and communicating with policy makers, particularly at the local level. Larger public advocacy campaigns do take place, but are generally instigated by an international NGO or a member of the larger donor community. One kind of exceptions is constituted by campaigns arising from need of most vulnerable categories.

Generally NSAs continue to face substantial difficulties in guaranteeing their long-term sustainability. At first they are facing political rifts and apathy, limited and uncertain financial resources from international donors and lack of mechanisms that require cooperation between the government and non-government sector. Some NGOs have a limited sense of ownership over their role, purpose, mission, and future. Their sustainability and activities are donor driven. They exist as long as the projects exist which means they advocate issues as long as they are paid to.

However there are organisations even in rural areas that manage to escape from this dependency. One good example is the organisation *Nezavisni Biro za Razvoj* in Modrica which through helping the development of SMEs ensures its financial independence by providing paid services. Other ways of self-financing do exist, but they are widely recognised as unreliable, such as income from membership fees which are frequently not paid. A greater concentration of project-oriented and institutionally-developed NGOs is found in urban areas, although local NGOs in smaller towns such as Modrica, Rudo, Prijedor, Bosanski Novi and Livno have gained or are gaining capacity and strength. Cooperation between NGOs and the local business sector support the expressed need for an established mechanism where the local business/private sector would recognise benefits for the NGO involvement. Both of them, the local private sector and NGOs should recognise each other's interests. This would enable NGOs to perhaps turn more to local businesses for programming support at a time when international donors are decreasing their funding.

The international presence has both positive and negative effects on the NSA sector development. It has ensured that many organisations receive resources, training and technical assistance, but it has also contributed significantly to financial dependency and interest-driven partnerships. However, the situation seems to be improving slightly. More organisations and especially those formed independently in response to community needs are creating plans and finding ideas for making themselves sustainable. Unfortunately many are still almost 100% donor-dependent.

Cooperation with local government are on the whole not satisfactory, although during the past few years the situation seems to have improved with local authorities now beginning to understand the role and benefits of the NSA sector. There are some mechanisms for cooperation

already in place, such as: municipalities are required to allocate a part of their budget to the NGO sector and some municipalities even have representatives from the NGO sector involved in the decision making process. However, organisations are generally not satisfied with the municipal budget allocations nor with their level of involvement in decision making processes. Several NSAs that the Team visited explained that they never applied for municipal funding since they knew that either the municipality would never actually allocate the funds or that the available budget was so insignificant that it would be better if a poorer, more grassroots organisation applied for it.

There is one tool noticeably missing in some cases and not used widely enough in others: active use of media. The media can be used effectively to present the role and activities of CSOs to the general public and to show their importance and use. Therefore the media can be used as a tool for effective advocacy campaigns as well as for publicity.

Existing umbrella organisations are institutionally weak and fail to play their critical function. The State level Coalition “To work and succeed together”, although a positive step towards strengthening the civil society, for the time being is perceived to be not particularly focused on presenting joint interests and weak. It will take time to strengthen the Coalition and to make it efficient. Also, at lower levels NSA sector in BiH still needs to work more on establishing networks. There are examples of networks at local and Entity level, but they need to be constructed in a way to involve their members more in participatory roles and to make them feel that their interests are well represented.

Although many strong organisations tend to be located in cities, there are organisations with good potential in smaller and often more neglected areas. Some initiatives do exist where larger, 'healthier' organisations support smaller ones, but not enough.

Many organisations deal with the same issues. If there were better cooperation to work together, this would strengthen joint interests and activities and possibly allow funding to be stretched further.

There is a tendency for donors to orientate towards the same few organisations that are seen to be "in the system". They know and have practical experience in applying for projects. During the project implementation the Team heard repeated criticisms of how complicated procedures are for project applications and how this can be very discouraging to smaller, less experienced organisations. Workshops to explain the procedures of completing applications would encourage other good organisations to apply for funding from donors from whom they have not previously received funding. Considering that so many organisations are project and donor driven, it would be more beneficial for them in the long term to be offered partnerships and services in helping them develop ideas for fundraising, rather than continuing the current donor dependent climate. A good example here is the current USAID funded project 'Towards a Sustainable Tomorrow – Partnership, Participation, and Inclusion' being implemented by the United Methodist Committee on Relief that aims to promote philanthropy and domestic fundraising in BiH to ensure the continuing viability of local NGOs.

In terms of sectors, organisations dealing with SME development, economic issues and women's organisations appear to be organisationally and financially the strongest. Sector and cross-sector cooperation does exist, but it is still not at a stage where it can be said that such cooperation can really empower civil society.

The legal framework for civil society has improved and continues to do so, but there are still gaps that impact the development and sustainability of NSAs. It is widely recognised that additional laws, amendments to those that already exist, regulations, and policies are very much needed. In spite of existing mechanisms (i.e. Gender Centres) or mechanisms that are under discussion (i.e. the BiH Coalition “To Work and Succeed Together”), the relationship between the Government and civil society has yet to be defined or/and operationalised at all levels. Therefore, developing and strengthening the legal and policy framework for civil society is vital to the needs of the country. This can be done through various ways, such as: supporting and making operational the adoption of a State Government policy on cooperation with NGOs; building the capacity of institutional mechanisms already in place and those that are to be put in place for government cooperation with NGOs; reform of tax and fiscal policies that would improve the financial sustainability of the sector.