



Civil society in action for dialogue and partnerships

The collection of written contributions



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Introduction

Antonella Valmorbida, *Director of ALDA*

The two-year project *Civil Society in Action for Dialogue and Partnership* has been realized in cooperation with eight civil society organizations and the same number of local governments, with the involvement of large number of representatives of civil society and municipalities in Bosnia and Herzegovina. Partner organizations, and numerous participants of the training program, local forums and thematic conferences emphasized the importance of the implementation of the memorandums of municipal local partnerships as a prerequisite for democratic development, efficient and transparent management, and thus significantly contributing to achievement of the objectives of the project. This publication is a collection of local practices in which the initiators of the change are the civil society organizations known for their years long involvement in respective municipalities. From their assessment and consideration of the local context, the establishment of inter-sectoral partnerships, evaluation and analysis of the survey results, some factual and day-to-day problems can be seen in the implementation of the 2007 Agreement between the Council of Ministers and NGOs. Established legal and institutional framework for cooperation between government and civil society organizations is an important step towards acknowledging the role of civil society in social, economic and political life of the country. However, its effective implementation in local communities, with particular emphasis on institution building for dialogue and cooperation both in decision-making and in the implementation of policy measures, is evidently still facing a number of challenges. For these reasons, the description of local practices contained in this publication can serve as a guide for both NGOs and decision-makers in other areas of Bosnia and Herzegovina.

Building partnerships has become one of the key elements in the policy and programmes of the European Union as the sign of recognition of the consequences of the economic, social and political changes, and a deep crisis in particular. The principles of partnership and good practices of cooperation are an integral component of financial support instruments, the Structural Funds, of community development initiatives and strategic planning at all levels. At the beginning of the new budget period 2014-2020, the principles of local partnerships are considered extremely relevant in view of the multi-dimensionality of the causes of the economic crisis, unemployment, poverty and social exclusion. The concentration of these problems is the highest in local communities, while the system of local self-government equipped with adequate powers, based on principles of effective and responsive performances of the tier of government closest to the citizens is becoming increasingly relevant. Bearing in mind the number and scope of local actors it is necessary to establish general principles and standards of their cooperation in public policy making, that can be applied at regional, national or European levels: the principle of participation, transparency and accountability, effectiveness and compliance with the local needs.

In Bosnia and Herzegovina, as well as in other countries of the Western Balkans, it is necessary to further promote the culture of active participation in policy and decision making, integrated in the concept of active citizenship as an expression of acceptance of social responsibility. In this process, an equally important role is played by the public, civil and private sector. Continuous development of sustainable and effective mechanisms of their mutual cooperation is more than ever relevant as the response not only to the ongoing crisis, but for building the pillars of the local development strategies.



Harmonization of the current legal framework of local self-government with the European standards

Prof. Mirko Pejanović, Ph.D.

General characteristics of the local self-government development

Local self-government has confirmed itself as the most successful segment in the functioning of political systems of the countries in transition.

Within the structure of local authorities – municipal council, municipal mayor, and municipal administration – decisions are made on satisfying the most important needs of the human life in a settlement, i.e., local community.

Decision making in municipal councils, i.e., municipal assemblies, has a dominantly civil and democratic interest character. Municipal level of decision making identifies citizen interests in the fields of regulating settlements and housing construction, utility infrastructure, social activities, public utility services, and in the field of economic development and employment. Political combats among the parties in the municipal councils do not have the characteristics that appear at the higher decision-making levels. Common interest both for the ruling majority and the opposition in municipal councils is being shaped through the selection of the best projects of economic, urban, and cultural development of the local self-government units.

The introduction of the direct election of the municipal mayor enabled a new dynamics in the communication between executive authorities and citizens in making decisions about public affairs in the local self-government unit.

Many countries in transition, particularly those that have become candidates for the EU membership or already its members, have implemented a reform of local self-government in many aspects. Those reforms have resulted in a new legal position of local self-government, and in a stronger role of the local self-government unit in encouraging and implementing local economic development. In addition, reforms of territorial organization of the local self-government were implemented. For example, Slovenia had had 60 municipalities and ended in the territorial organization with almost 200 municipalities.

General characteristics of the local self-government development in BiH

Particular political and constitutional structure in BiH, which is based in the Dayton constitution, largely determines the organization and functioning of the local self-government in BiH.

A known principle from the European Charter of Local Self-Government establishes that in any democratic country the citizen's right to local self-government, as a fundamental political right, is guaranteed in the constitution and domestic legislation.

That political right (the right to local self-government) is not guaranteed under the provisions of the BiH Constitution. It is guaranteed in the entity constitutions and in the Statute of Brcko District. In fact, the BiH Constitution contains only a provision about Sarajevo as the capital.

The citizen's right to local self-government, the powers of local self-government units, and the structure of local authorities are laid down in the entity constitutions: the Constitution of the Republic of Srpska (RS) and the Constitution of the Federation of BiH (FBiH).

The territorial organization of the BiH municipalities has not changed much in the postwar period. Several municipalities were established along the inter-entity boundary line. A certain number of territorially and demographically small and quite underdeveloped municipalities were established. Among them, the following ones stand out: Ravno, Istocni Mostar, Ustikolina-Foca, Istocno Gorazde, Istocni Drvar, Teocak, Domaljevac, etc. Except for the territorial organization of the new municipalities along the

inter-entity boundary line, there were no major reform programs related to the municipal territorial organization. The prewar municipalities have mostly kept its territorial scope after the post-Dayton period.

As an innovation in the development of democracy in local communities, the direct election of the municipal mayors was introduced in both the FBiH and the RS in 2004.

In this way the *social identification of citizens and executives in the structure of local authorities* was increased. With their electoral preferences, the citizens showed that they follow interests of the local community development, and so they preferred the most successful programs and their initiators. In several dozens of municipalities the candidates for the position of municipality mayor received many more citizen votes than their party lists.

A certain number of BiH municipalities, both in RS and in FBiH, have become recognizable by the implementation of the local economic development projects. This is the case of a managerial invention of municipal mayors in encouraging and shaping development projects of the municipal infrastructure, spatial planning, provision of utility services, development of entrepreneurship, and youth employment. Within the group of municipalities that achieve the best results in the local economic development, the following ones stand out: Gracanica, Ljubuški, Laktasi, Bijeljina, Tuzla, Zenica, Citluk, Centar Sarajevo, etc.

There are historical experiences regarding the role of local self-government units (municipalities and towns) in encouraging and implementing the local economic development. A proper model was shown in the local economic development of municipalities and towns in the postwar Federal Republic of Germany from 1950 to 1970. The experiences from the economic development of BiH municipalities from 1970 to 1990 are also important.

Legal position of local self-government in BiH in the post-Dayton period

The first law on the fundamentals of local self-government in FBiH was enacted after the establishment of the Federation in 1995. That law had been in force until 2006, when the new law was enacted: the Law on the principles of local self-government in FBiH.

Innovated legal solutions regarding the position of local self-government in RS were established in the Law on local self-government, the implementation of which began in 2005.

Ten years after the postwar, post-Dayton and the development of local self-government, new laws on the local self-government in FBiH and in RS were enacted.

The main solutions in defining the legal position of local self-government from the aspects of organization, powers, and funding have been laid down essentially *the same* both in FBiH and in RS. The Law on local self-government in RS contains a broader elaboration of the position and mutual relations of local self-government institutions. On the other hand, the Law on the principles of local self-government in FBiH both in the concept and content is restrained to the definition of principles, leaving the local self-government units to define in their statutes all important organizational and functional aspects of local self-government.

In the spirit of the European Charter of Local Self-Government, the entity laws on the local self-government from 2005 (RS) and 2006 (FBiH) establish the concepts of organization and powers of local self-government under the principle of subsidiarity. This means that the priority in the conduct of public affairs belongs to those authorities *that are the closest to the citizens*. Those are local authorities – the power is structured in the local self-government unit. The application of the subsidiarity principle means that the local self-government units (municipalities and towns) autonomously regulate their organization and the scope of self-government in the statutes they draw up and adopt by themselves.

On the basis of the subsidiarity principle, the powers of the local self-government are complete. Those powers cannot be denied by the higher authority levels. If some powers are transferred from the higher authority levels to the local self-government units, then they are funded from the budgets of the former authorities.

In making decisions of wide interest, higher authority levels are obligated to consult local authorities in the case of affecting the interests of local self-government units.

In the conduct of public affairs, municipalities and towns have autonomy in securing funds for the local self-government. Both entity laws define autonomous sources of funding the local self-government. This legally ensures the principle of autonomy in funding the local authorities under Article 9 Part I. of the European Charter of Local Self-Government¹.

However, local self-government in FBiH has been developing within the social relations of domination and precedence of 10 cantons in the

1 European Charter of Local Self-Government, Part I, Article 9, Association of Municipalities and Towns of FBiH

distribution of public revenues. Local self-government in RS exists and develops within the dominating position of the republic authorities in the management of public revenues.

According to the established ratio regarding the revenues from the Single Account of the Indirect Taxation Authority that are allocated to FBiH, 8.42% is allocated to the municipal level; 51.48% for the cantonal level; 36.2% for the Federation level, and 3.9% for the Directorate for Roads.

Problems in the implementation of the Law on the principles of local self-government in FBiH

The Law on the principles of local self-government in FBiH has established legal preconditions for the full autonomy of local self-government units in the organization of their institutions and in the management of public affairs from within their scope of powers. But, simultaneously with the implementation of the Federation law on the of local self-government principles there was no social process of amending the existing and the passage of new laws in the fields related to the distribution of public revenues, granting and operating concessions, and as well the regulation of relations between public and private partnerships in the conduct of utility and other activities in the municipalities and towns. There are other relevant laws related to primary education, social and health care, and environmental protection.

A separate field is spatial planning and the management of space as a resource, and then the issue of powers in the management of forest and other resources.

Both cantonal and federal authorities have not implemented the subsidiarity principle in full, which means the incomplete transfer of powers to the municipalities and towns, particularly in the fields in which local authorities could be more successful than other authority levels.

This is why the idea and the project of the Federation law on local self-government principles, as the law that incorporates European standards, are still at the very beginning of full implementation. This is confirmed in some judgments of the Constitutional Court of FBiH, passed after the charges of municipalities and towns regarding the protection of citizen right to local self-government. Namely, Articles 58, 59, and 60 of the transitory and final provisions of the Federation law on self-government principles define the obligation of the Federation and cantonal authorities to harmonize their laws with the law on local self-government principles. That harmonization

should have provided for the transfer of tasks, powers, and responsibilities that were given to the local self-government units under the law on self-government principles.

Since there was no transfer of some powers both from the Federation and cantonal levels to the local self-government units, proceedings ensued in the Constitutional Court of FBiH.

So the court passed two judgments. The first one established that the Sarajevo Canton had violated the right to local self-government of the Municipality Centar Sarajevo (judgment was passed on 10 October 2010).

The second judgment of the Constitutional Court of FBiH established that the Law on temporary use of public areas in the Sarajevo Canton violates the right of the Town of Sarajevo to local self-government (judgment was passed on 27 September 2010).

The Constitutional Court of FBiH also passed a judgment to protect the right to local self-government in the Municipality Konjic regarding the management of forests as natural resources located in the municipality.

As to the right to own organization of the local self-government and the regulation of its organization under the municipal or town statute, the Federation law on the local self-government principles introduced a new legal basis for the constitution of major urban centers with the status of the town as a local self-government unit. Along with earlier legal basis for an urban center with two or more municipalities to gain the status of the town, other grounds – sociological and urban – were introduced, stating that the town is itself an entity in which the citizens are connected by daily needs. A provision was introduced (Article 5 of the law), stating that the town is a local self-government unit by the fact that it represents an urban and infra-structural entity connected by the population daily needs.

The decision on proclaiming a town as the local self-government unit is passed by the municipal council, provided that two criteria are met:

- that the population is at least 30, 000 in the municipality area;
- that the population of the town area as a self-contained urban area is at least 10, 000.

The third legal requirement for proclaiming a town as the local self-government unit is introduced for the cases in which a municipality has a special historical and cultural significance, such as Jajce, Srebrenik, Bobovac, Vares, Pocitelj, Tesanj, Stolac, and other places.

Since the law on the self-government principles was enacted, only three urban centers held municipal council sessions in which they proclaimed

their municipalities as town municipalities, that is, towns with the status of a local self-government unit. These are Tuzla, Zenica, and Bihać.

These decisions of the municipal councils have not been legally validated in the Parliament of FBiH. The reason is incomplete procedure of regulating the matters of structure and organization of towns with the status of a local self-government unit.

Reform ideas for the shaping of legal concepts of local self-government in BiH

Bosnia and Herzegovina is a country that has ratified the European Charter of Local Self-Government.

BiH has the right and obligation to incorporate the main principles of the European Charter of Local Self-Government in the constitution and legislation because local self-government, as a political right of the citizens, is guaranteed under the constitution and national legislation.

Unlike political parties, civil society organizations have initiatives and proposals to regulate fundamentals of the citizen right to local self-government in the BiH Constitution. Those constitutional provisions should follow the experience and solutions from developed democratic countries, the EU member states. The content of the constitutional provisions would cover the following aspects: The BiH citizens are entitled to local self-government in accordance with the principles of the European Charter of Local Self-Government. Citizens exercise the right to local self-government in municipalities and towns as the local self-government units. The municipalities and towns are autonomous in the conduct of affairs from within their powers.

With regard to Sarajevo as the capital, the passage of a national law on the capital should be initiated in the way it is done in Croatia, Slovenia, Serbia, and Montenegro.

At the Federation level, it is necessary to amend the Law on the distribution of public revenues, then the law on concessions, and pass a separate law on public-private partnership in the field of providing utility services and local economic development.

As a legal innovation, the law on the Federation ministries should be amended so as to establish the ministry for local self-government and administration in the FBiH.

For the purpose of strengthening capacities of local self-government units in the fields of local economic development, spatial and urban planning, and

the management of natural resources, it would be a good idea to establish a Federation institute for the local community development. The involvement of expertise in the shaping of development projects would enable municipal authorities to become the leaders of social, urban and economic development, and to have a better approach to financial capital.

Conclusion

- The existing laws on the local self-government in FBiH and in RS have valid solutions for the adoption of European standards in the strengthening of institutional capacities for the local community development.
- The implementation of the Federation law on the local self-government principles implies amendments to the existing laws and the passage of new laws in the fields of distribution of public revenues, granting concessions, and public–private partnership.
- At the FBiH level, it is necessary to establish a ministry for local self-government and public administration.
- The provisions about the principles of local self-government should be incorporated in the BiH Constitution.
- A national law about Sarajevo as the capital of BiH should be enacted.



Non-government organizations – a tool for increased citizens' participation in decision making at local level

Drago Martinović, M.Sc.

Citizen participation in the decision-making process is vital for the development and strengthening of democracy, both at local at higher government levels, because democracy implies citizen's participation in the decision-making process. Abraham Lincoln, a U.S. president, defined the democracy as “government of the people, by the people, for the people.” The question that raises by itself is whether the modern representative democracy, which exists in almost all democratic countries in the world (except for Switzerland where politics at all government levels is shaped by the institutions of direct democracy) is truly the rule by the people, from the people, and for the people. “Although democracy does not consist of the elections only, the elections are a key element of the modern representative democracy”.² But the question is to what extent is that vital element used by the BiH citizens. Namely, according to the data from the Central Election Commission in BiH, 55.5% citizens voted in 2002 elections, only 46.80% in 2004, 55.31% in 2006, 55.28%

2 Tench, R., Yeomans, L.: Otkrivanje odnosa s javnošću (Exploring public relations), preveo Marijan Miloš, Argument, Hrvatska udruga za odnose s javnošću, Zagreb, 2009., str. 93.

in 2008, and 56.28% citizens in 2010.³ 56, 36% of BiH citizens voted in 2012 local elections.⁴ It is evident from the statistics that the BiH citizens do not sufficiently use this form of decision making. A research⁵ conducted by the Centers of Civil Initiatives⁶ for several years showed that the citizens are still outside the decision-making process and rarely use tools for the participation in decision making (referendum, civil initiative, rally...). In addition to the tools related to information, communication and administration, one of the most effective tools for citizen participation in the decision-making process is partnership. This has been proved as particularly effective when it comes to NGOs (associations, civil society organizations), i.e., the partnership between NGOs and local administration authorities, and thus the partnership with citizens. Hence the title of this paper is “Non-government organizations – a tool for increased citizen participation in decision making at local level.”

Partnership is the highest form of citizen participation. Partnership of NGOs and local authorities implies the joint organization of cultural, sports, entertainment and other events in the local community, and as well the organization of meetings, public discussions, public speeches, and round tables with the participation of representatives of NGOs, local authorities, and citizens. There are numerous examples of successful partnership among NGOs, local authorities, and citizens, some of which follow below. The NGO “Agency for Local Democracy” (LDA)⁷, based in Mostar, has been carrying out its activities for eight years in excellent cooperation⁸ with the Town of Mostar. Along with the citizens of Mostar, it also carries out the activities of involving the citizens in the decision-making process. This paper notes two projects,

3 Statistika izbora (Election statistics); www.izbori.ba/Default.aspx?CategoryID=128&Lang=4&Mod=0 (5.12.2012.).

4 „Utvrđeni rezultati lokalni izbori 2012 (Confirmed local election results 2012”; www.izbori.ba/Rezultati/RezultatiFinalni/files/index.html (5.12.2012.).

5 “Izvještaj o stanju učešća građana u odlučivanju u BiH za 2011. godinu (Report on citizen’s participation in decision making 2011), 4.4.2012. www.cci.ba/download/docs/CCI+IZVJESTAJ+2011.pdf/a20b4908e2823a385fbd2fb4d83ebe00 (4.12.2012.).

6 Centers of Civil Initiatives (CCI) is a BiH, non-government, nonprofit, non-party organization that encourages and promotes citizen’s participation in democratic activities, and strengthens capacities of both individuals and organizations in solving problems in the communities throughout BiH. CCI operates in the entire territory of BiH. O CCI (About CCI) www.cci.ba/pages/1/24/5.html (7.12.2012.).

7 LDA marked the 8th anniversary of its work in late November 2012.

8 According to the statement of Ms. Dzenana Dedic, executive director of LDA, the cooperation with town authorities is excellent (5.12.2012.).

which are: “Monitoring public services at local level, ”⁹ which LDA implemented in cooperation with partner organizations in the Town of Mostar, and municipalities Konjic and Jablanica in 2012, and the project titled “Councilor – citizen”¹⁰ implemented by LDA in cooperation with the Mostar Town Council and the Town Administration. The objective of the latter project was to directly involve citizens *in the decision-making process*, which is a necessary foundation for the development and stability of *the local community*. A research was conducted in 43 *local communities* in the territory of the Town of Mostar and then, between June 2010 and March 2011, LDA Mostar organized seven public debates with the participation of councilors elected in the Mostar Town Council from all seven town areas, and with the participation of *local community* commissioners from some of the town areas that were directly included in the conduct of the research. The Center for Civil Cooperation¹¹ (CGS) from Livno implemented a training project “Citizen participation in the decision-making process through the mechanism of local community”¹² for the citizens and representatives of local administration in 2010 through a series of activities in 10 municipalities of Herzeg-Bosnian and West Herzegovina cantons. According to the results of a research by CGS, which also

9 Izvještaj zadovoljstva korisnika javnih usluga u općini Konjic (Report on the satisfaction of the users with public services in Konjic), 16.8.2012. www.ldamostar.org/publikacije/izvjestaj-konjic.pdf (7.12.2012.). Izvještaj zadovoljstva korisnika javnih usluga u općini Jablanica (Report on the satisfaction of the users with public services in Jablanica), 16.8.2012. www.ldamostar.org/publikacije/izvjestaj-jablanica.pdf (7.12.2012.).

Izvještaj zadovoljstva korisnika javnih usluga u Gradu Mostaru (Report on the satisfaction of the users with public services in Mostar), 16.8.2012. www.ldamostar.org/publikacije/izvjestaj-mostar.pdf (7.12.2012.).

10 Pregled rezultata istraživanja o osjetljivosti vlasti na identifikaciju i zadovoljavanja stvarnih potreba građana na gradskim područjima grada Mostara (Overview of the research results regarding the government sensibility to the identification and actual satisfaction of the citizens' needs in the urban areas of the Town of Mostar), 28.4.2011. www.ldamostar.org/publikacije/gradska-istrazivanja.pdf (6.12.2012.).

11 Center for Civil Cooperation (CGS) is the first non-government, nonprofit, and non-party organization, established in 1996 in the southwest BiH (Livno), that began to work on the promotion of respect for human, civil, and minority rights, and the promotion of cooperation among the BiH nations, and the support to democratic processes in BiH. „O nama” (About us), www.cgs-livno.net/index.php?option=com_content&view=article&id=46&Itemid=53&lang=hr (6.12.2012.).

12 Center for Civil Cooperation: Participacija građana u procesu donošenja odluka kroz mehanizam mjesnih zajednica (Citizen participation in the decision-making process through the mechanism of local communities), Livno, 2010.

emphasizes good cooperation¹³ with municipalities and local communities in the mentioned cantons, the local communities are assessed as a very very important mechanism that should increase citizen participation in the decision-making processes. According to the research results, on one hand there is local administration that does not want or know how to initiate a process of increasing citizens' participation in decision making, and on the other hand there are citizens who are inactive, uninformed or waiting for a third party to resolve local problems. This is exactly the space for NGOs, and the above examples also show that NGOs have an important role in participation, i.e., encouraging citizens to participate more actively in political processes.

Like the BiH society, the BiH public is also deeply divided, which goes for the media attention as well, so the people [from three nations] read "their" newspapers, watch "their" TVs, listen to "their" radio stations... There are three truths, three reports on the same event... For those reasons, but also because the media rarely seriously analyze elected officials' performance, the NGOs, as non-party and independent, can serve as a sort of corrective and a source of information that will be accepted by the most of BiH citizens. Participation in decision making requires the citizens informed about the activities carried out by the authorities and elected officials. The NGO "Centers of Civil Initiatives" (CCI), which operates in the entire territory of BiH, conducts quarterly monitoring¹⁴ of the work of governments and parliaments at all government levels in BiH (except for the local level). Through that monitoring, CCI presents reports with the results about the work of elected officials and institutions, and also suggests recommendations. Those CCI activities certainly support increased citizen participation in decision making. For several years consecutively this NGO has been conducting research on the citizens' participation in the decision making at local level. In early December 2012, another NGO, "Transparency International"¹⁵, published the results of the research on transparency of local self-government units in BiH, within the project "Monitoring and advocating for the good governance in the BiH municipalities" (the most transparent local self-government unit is Banja Luka). According to the research, the lowest grades were given to the cooperation of the local self-government units with local institutions, firms, local communities, and organizations. The research re-

13 Ms. Zulka Baljak, executive director of CGS, has pointed out good cooperation with the municipalities and local communities in Herzeg-Bosnian and West Herzegovina cantons several times.

14 www.vlastibih.com/2012/# (8.12.2012.).

15 www.ti-bih.org (7.12.2012.).

sults show the fields in which transparency and openness of local authorities toward citizens should be improved, in which the citizens should be involved in decision making in their local communities as much as possible. Citizen's participation in the processes of making decisions and policies/strategies at local level stretches as a focus in all MDPI¹⁶ activities. Along with the partners "Analitika" (Analytics)¹⁷ Sarajevo, Delta (Rijeka, Croatia) and "Centar za informisanje i edukaciju građana" (Center for Informing and Educating Citizens) in Cetinje, Montenegro, the Center for Management, Development and Planning – MDP Initiative was a leader of the project "Effective and sustainable citizen participation,"¹⁸ implemented in BiH, Montenegro, and Croatia between 1 May 2011 and 1 May 2012. Based on the research results, the protocols for organizing public consultations in writing, and for organizing public discussions and rallies were created, with principles for the public participation in decision making locally, and guidelines for the public participation in decision making locally¹⁹. Among other objectives, this document is prepared with the aim of ensuring increased public participation in the decision-making process at local level, strengthening trust to local government and the responsibility of local authorities to the public...

In addition to the legislative and normative documents that regulate citizen participation in the decision-making process (European Charter of Local Self-Government, Recommendation of the Council of Europe about citizen participation, constitutions of BiH, entities and cantons; laws on local self-government; statutes of the local self-government units), another document that also regulates citizen participation in decision making is

16 MDPI is a nonprofit and professional association in BiH with the aim of contributing to the sustainable local development, good governance, and democratic values. MDPI is registered with the BiH Ministry of Justice and based in Doboj. O nama (About us) www.mdpinicijative.ba/index.php?option=com_content&view=article&id=50&Itemid=283 (6.12.2012.).

17 Center for social research "Analitika" (Analytics) is a nonprofit and non-governmental organization established in July 2009 and based in Sarajevo. The fields of research are: the rule of law; reform of public administration with the focus on local administration; the media; and communications. Analitika – O nama (Analytics – About us) www.analitika.ba/onama (6.12.2012.).

18 Efektivna i održiva participacija građana (Effective and sustainable citizen participation), www.analitika.ba/projekti/efektivna-i-odrziva-participacija-gradana (6.12.2012.).

19 Principi, smjernice i protokoli za učešće javnosti u odlučivanju na lokalnom nivou (Principles, guidelines and protocols for the public participation at local level), 18.7.2012. www.mdpinicijative.ba/images/documenti/BiH%20Principi,%20smjernice%20i%20protokoli%20za%20ucešće%20javnosti%20u%20odlucivanju%20na%20localnom%20nivou.pdf (6.12.2012.).

an agreement between the municipal/town council/assembly, municipal/town mayor, and NGOs. More than 100 BiH municipalities/towns have adopted a document regulating the cooperation between local authorities and NGOs. The main objective of the agreement is to establish clear, effective and transparent cooperation between the government and non-government sectors. The agreement expedited the process of appointing government officers, i.e., coordinators for the work with NGOs in municipalities/towns. According to the agreement, the signatories will cooperate to adhere to the shared values and civil initiatives derived from the legislation and other legal documents that are the foundation and framework for the citizen right to association freely and without any restrictions. They will cooperate to build a democratic society based on the citizen participation in decision making, cooperation between local authorities and citizens, civil solidarity, tolerance and respect for diversity, social justice, various forms of institutional performance, transparency, and permanent orientation toward the creation of efficient standards that will promote relations between municipal/town authorities and NGOs. According to the results of a 2011 research²⁰ implemented by the Center for Promotion of Civil Society (CPCD) in 65 BiH municipalities regarding the evaluation of the implementation of the agreements, signing of the agreements had a positive influence on the development of cooperation between municipal/town authorities and NGOs, and as well on the participation of the NGO sector in the local decision-making processes, but in some municipalities the agreement “is only a dead letter.” Half of the surveyed municipalities stated that they consult NGOs in the decision-making processes through public debates or consultations.

Along with the agreement between local administration authorities and NGOs, the above several examples of the NGO activities in BiH for the purpose of informing the public to get it to participate in the decision-making processes, organization of meetings and consultations with citizens, researches on citizen participation in decision making, partnership with local administration, NGOs and citizens in implementing some projects, and research on the transparency of local self-government units are the guidelines for increased

20 Ka participativnoj lokalnoj samoupravi - Analiza primjene sporazuma između općinskog vijeća/skupštine opštine, općinskog/opštinskog načelnika i nevladinih organizacija u Bosni Hercegovini (Toward the participative local self-government – Analysis of the implementation of the agreements between the municipal council/assembly, municipal mayor, and NGOs in BiH) 24.7.2012. www.civilnodrustvo.ba/files/Ka_participativnoj_lokalnoj_samoupravi_-_Analiza_primjene_sporazuma_izmedju_opcinskog_opstinskog_nacelnika_Opcinskog_vijeca_Skupstine_opstine_i_NVO.pdf (7.12.2012.).

citizen participation in decision making at local level. The reason is that exactly the provision of information, direct communication, partnership of local administration authorities, NGOs and citizens, agreements between local administration authorities and NGOs, and thus the citizens, and also the protocols, principles and guidelines for the public participation in decision making at local level are the main preconditions for more active citizen involvement in the decision-making processes at local, but also at the higher government levels. Also, by monitoring the government performance at all levels, NGOs contribute to the development of a democratic society, and that development depends on the development of NGO sector. Owing to NGOs, the citizens have an option to participate in the decision-making processes, while the strengthening of cooperation and the involvement of NGOs in the decision-making processes in the local community by the local authorities strengthen their role and gives additional legitimacy to the decisions that were made.

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www.cgs-livno.net Center for Civil Cooperation

www.civilnodrustvo.ba Resource center of the civil society

www.izbori.ba Central Election Commission

www.mdpinicijative.ba MDP Initiative

www.ti-bih.org Transparency International BiH



Environment (incentive and obstacles) for the adoption and/or implementation of the agreement on cooperation between the government and civil society organizations in 12 municipalities of former Doboј region

Snežana Šešlija

Introduction

The Agreement on cooperation between the BiH Council of Ministers and the civil society organizations (non-government organizations) was signed in May 2007. That was the first step²¹ in establishing and building new relations between those two sectors. Although the signing was part of a project funded by the United States Agency for International Development

21 Until that time, CSOs had cooperated with the government organizations through a series of protocols, memorandums, and similar “one-time” documents.

(USAID), and implemented by the Center for the Promotion of Civil Society, civil sector accepted it as its own process and made it sustainable. The Agreement contains obligations and responsibilities of the government and non-government sectors. The Agreement²² is tentatively established and institutionalized relation between the government and non-government sectors at the national level.

The complexity of establishing partnership, dialogue, mutual respect, consulting and most of all the implementation of the Agreement have remained in the shadow of ceremonial and media appearances. But, regardless of the lack of good will, or maybe the lack of knowledge and resourcefulness in both signatories, it was possible to implement the Agreement at local level, which was ultimately the main objective.

The fact that no sector network of civil society organizations (CSOs) has managed thus far to define its platform for establishing dialogue with the government sector tells that the Agreement itself lacks the provisions or documents that would facilitate/enable its implementation.

A lesson learned in the five-year period (2007–2012) is that there is no recipe, a clear lists of priorities and requirements based on which a model of good cooperation could be made, but it is first necessary to reach understanding on the necessity of cooperation and to have the Agreement reflect the will and needs of both parties.

Defining the cooperation – municipal agreements

The established cooperation of the government and non-government organizations has not brought revolutionary changes or caused a change of/ in the environment of civil sector operations in the BiH municipalities, but it made possible to overview several new aspects (realistically) of the entire situation and the environment of the civil sector development at local but also at national level.

A thing that has not been sufficiently resolved in the municipalities is the definition of civil society²³, including CSO obligations and responsibilities in promoting common interests, and so the establishment of cooperation through the agreement at local level is most often related to the distribution

22 The Agreement elaborates in detail all components of these relations until the establishment of main bodies with the BiH Council of Ministers, which should have taken over the issues of those relations.

23 One of the accepted definitions: The sphere of institutions, organizations, and individuals that is located between the family, government and market, in which the people participate often voluntarily to promote common interests – CIVITAS.

of the municipal/town budget funds. Mutual relations are not regulated, and also the performance of the government and CSOs is not improved, i.e., we still duplicate activities, and there is no coordination in the provision of services and the use of resources, and in linking of various target groups. Also, there isn't either mutual understanding or trust.

I have to point out that my intention is not to give an assessment of overall relations between the government organizations and CSOs in BiH. The experiences in 10-year work in the communities of the former Doboj region are the subject of this presentation of gained experiences and learned lessons. In the period 2002–2008, many projects had been implemented with the aim of networking and establishing partnership between the government and non-government sectors, and as well the business sector at local level. Above all, there were OSCE and the project "CONTRACT", then UNDP²⁴ With the projects "SUTRA" and "SUTRA PLOD", and "MDP – Municipal Development Project." In the past several years UNICEF, through a project of strengthening social protection and inclusion of children in BiH, and the introduction of a model of social protection and inclusion at municipal level, has been developing intersectoral cooperation that could be defined as the implementation of the Agreement (although the Agreement was not taken as a criterion – it is not even mentioned in the project).

The observed area covers the municipalities Doboj, Petrovo, Modrica, Gracanica, Maglaj, Doboj Jug, Doboj Istok, Samac, Teslic, Derventa, Tesanj, and Usora. None of those local communities had a particular agreement or a memorandum of understanding, but they based their partnerships on the mentioned framework documents of equal value for all. Since 2008 until today there are two phases of establishing partnership and dialogue. The first phase had a noticeable interest of local authorities, i.e., government sector, to discuss the issues of the civil society development and to contribute to the strengthening of its capacities and the establishment of realistic relations with it. It was obviously the result of numerous activities²⁵ and work of civil sector in this region. A large number of NGOs had managed to raise awareness and the level of knowledge particularly in (representatives of) local administration with regard to the necessity of partnership for the further development of entire municipality in general. In this way the conditions were created for local communities to be more ready for the requirements

24 UNDP still implements similar programs or the programs of cooperation and intersectoral partnership through the projects LOD and ILDP.

25 More than 200 CSOs are registered in those 12 municipalities (excluding unions, sports, and religious organizations), 150 of which are in Doboj.

imposed by the future “need” to meet them for the purpose of “famous” EU membership because this has recently been “the best motive” for the local administration to develop partnership.

Civil society plays an important role in the process of European integrations of the Western Balkans countries. A new instrument for pre-accession assistance (IPA program) foresees the allocation of 11.467 bn euros for the Western Balkans countries during a seven-year period. In relation to the former instruments for pre-accession assistance, a novelty that IPA brings is significantly increased participation of the government in the programming and proposing the project priorities, and assuming responsibilities for their implementation. This will require the mobilization of all available resources, including those that civil society has at disposal.

Then came the second phase in which the CSOs have responded very „shyly” to the initiatives resulting from the interest of local administration. The main justifications were about the climate of apathy and, among the main stated reasons, failures up to then and an adverse environment that prevented the civil society development. The achieved results (until 2009) were completely disregarded²⁶, probably because of the syndrome of “small and rural areas.” While disregarding the “conduct” and the role of the apathetic citizen instead of contributing to the development of civil activism, there is evident maturity of CSOs in recognizing the local community needs and the CSO capacity development to involve (more) actively in the process of meeting those needs. A general judgment is that the CSOs in this area have reached a certain level of capacity development which is able to assume responsibility for their role, but it is up to the local and other government levels to establish the relations that will enable further development. This implies institutionally regulated relations, e.g., offices at the local and entity levels, joint counseling centers, the transfer of some level of services for which the public institutions do not have developed capacities, etc. In brief, the institutionalization of cooperation should be realized through an agreement on partnership instead of competition. The gap between the current situation and the conditions for development and further action (either or also established through a project²⁷) resulted in the fact that CSOs polarized in those municipalities as follows:

- Those that are close to and financially strengthened by the government structures,

26 Not even the international community has recognized the successfulness of those organizations; it allocated donor’s funds to local communities to have the achieved results be “re-achieved.”

27 The judgment given only by the ToPeeR staff

- Those that bring persons with disabilities together and increasingly separate and isolate within their networks and coalitions,
- Those successful by results (not by funds) that create the environment of responsibility and an imposed partner relation with local administration (with evident disagreements but without criticism or “toadyism” as a form of action)
- Those that barely survive and have no influence on overall development but maintain the earnings for individuals.

A research conducted in 2009 on the implementation of the Agreement enriched our organization not only with the data, but it was also very important for further activities in the institutionalization process, i.e., adoption of the Agreement on cooperation.

Establishment of institutional cooperation

MUNICIPALITY	AGREEMENT	OFFICER FOR NGOs	FUNDING /CRITERIA	AGREEMENT IMPLEMENTED
DOBOJ	NO	YES	YES	NO
DOBOJ ISTOK	NO	NO	NO	NO
DOBOJ JUG	YES	NO	YES	NO
USORA	NO	NO	NO	NO
PETROVO	NO	YES	YES	NO
GRAČANICA	NO	YES	YES	NO
MODRIČA	YES	NO	NO	NO
TESLIĆ	NO	NO	NO	NO
MAGLAJ	NO	YES	YES	NO
DERVENTA	NO	YES	YES	NO
TEŠANJ	YES*	YES**	YES	NO
ŠAMAC	NO	YES	NO	NO

* Based on the statement of a surveyed officer, but the information is not true.

* Same as above

More than 50% of the contacted CSOs have established cooperation with the Municipality and/or a public institution through a protocol, memorandum, letter of intention but only for the needs of a project. The establishment of this mechanism is done for each project separately.

It was relatively simple and easy to establish that the municipalities declaratively have a very positive attitude toward building of intersectoral relations, primarily those between the government organizations and CSOs. We were unable to find the data which municipalities²⁸ do not show interest to institutionalize the relations between the government and non-government organizations, but the practice has shown that, except the municipalities Petrovo, Gračanica and initially Maglaj, no single municipality has shown an honest interest to initiate or finish this process. The Agreement was only a step to a project that was adopted overnight, without a clear objective and vision to whom it would serve and why.

- A general conclusion is that some representatives of municipal authorities believe that the document (Agreement) is extremely unimportant but that it HAS TO be adopted only formally in order to meet the donor's criteria.
- More than 90% of the CSOs believe that the Agreement is extremely important/necessary for the local community development regardless of the funding models.

MUNICIPALITY	DATA BASE ON CSOs	SATSIFATION WITH COOPERATION	NGO's SATSIFATION WITH FUNDING	EXPRESSED WILL FOR COOPERATION
DOBOJ	NO		NO	YES/YES
DOBOJ ISTOK	NO		NO	YES/YES
DOBOJ JUG	YES		NO	YES/YES
USORA	NO		NO	YES/YES
PETROVO	NO		NO	YES/YES
GRAČANICA	NO		NO	YES/YES
MODRIČA	YES		NO	YES/YES
TESLIĆ	NO		NO	YES/YES
MAGLAJ	NO		NO	YES/YES
DERVENTA	NO		NO	YES/YES
TEŠANJ	YES*		NO	YES/YES
ŠAMAC	NO		NO	YES/YES

* Based on the statement of a surveyed officer, but the information is incorrect.

28 Out of 12 that were the subject of research

Almost none of the municipalities have records on the established cooperation with NGOs (dates and reference numbers of protocols and/or memorandums, projects and/or activities they were interested in).

- On the basis of official data (municipality web pages, memberships in networks, allocated projects, and data bases of international organizations, about 200 organizations are registered in this area, but during the field work more than 450 CSOs were “discovered.”
- Most of the contacted organizations (more than 90%) have expressed dissatisfaction with the model of cooperation with local authorities.
- On the basis of the survey and other research methods, the conclusion is that there is misunderstanding regarding the establishment of the mechanism of adopting the Agreement.
- In the period 2008–2009, and even partly in 2010, the process of establishing cooperation through the Agreement was stopped.
- The implementation of the Agreement is not possible without new annexes.

Not as a proof, but as a fact were the municipalities Usora and Dobož Istok²⁹. Underdevelopment – non-existence of the CSOs or their political determination, i.e., organization for the needs of local administration resulted in the failure of those municipalities – but not only they – to respond to the initiatives on networking or in achieving actual results regarding the development of relations between civil society and government sector. They do most of the “work” following the same pattern and under the “dictate” of requirements of international donors, always involving the same organizations/persons.

Four to five years later the situation is quite different quantitatively, but major changes are not seen in terms of quality. There are more than 300 active CSOs in the municipalities in this area. There are about 20 active CSOs in the municipalities Dobož Istok and Usora (according to our data that are certainly inaccurate because there is no data base; those are the organizations that we have contacted in the past three years and/or they exist in data bases of international organizations and/or they are members of CSO networks).

Today all municipalities have signed either agreements or procedures contained therein. Since 2007 until today, civil sector in the Dobož region

²⁹ According to the information obtained by the Citizen Association “ToPeeR, ” there was only one, ecological, active NGO in Dobož Istok until 2009, which implemented municipal projects, while we haven’t found any organization in Usora.

has built capacities to assume full responsibility for public services and also to participate equally in the consultation process for all programs related to planning and development in their municipalities. For most of the CSOs, an acceptable solution is to have the segment of social services as the subject of an annex to the Agreement, which will contribute to its implementation.

Concluding remarks

The period of six years is long enough to draw conclusions and, on the basis of learned lessons, keep on building the institutionalization of cooperation, i.e., relations between the government and civil society organizations. Regardless of any deficiencies in its organizations, if any, the network “Sporazum plus”³⁰ (Agreement Plus) should assume the leading role in the establishment of those relations. Its contribution should particularly reflect in opening an office or another form of joint body at all government levels so as not to make large or additional costs. That would mean joining and/or harmonization of work programs of a large number of networks and coalitions that have been established meanwhile. In order to adopt and implement an agreement, it is very important to change the practice and opinion that this is “not the matter” of interest for councilors and MPs. Their (politicians, political parties, etc.) complete failure to involve and their opinion that such things are not part of their responsibility but instead should be regulated in the offices of a relevant mayor or minister should be changed in the next period.

The Agreement and all accompanying documents should be legally binding documents and the mechanisms of cooperation with civil society at all levels. Mechanisms for monitoring and implementation of the Agreement should be foreseen.

An office, a bureau or a similar body that should be the central point in the cooperation of the government and civil society organizations, and the coordinator of cooperation with all line ministries at all government levels should be opened.

On the basis of the research and the project activities, CSOs in Dobož region adopted the following recommendations:

30 Regardless of all deficiencies, strategic documents of the Network should be guidelines for the future activities of the entire civil society in u BiH, and the work of the Network must not be part of a project or a complete project.

- Keep developing the political will and institutional capacities of the municipality (its all sectors) in order to innovate/implement the role of the NGO sector as an equal partner in the process of sustainable development, and keep insisting that international organizations respect the main criterion of cooperation through the existence of an agreement on cooperation between government and NGO sectors;
- Agreements at municipal level should be authentic and reflect the citizen needs, in which the process of adopting and implementing the Agreement should reflect the understanding of togetherness and also the ownership of local community over the process instead of “an unimportant NGO“;
- The Agreement is a process that should result in developing a level of responsibility of all participants in three directions:
 - in mutual relations (agreeing instead of rivalry),
 - in manifested civil activism³¹ in relation to the government, and in the improvement of dialogue between the two sectors,
 - in the participation/influence regarding the programming/planning of the project ideas funded by international organizations.

31 Under the same model that we, as organizations, use to influence on citizens/individuals



The agreement on cooperation – the gap between the intended and the achieved

Jasna Zvekić

Nice but only on paper

Citizen participation in decision making, individual freedom and responsibility, cooperation between local authorities and citizens, civil solidarity, tolerance and respect for diversity, social justice, personal integrity, respect for various forms of institutional performance, transparency, permanent orientation toward the creation of effective standards that will improve the relations between municipal authorities and non-government organizations (NGOs). Sounds encouraging? As stated in the text of the Agreement between the Municipal Council, municipal mayor, and non-governmental/not-for-profit organizations in the Municipality Zavidovici, those are the values that should be a basis for a democratic society to be built by the signatories to the Agreement in cooperation, hand in hand. It really does sound even too nice, but hardly feasible. Realists and connoisseurs of the situation would use the term “utopian,” but we will wait with such a grave conclusions.

Signing the Agreement and the follow-up activities

Relations between citizen associations/NGOs and local authorities are regulated in the Law on associations and foundations in the Federation of BiH, and elaborated in more detail in the provisions of the Statute of the Municipality Zavidovici through the established obligations of local authorities to meet the citizen interests in the local community. Because of the expressed need to regulate the issue of relations between the NGOs and local authorities even further, the Agreement between the Municipal Council, municipal mayor, and NGOs (citizen associations) operating in the Municipality Zavidovici was signed in 2007. The Agreement represents the determination of the signatories that the work and development of citizen associations/NGO sector in various areas of life and work in Zavidovici be regulated in long term in an official legal document, with the aim of establishing clear, efficient and transparent procedures of cooperation and partnership on the basis of shared values to which the civil and local administration sectors are committed. Under the Agreement, the Municipal Council and the municipal mayor, *“aware of their obligations and responsibilities in providing services to the citizens of the Municipality”*, have accepted citizen associations-NGOs as a partner in meeting the public needs and interests of the citizens in the Municipality Zavidovici.

Additionally, the Agreement imposed an obligation for citizen associations to strengthen their organization and staff qualifications, and to promote and link their operations in cooperation with local authorities.

With the aim of further implementation of the Agreement, a certain number of citizen associations from the fields of culture, youth policy, social and child protection, and the protection of human and minority rights networked into the Affirmative Informal Group, and so in March 2009 the Protocol on cooperation was signed between NGOs and citizen associations in Zavidovici, thus formally establishing the NGO Network in Zavidovici. The Protocol was signed by 14 citizen associations (CA): CA “Sadnice mira (Peace trees)”; BKD “Zavidovici (Bosnian Cultural Society “Zavidovici)””; BZK “Preporod (Bosniak Community of Culture “Renaissance)””; KUD “Krivaja (Cultural and Artistic Society “Krivaja)””; HKD “Napredak (Croatian Cultural Society “Progress)””; EKC; Association of Roma women; Center for mothers “Plamen (Flame)”; CA “Dijete i majka (Child and mother)””; SGV “Pokret za ravnopravnost (Serb Citizen Council “Movement for Equality)””; Radio club “Zavidovici”; CA “CeKER (Center for culture, education, and creative development)””; Women’s association “Budućnost-za (Future-pro),

” and CA “Srce istine (The heart of the truth).” Meanwhile, UM “Ogledalo (Youth Association “Mirror”); CA “Duga (Rainbow); CA “Lider (Leader); CA “Pokret mladih Lovnica” (Youth Movement, Lovnica), and CA “Harfa (Harp)” have joined the Network. In that period the Network initiated a series of activities with the aim of strengthening organization and staff qualifications of the associations, and more quality cooperation with local authorities for the purpose of meeting the citizen needs and interests in the respective fields of operation. In the year of signing the Agreement, the most important activity of the Network was the implementation of the project “The power of local initiatives – Building good community governance through citizen involvement, ” which was directly related to the issues of implementing the Agreement.

The project leader was the Citizen Association “Sadnice Mira (Peace Trees)” Zavidovici. The project was supported through the “Program of small grants for the support of local initiatives, ” which was initiated by the Center for the Promotion of Civil Society, and Olof Palme Center from Sarajevo, with the financial support from SIDA. A partner in the project was also the Municipality Zavidovici. The main project objective was establishment of legal and program framework for the dialogue and partnership between local authorities and the NGO sector in Zavidovici, through the initiatives focused on further building, development and implementation of the Agreement between the Municipal Council, municipal mayor, and non-governmental/not-for-profit organizations in Zavidovici.

Within the implementation of the project “The power of local initiative, ” the Intersectoral Team was established in October 2009 to design a program of support to the civil society development in Zavidovici and to monitor its implementation. The team consisted of representatives of the NGO Network, local authorities (Municipal Council, and the municipal Administrative Division), and a representative of the Development Agency Zavidovici. With regard to the project objective, the most important task of the team was the implementation of the Agreement between the Municipal Council, municipal mayor, and non-governmental/not-for-profit organizations in Zavidovici. Within its work, the team paid considerable attention to the cooperation with the mayor. That was the basis for the meeting of the mayor, his assistant for social activities and the team in February 2010. At that meeting, the need to have regular meetings of the mayor and the NGO sector regarding all issues of interest for Zavidovici citizens was pointed out.

As for the implementation of the Agreement, there was an agreement on the local authority obligation to define the areas in which the NGO sector

could receive co-funding from the municipal budget for various projects in 2010 and the following budget year, and the obligation to strengthen the staff qualifications in the Development Agency Zavidovici. At the same time, the NGO sector undertook the obligation to strengthen own infrastructure and provide more comprehensive training of citizen associations in the design of projects in order to apply for funds both at the municipal and higher government levels, and for the funds of various international institutions.

What is the situation today?

The end of a year and the beginning of a new one, which is the period when this paper is being written, is always a good time to summarize results and analyze the steps made. This also goes for the Division for Administration of Social Activities and General Administration of the Municipality Zavidovici, which is directly linked to the work of citizen associations in Zavidovici. Ms. Miroslava Zvekic, officer for culture, sport, youth, and NGO sector, says: “The cooperation between local authorities and the NGO sector continued in 2012, with an effort to implement the Agreement between the Municipal Council, municipal mayor and NGOs (citizen associations) operating in the Municipality Zavidovici. In the reporting period we cannot be entirely satisfied with the implementation of the Agreement, the goal of which is to establish clear, efficient and transparent procedures of further cooperation and partnership on the basis of shared values of NGOs and the local administration sector. However, it is important to point out that the implementation issue was the subject of several serious projects in the NGO sector, such as the project ‘Civil society in action for dialogue and partnership,’ funded at the municipal level by the ‘Ambasada lokalne demokratije Zavidovici’ (Embassy of Local Democracy Zavidovici), and the project ‘The power of local initiative,’ implemented by the citizen association ‘Sadnice Mira (Peace trees)’ Zavidovici. The most important results of those projects were pointing out the fact that both local authorities and NGOs were not prepared enough to develop quality partner relations regarding the issues of meeting the citizen interests and needs in certain fields. Those projects also underlined the obligation to further develop the infrastructure in local administration and in the NGO sector in order to expand the partnership and increase the participation of the NGO sector in the local community development. In the past budget year, the funds from the Transfer for the Support of Associations-NGO Sector in the amount of KM 12, 000.00 were allocated to the NGO

projects through a public invitation – that procedure is one of the results from the implementation of the Agreement. Eight citizen association projects were funded from the above amount. The Transfer also funded the work of a certain number of associations of citizens with special needs: the blind and visually impaired, the deaf and hard of hearing, paraplegics, the sick with PTSD, unemployed demobilized soldiers, and retirees.

It is necessary to note here that the work and projects of associations/NGOs from within the scope of powers of the Division for the Administration of Social Activities and General Administration were also funded from other transfer funds: those for physical education and sport in the amount of KM 170, 000.00, and those for cultural activities and events in the amount of KM 25, 000.00.”

Answering to the question about the issues that need the most intensive work in the future, Ms. Zvekic, who was practically the contact point for citizen associations in the municipal administration, said the following: “Back in 2010, on the basis of the conclusions from the meeting of the mayor and the Intersectoral Team in charge of the creation of a support program for the civil society development in the Municipality Zavidovici and monitoring its implementation, and under Article 6 of the Agreement between the Municipal Council, municipal mayor, and NGOs in Zavidovici, the relevant municipal division proposed the fields, i.e., 2010 municipal budget transfers to be used for co-funding the projects of citizen associations through a public invitation. Both in that and in the following years our recommendations did not bear fruit during the creation of the budget. Also, the NGO Network proposed amendments to the budget proposal through the Intersectoral team in the period of adopting the 2010 municipal budget with the aim of more specific implementation of the provisions of Article 6 of the Agreement, but the Municipal Council did not accept them. So the conclusion would be that the implementation of Article 6 is a matter to be insisted on in the future, which implies the obligation of local authorities to express readiness to determine the priority areas during the budget period, and to establish transfer funds and public invitations accordingly. Additionally, it is certain that NGOs have to begin performing their obligations related to the capacity building, training, and networking in order to increasingly become an equal partner and a social power that can exert pressure on the local authorities and make a breakthrough.”

On the side of the NGO sector, Mr. Milan Scekcic, a representative of the leader of the project “The power of local initiatives – Building good community governance through citizen involvement, ” and one of the key persons

in signing the Agreement and establishing the Network, said the following about the results of all then activities from the perspective of late 2012: “The essence of the Agreement should have a common basis – the realization of clear, efficient and transparent procedure of mutual cooperation and partnership of the non-government and government sectors. By assuming part of the work in the field of affairs of public interest, the NGOs should undertake to perform all assumed obligations accordingly and also those toward the provider of funds and the service users. The government sector should show readiness to delegate some specific tasks from the scope of powers of local self-government to the NGO sector, as needed and applicable, in which the adequate funds for their implementation should be provided. Starting from their interests, positions and roles, the main actors in the process of implementing the Agreement are ready to jointly participate in raising awareness on the main purpose, objectives, contents, importance, and options that this document gives to the signatories in the process of developing intersectoral cooperation and partnership, ensuring an efficient management of the process of implementing the Agreement, monitoring and evaluation of the implementation process, and possible amendments to the Agreement in accordance with changed circumstances in the local community. The Municipality should accept the NGOs as partners in meeting the public needs in the interest of citizens, so that we can together build a partnership that would result in the increase in mutual understanding and better cooperation. We need more efficient processes and consultation mechanisms in decision making and the creation of public policies, an increased number of initiatives for the joint planning and implementation of public policies, programs and projects, a transparent system of financial support to the initiatives, programs and projects of NGOs, an efficient exchange of information, and a quality system of providing services to the citizens. Additionally, citizen associations should have regular consultative meetings for the purpose of planning the activities of common interest, so that they could participate efficiently and competently in the planning and implementation of public invitations for the project funding.”

To compensate for what was missed

Having analyzed the collected data and the statements of some people that are important for the life of civil sector in Zavidovici, it is evident that the task facing all signatories of the Agreement is a large one. Five years later, after the initial enthusiasm and a positive impulse in the NGO sector, it is

difficult to say that many things have changed. There is a lack of activities, both by the local authorities and the citizen associations.

With respect to the legal documents of the Division for Administration of Social Activities and General Administration of the Municipality Zavidovici, which were directly or indirectly associated with the Agreement, obviously there were attempts to take action. Still, only the recommendation to rename the “Transfer for social organizations and associations” to the “Transfer for the support to associations/non-government sector” was accepted because the Law on associations and foundations in FBiH, which is the basis for the associations to operate and use the budget funds, does not recognize the term “social organizations, ” and so the term had to be deleted from the title of the transfer. All other recommendations, including the one about the implementation of Article 6 of the Agreement were disregarded. Some of the suggestions are, say, that the action of the local authorities and citizen associations-NGOs, as foreseen in the Agreement, has to be manifested through regular cooperation in all matters defined in the municipal Statute as an obligation in meeting the citizen needs and interests in Zavidovici. Other suggestions were about necessary continuation of the work of the Intersectoral Team and the improvement of cooperation with the Commission for the development projects of the Municipality Zavidovici, and the Development Agency Zavidovici, further training of the Agency staff, organization of joint trainings for the management of associations and representatives of the local authorities in all important issues that concern the work of the associations, the cooperation with local community, programming the work of the associations within the framework of local community interests and needs, and the provision of allocated funds for the implementation of some projects through the partnership of citizen’s associations with local and broader community.

The reasons for not making major steps forward even five years after the signing of the Agreement should be looked for in the lack of interest in those who make decisions and have the power to change public policies, and maybe in the lack of information that a strong and capable NGO sector is important for the local community.

Additionally, it is the fact that many things are not in their proper places within the NGO sector. NGOs have to make more effort to increase their qualifications and build an infrastructure with which they will be able to respond to the development of partner relations with local authorities and all other government levels and institutions that offer partner relations u some program and project activities. NGOs can seek their sustainability only

within that kind of relations because full implementation of the Agreement means no more support to the funding of the work of associations only because of their existence but only because of the activity.

Although a lot of time is lost, good planning and common action can make it still possible to compensate for what was missed. Taking into account that Zavidovici is in somewhat better position than other municipalities, owing to the fact that the Agreement, as is, was still signed, the conclusion of this paper cannot be completely negative. With quality activities of the NGO sector, there is a chance for the implementation process to begin. Whether the solution is in amendments to the Agreement, informal pressure on the local authorities, or an extensive and well-planned campaign of advocating the implementation, it is up to the NGOs that yet have to show the strength and interest to continue work in that direction. Permanent training, building own capacities, implementation of socially useful projects, promotion of volunteer work in the community, support to the youth and to the marginalized groups are only some of the ways for the NGO profiling and imposing as an important subject in the society. Once it is shown in practice that the NGO sector is not a parasite, as seen by many misinformed individuals, maybe sometimes for a reason, but a quality initiator of positive changes that even the local authorities are often not able to initiate, then the NGO sector will become a real partner in the progress, it will be respected, and no door will be closed for it.



The role of CSOs in the process of European integrations of BiH

Sanijela Matković

Definition of the European Union

The European Union is a regional organization of the European countries through which the members achieve common goals, such as balanced economic and social development, high level of employment, and the protection of citizen rights and interests.

The European communities have grown into the European Union in 1993, when the Maastricht Treaty entered into force. The EU established under the treaty consists of three pillars that differ by the nature of cooperation of the member states within the pillars. The triple structure of the EU had remained under the amendments to the Maastricht Treaty made in the Amsterdam Treaty (1999), and the Nice Treaty (2003) all until 2009.

A new phase in the development of the European integrations was marked by the Lisbon Treaty. The treaty entered into force on 1 December 2009, bringing to the EU modern institutions and optimized methods of work to be used by the EU more effectively to deal with the challenges in the modern world. In addition to the expansion of powers, the EU membership has expanded in time. Six European countries began the integration: Belgium, France, Italy, Luxembourg, the Netherlands, and Germany, which first established the European Coal and Steel Community, and then Euratom, and the European Economic Community. In 1973 Denmark, Ireland, and Great Britain joined them. Greece became a member in 1981, followed by

Portugal and Spain in 1986. The fourth enlargement came in 1995, when Austria, Finland, and Sweden became the EU members.

The greatest, and truly a historic, enlargement came in 2004, when as much as 10 new countries joined the Union, eight of which were former communist countries. Those new members were: Cyprus, Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovakia, and Slovenia. The enlargement of EU membership did not stop there – in 2007 Bulgaria and Romania joined the EU.

The candidate countries are Montenegro, Croatia, Iceland, Macedonia, and Turkey. Potential candidate countries are: Albania, Bosnia and Herzegovina, Kosovo, and Serbia.

Current BiH status in the process of European integrations

Although, watching the daily social and political events, we have an impression that we are going backward, it is the fact that BiH has entered the process of the European integrations.

The first steps in the process of stabilization and association were the road map and the feasibility study.

The road map is the document from March 2000 in which the Council of the EU established 18 guidelines that BiH fulfilled in September 2002.

The feasibility study is the document that served as a basis for the analysis of BiH readiness to open negotiations for the signing of the Stabilization and Association Agreement (SSA).

A key step in the process of stabilization and association of BiH was made by the signing of the SSA. On the basis of that document, signed on 16 June 2008, BiH confirmed its status of a potential candidate for the EU membership.

According to Article 49 of the Lisbon Treaty, the main preconditions for a European country to become an EU member is to respect and promote:

- Human dignity,
- Freedom,
- Democracy,
- Equality,
- The rule of law,
- Respect for human rights, including the rights of minorities (Article 2)

What will change in BiH after the association and the EU membership?

There will be some general changes, such as:

- Economic preconditions for the participation in the EU internal market will be fulfilled.
- The reforms that will ensure the growth of home economy and living standard will take place.
- There will be major changes in the legal, economic, and political life,
- The regulations will have to be harmonized with the EU regulations, and their implementation will have to be ensured.

Current social situation in Bosnia and Herzegovina

Despite the above steps forward that have been recently made, BiH is facing numerous problems, among which the most noticeable are poverty and political crisis. Civil society in BiH, which should be the main implementer of changes in those fields, is facing large problems. We can rightfully say that civil society is at the crossroad, with a noticeable need to enter into a more phase of development, which is also a need for BiH society as a whole.

On the other hand, while some institutions, groups and individuals have doubts about the quality of life and cohabitation in BiH, there is a reality in front of us, defined under the concept of general globalization. Even that reality is dubious for many people.

Some define it as a “forced settlement into routine, ” while others see it as a very much needed “evolution model” that would help structure and define the non-EU member states. Aware of political, economic and all other crises in our country, we probably ask ourselves – who or what can establish a meaningful balance that would enable a dignified life. Life by the standard of man?

Not only in financial/economic sense but primarily in terms of more quality cohabitation in all segments of man’s existence and activities?!

Is such solution, i.e., “that kind of life”, in the EU?!

Who and how can collectively animate and direct us toward the common goal?!

Do the peoples of BiH lack money or only a good will?! ...

... are only some of the questions that are imposed in the context of integrating BiH into the process of European integrations.

The EU is not only a technical agreement but a paradigm of the new world.

It is the fact that we live in the time of turmoil, in which the financial crisis was installed as a cover for hiding other (much larger and destructive) crises that disturb the quality life and the cohabitation in BiH. The life of BiH citizens is a paradox!

Namely, while we are witnesses to the globalization process on one hand, on the other hand we are participants in the disagreement that produces fear, and so we begin to see each other as “stumbling blocks” on the road of our personal development and the development of society as a whole. Analyzing the history, i.e., the tradition and culture in BiH, we realize that the peoples of BiH have always lived not only next to each other but with each other.

This is why it is completely unnecessary to discuss the differences, particularly by using negative terms in this time of the European integrations that is, whether we like it or not, a logical necessity.

The reason is that referring to differences and emphasizing them creates an adverse environment in the people, which leads to fear. The fear (i.e., a feeling of endangerment) leads to the stoppage (sometimes even to disappearance) of quality communication – the communication of dialogue! In this way we are becoming a burden to each other or, what’s worse, “stumbling blocks,” on the road to prosperity and progress.

Analyzing the model of BiH through the prism of multiethnicity and multireligiousness, we can also analyze the EU.

That “small world” in which everyone brings in their values that do not disparage the values of others but, on the contrary, they are harmonized by creating a multicultural symbiosis, in which no one loses own identity.

To join the EU, it is necessary to animate the BiH citizens to make a PERSONAL STEP FORWARD, first in the mentality, and then specifically in the fields of their life and actions.

That is because the freedom is primarily the state of mind, and then the physical state.

The EU – to be a PARADIGM of our future – first it has to be a PARADIGM of our cohabitation!

The role of CSOs in the process of European integrations

In the entire process of integrations the role of civil society is highly important, although it is often disregarded or is completely left out. Largely based on self-organization and voluntarism, civil society has several mechanisms for the achievement of objectives and results in a quicker, more efficient and less expensive way, such as:

- Distribution of information,
- Public campaigns,
- Informal training programs,
- Defining the needs of citizens,
- Analysis, control, and evaluation of effects of some laws, public policies, and strategies,
- Provision of various social services, etc.

For the EU, CSOs represent an important and independent source of information and advice, and they can also function as a control mechanism, particularly in those areas in which reforms are politically sensitive.

Further, the experience of the new EU members has shown that the support and participation of an independent civil society is crucial for the process of joining the EU.

The role of CSOs in the process of sensitizing the BiH citizens for the entry into the EU

An initial reason for any crisis and conflict is the lack of quality communication. Although the role and influence of the communication are often trivialized, it is the most efficient “weapon” in solving all problems.

Politicians (even if they want to) cannot help in it, because in accordance with the profile of their job, they always represent the interest of the group they belong to. Religious leaders can do it to a certain extent because it is the fact that not all citizens belong to religious communities.

That vacuum should be filled by the CSOs which will use their creative engagement to enable space for creative communication resulting in creative changes.


In this, I primarily mean the organizations that promote and maintain cultural and natural heritage.

The reason is that culture gives spiritual, emotional, and intellectual broadness in which everyone can find a place for themselves without jeopardizing others in doing so. On the contrary, the endeavor and creativity of one person enriches the endeavor of the others.

By its broadness, culture makes possible for the differences such as multiethnicity, multireligiousness, and multiculturalism to assume a common creative and recognizable form that could be a sort of brand of BiH.

I am convinced that Sarajevo will be declared the Capital of Culture by 2014!

And that it will be an additional impulse for the BiH citizens to prepare for the entry into the European Union!



Implementation of the municipal agreements on cooperation – from the memorandum of understanding to the local practice, case study: the municipality of Ključ

Šefika Muratagić

On 21 December 2005, the Agreement between the Municipal Council, municipal mayor and non-government/nonprofit organizations in the Municipality Ključ (hereinafter: Agreement), and the Decision on criteria, way and procedure of allocating funds to associations (hereinafter: Decision) were signed. The Agreement was signed only with brief information for the representatives of NGOs and local administration, without any debate and amendments, while the Decision was earlier drawn up and agreed on through the workshops organized by the Citizen Association “DON” Prijedor and attended by the representatives of NGOs and local administration of the Municipality Ključ. Both documents were fundamental at the time, both for the framework definition of partner relationships between the two sectors, and for the allocation of municipal budget funds for the NGO projects.

In the following year we made amendments to the Agreement in the partnership, in terms of adapting it to the local community Ključ, i.e., to the

structure and capacities of both sectors, and the amount of funds that can be allocated from the municipal budget. We also changed some powers regarding the allocation of funds, i.e., we established a committee consisting of the representatives of the Municipality, the NGO sector and reputable intellectuals, and transferred a large number of powers to the committee. Having the committee established in 2006, the Municipality Ključ announced a public invitation according to all standards, selected the projects and allocated the funds according to the adopted criteria. The NGOs that had received the funds according to the signed contracts submitted reports on the spending of funds.

The fact that nobody did the monitoring of the project implementation has remained as a deficiency and reduced the transparency of the process.

In 2006 we also successfully managed to lobby for a municipal budget item for co-funding the projects without and regardless of the public invitation procedure, under Article 9 of the Agreement, and so two projects were funded on that basis.

Our opinion is that this Article should be amended in terms of evaluation competence of those who, under the Agreement, are designated to evaluate whether the projects that apply for co-funding are of interest for the citizens of the municipality, i.e., whether the evaluation should be a competence of the committee for the allocation of funds through the public invitation, and also there is an issue of whom the report should be submitted to in addition to the external donor.

We also introduced a “good practice” to enable the influence of NGOs on the selection of priorities/fields for funding in the following year, among those laid down in the Agreement, so as to organize a public debate in the second half of 2007, in which the NGOs should present their plans of work and activities for 2008.

After that “successful year” came the elections, and new both executive and legislative authorities did not respect the achievements made until then and, using the lack of budget funds as an excuse, they did not comply with the provisions of the Agreement and the criteria, so no public invitation was announced and no funds were allocated. The funds were allocated to the NGOs in some other way (for the organization of events, in accordance with the calendar of major events of the Municipality Ključ), without the public invitation procedure and without transparent reporting.

Problem: How to ensure the continuity of the implementation of the Agreement after the elections, and the transfer of positive experiences and learned lessons?

There is also a problem of duplicating the activities and projects, i.e., repeating of the process that was already finished in this area, by some donor organizations, without taking into account the achievements and good practice.

How to avoid such issues and non-purposeful spending of donor's funds?

In 2012 the Division for Social Activities and General Administration prepared the proposal of new Decision on criteria, way and procedure of allocating funds to the NGOs, which was harmonized with the LOD methodology. In accordance with the amendments to the Decision, the division proposed amendments to the Agreement, only in the segments regarding the methodology of announcing the public invitation and the allocation of funds from the municipal budgets for the NGO projects. For that purpose, a public debate was organized, in which the NGOs gave their suggestions on the basis of earlier received proposal of amendments. Taking those amendments into account, the Municipal Council adopted the proposal/draft, which was then verified by the municipal mayor.

Example – Content of the proposed document:

Pursuant to Article 23 of the Statute of the Municipality Ključ – revised text (“Official Gazette of the Municipality Ključ, “ 3/10 and 3/11), the Municipal Council of the Municipality Ključ, at its _____ session, held on _____, issues:

THE DECISION

On the second amendment to the AGREEMENT between the Municipal Council, municipal mayor and non-government/non-profit organizations in the Municipality Ključ

Article 1

The footnote 5 shall be deleted from Article 4 line 3.

Article 2

The words “and Annexes I, II, III, and IV and V to this Agreement” and the footnote 7 shall be deleted from Article 5(1).

Article 3

The words “and the Decision on criteria, way and procedure of allocating funds to non-government organizations” shall be inserted after the words “the Agreement and its annexes” in Article 6(2).

Article 6(3) shall be amended to read:

“The submitted projects shall be evaluated by a committee appointed by the municipal mayor in accordance with the Decision on criteria, way and procedure of allocating funds to non-government organizations.”

Article 6(4) shall be deleted.

Article 4

The words “and its Annexes I, II, III, and IV and V” shall be deleted from Article 9.

Article 5

Article 12(2) shall be amended to read:

“The integral part of the Agreement shall be:

Annex I – Public invitation

Annex II – Code of Conduct of the NGO sector in BiH.”

Article 6

Annex I shall be replaced with a new text (See Annex I).

Article 7

Annex II shall be deleted.

Article 9

Annex V shall become Annex II.

Article 10

This decision shall enter into force on the eighth day following its publication in the “Official Gazette of the Municipality Ključ.”

No: _____

Date, _____

Chairman of the Municipal Council

Fadil Jakupović

EXPLANATION

On 21 December 2005 the Agreement between the Municipal Council, municipal mayor and non-government/non-profit organizations in the Municipality Ključ, and the Decision on criteria, way and procedure of allocating funds to NGOs were signed as fundamental documents for the announcement of public invitation and the allocation of funds from the budget of the Municipality Ključ for the NGO projects.

The Division for Social Activities and General Administration prepared a Proposal of new Decision on criteria, way and procedure of allocating funds to NGOs, harmonized with the LOD methodology. In accordance with the amendments to the Decision, the division proposes amendments to the Agreement between the Municipal Council, municipal mayor and non-government/non-profit organizations in the Municipality Ključ, but only in the segments regarding the methodology of announcing the public invitation and the allocation of funds from the budget of the Municipality Ključ for the NGO projects.

As the proposer of amendments to the Agreement, the Division for Social Activities and General Administration organized a meeting with NGOs registered in the territory of the Municipality Ključ on 7 September 2012, presenting the Proposal of the Decision on criteria, way and procedure of allocating funds to NGOs, and the Proposed amendments to the Agreement to which the NGOs gave some comments and suggestions. The outcome was the recommendation that the amendments be adopted. At the meeting, the NGO sector also stated that other segments of the Agreement should be amended with the aim of better and more fruitful cooperation of government and non-government sectors in the Municipality Ključ.

Division for Social Activities and General Administration


The essence of the above amendments is briefly the following:

- The powers of the Committee for the allocation of funds will be expanded in that the Committee will carry out the monitoring of the project implementation, and note its comments and suggestions in a report.
- The power to appoint the Committee for the allocation of funds, which was in the hands of the Municipal Council, is being transferred to the municipal mayor because of quicker and more simplified procedure,
- One more person will be a member of the Committee on behalf of the NGO, in which the NGOs the members of which are committee members can apply for the funds but must not participate in the evaluation and selection regarding their projects, i.e., they will be disqualified from the committee, and such evaluation will be attended by another member from the NGO sector.

Some NGO suggestions in terms of advising amendments to the Agreement as soon as possible in order to harmonize it with the achieved capacities and needs of both sectors were accepted, and it was agreed to do so in partnership in 2013.

In accordance with the annexes to the Agreement regarding the delegation of some services from the municipal public affairs to the NGOs, and the work in partnership, a series of good positive activities and projects were implemented:

- Development strategy for the Municipality Ključ 2007–2013,
- Communication strategy,
- Partnership strategy 2008–2011,
- Development strategy for the youth policy of the Municipality Ključ,
- Local action plans of development of local communities in the municipal territory,
- Housing and repair solution for the residential buildings for national minorities (Romas), in cooperation with the Roma Association,
- Successful examples and models of allocating and handing over some premises and buildings owned by the Municipality to the NGOs for management, repair and construction, with the aim of improving cultural, environmental, economic and other programs and standards in the local community Ključ: town beach, medieval Old Town, the rivers Sana and Sanica.



The process of involving citizens in the creation of the communication strategy for the municipality Bihać 2011–2016

Suada Sofić, B.Sc. in Journalism

With the aim of improving interaction and open dialogue between the authorities and the public, the Municipality Bihać adopted the Communication Strategy of the Municipality Bihać 2011–2016.

The Strategy objective was to inform all the staff in the Single Authority of the Municipality Bihać, institutions, companies and other organizations of the municipal importance about the content of the Strategy and its importance for every individual but also the community as a whole, so that all stakeholders could act in the future in accordance with all recommendations from the Strategy.

Taking into account the need to constantly improve work, and accepting huge possibilities in all development aspects in the Municipality Bihać, the municipal mayor, the Municipal Council, and the Single Authority of the Municipality Bihać have expressed unreserved support to the justifiability of creating the Strategy, and thus the improvement of internal and external communication of the Municipality Bihać.

The importance and role demonstrated by the Municipality Bihać with regard to the development of overall local self-government capacities is a determining factor for the permanent improvement of the service quality.

Initiating the activities that contribute to the continuous development and general progress of the local community, and complying consistently with the principles of legality, equality before the law, and the protection of human rights and freedoms, the Municipality Bihać strives to implement the European standards and the principles of local self-government.

Through the quality policy, transparency of work, informing the public about the work of the municipal administration, and active citizen involvement in the decision-making process, the Municipality implements the highest standards of good governance, so that the primary role of the Communication Strategy was to: unify and improve all communication resources, enable an efficient control and the measurability of efficiency and successfulness of the Municipality communication, and as well provide the public with insight into the work and functioning of the local authorities, and strengthen democratic mechanisms of communicating with the community with the aim of further support to the development and promotion of the public opinion in the Municipality Bihać.

The first draft Strategy was sent to the several groups in the public, among which are OSCE, citizens, the media, local communities, civil society organizations (CSO), and primarily to the Municipality staff that was tasked with providing guidelines for as good and efficient communication with citizens as possible, each from their respective scope.

The Strategy has its objectives and activities, and also a SWOT analysis which, among other things, provides the guidelines for the improvement of the Municipality interaction with the public in order to give citizens an option to be involved in the decision-making process as much as possible.

It is believed that the Communication Strategy of the Municipality Bihać 2011–2016 was done in a quality way, and that its implementation would be very useful, which would in any case improve the local community in terms of its functioning and be a paradigm of conduct in the communication between the Municipality as an authority and the citizens in whose service the Municipality is.

Implementation of the municipal agreements on cooperation – from the memorandum of understanding to the local practice

The public is a very broad term, including numerous types of public with which the local community is interacting and communicating. The CSOs are only one type of the public, but in Bihać they are organized in 129 citizen associations. In relation to this, the Municipality Bihać foresaw a job position of the expert advisor for the civil society development, laid down in the municipality Regulation on Internal Organization, in order to keep as strong connection and continuity between the local community and the NGO sector as possible. This job is carried out through the Division for Social Activities and the Youth, and within it to the Section for Social Policy and Civil Society Development. The job description of the expert advisor is, among other things, to create analytical, informational and other documents from the fields of providing information to the civil society and its development; to process system solutions in the field of civil society; to establish and ensure the communication with the CSOs and the media institutions; to keep records about the CSOs in the municipality; to receive and process the CSO requests, proposals, initiatives, petitions and complaints; to propose the budget for the funding of CSO activities; to help organize the CSO events and announced program activities; to follow and study the situation and manifestations in the CSO development, and to propose solution measures for identified problems; to inform newly established CSOs about the forms of cooperation with the Municipality; to conduct preparatory actions for the co-funding of projects by the CSOs and the Municipality; to prepare reports, analyses, information reports about the project implementation, and the spending of allocated funds; to help the CSOs to involve in public debates that are of interest for the development of local self-government.

At its 8th session on 26 April 2007, the BiH Council of Ministers adopted the Agreement on cooperation between the BiH Council of Ministers and the NGO sector in BiH. The Agreement emerged as an expression of the need of NGOs and the BiH Council of Ministers to build an institutional framework of mutual cooperation.

Strong civil society plays a crucial role in the process of BiH accession to the European Union, and in this time that role takes place in the process known to us under the name Stabilization and Association Process.

As much as the CSOs have not been enough explored, recognized and understood, so much it is the fact that the CSO development in BiH takes

more and more space, and it is becoming the subject of discussion at various levels with increasing respect.

Regardless of their purpose, the CSOs have five major characteristics in common, which are objectively identified as follows:

- first, they are organizations, i.e., they have an institutional identity,
- second, they are not part of any government apparatus,
- third, they do not have profit at disposal, i.e., they can earn profit, but not distribute it to its owners or managers
- fourth, they are self-governed, i.e., have a considerable degree of autonomy,
- and finally, fifth, they are voluntary, i.e., the participation in the work of these organizations is not forced, and it involves the energy and human potentials that are voluntarily placed at disposal.

The two main organizational forms of civil society are foundations and associations, which are established primarily with the aim of promoting political or social objectives of their members or founders, e.g., preservation of the environment, protection of human rights or social protection. However, the number of associations is so high today that they cover a very large number of fields and points of view.

It is important to point out that the civil society institutions flourish and develop in democratic countries based on the rule of law and with developed market economy.

With regard to this, the municipal mayor proposed to the Bihać Municipal Council to pass the Conclusion on the consent with the Proposal of the Agreement and the authorization to sign the Agreement between the Municipal Council, municipal mayor, and the CSOs in the Municipality Bihać. The purpose was to establish clear, efficient and transparent procedures of mutual cooperation and partnership on the basis of the shared values produced by the NGO and government sectors, and to collaboratively comply with those values and citizen initiatives. The values and initiatives derive from the European Charter of Local Self-Government, Constitution of BiH, Constitution of FBiH, Constitution of Una-Sana Canton, Law on the principles of local self-government in the Federation of BiH, and the Statute of the Municipality Bihać, all of which are the foundation and framework for the citizen right to associate freely and without restrictions in order to build a democratic society based on:

- citizen participation in decision making,
- freedom and responsibility of individuals,

- cooperation between local authorities and citizens,
- civil solidarity, tolerance, and respect for diversity,
- social justice,
- personal integrity,
- respect for various forms of institutional performance,
- transparency, and
- permanent orientation toward the creation of efficient standards that will improve relations between the municipal authorities and the CSOs.

Under the Agreement, the Municipal Council and the municipal mayor, “aware of their obligations and responsibilities in providing services to the citizens of the Municipality”, have accepted CSOs as a partner in meeting the public needs and interests of the citizens in the Municipality Bihać. In accordance with the highest quality standards they are ready to delegate some specific tasks from the scope of the local self-government, as needed and proved through a clearly identified interest, to the CSOs partly or in full, and to secure appropriate funds for their implementation accordingly.

Further, the CSOs accept part of the jobs of public interest for the citizens of the Municipality Bihać and undertake to perform them consciously and transparently, in accordance with the assumed obligations toward the provider of funds and the service users, in compliance with the “Code of conduct for the NGO sector in BiH.”

With the aim of rational and transparent management of public revenues (budget), and efficient use of available resources for the purpose of creating more quality environment for meeting the citizen needs, the mayor will:

- define the affairs of public interest for the Municipality that will be transferred to the CSOs, and secure funds in the annual budget within the available funds,
- invite the CSOs through a public invitation to apply with their projects and programs for some tasks and their implementation under the Agreement.

The public invitation will clearly state the interest of the Municipality, the application criteria, and the evaluation criteria for the submitted project applications. Submitted projects and programs will be evaluated by a committee appointed every year by the mayor in accordance with the procedures laid down in the Agreement and the Decision on criteria, selection procedure, and the way of allocating funds from the budget of the Municipality Bihać for (co-)funding the CSO projects, including the procedures harmonized

with the LOD methodology of allocating funds to the CSOs. In this way, the obligations under the Memorandum of understanding between the United Nations Development Program and the Municipality Bihać will be fulfilled.

The mentioned Decision issued in accordance with the LOD methodology elaborates the content of the public invitation; eligibility criteria for the public invitation; documents for the submission of the project proposals; criteria for evaluating projects; the composition of the committee for evaluation and selection of projects, the members of which will also be the CSO representatives; the allocation of funds for (co)funding projects; mutual rights and obligations of the Municipality and the CSOs that received the funds for (co-)funding the projects; monitoring the project implementation and the spending of funds through a monitoring committee; the analysis of the public invitation results and the preparation of guidelines for a new public invitation, and reporting about the public invitation results and the successfulness of the CSO project implementation, with the reports being sent through the municipal mayor to the Municipal Council.

Civil society should be an active participant in raising the level of transparency and responsibility of the local self-government. The participation of all civil society representatives: NGOs, trade unions, the media, and citizens in general in the conduct of public affairs at local level is a precondition for the strengthening of the above principles in the performance of the local self-government. Finally, their participation is the main tool in the combat against corruption and other abuses in local authorities.

Also, an active civil society can be a very important “preventive authority” in combating corruption and strengthening transparency and responsibility of local authorities. Through their activities the citizens verify their seriousness toward local authorities and the readiness not to hesitate to publicly point out to possible corruption and other illegal activities in the local self-government. Citizen participation is of immense importance for the promotion of democracy in any country, and particularly in the countries that are in the process of establishing a modern legal, political, and economic system. The increase in citizen participation in the public life, particularly in decision making, leads to increased equality of citizens and gives more legitimacy to the decisions of local authorities. Citizen participation in the process of creating, making and implementing decisions establishes an active civil society of responsible and engaged citizens.



Democratization and strengthening capacities of the local self-government

Damir Jurić

It is clear for many years that human resources are the main factor of the economic development. What's more, tedious repetition of the fact that is obvious today turned it into a sort of platitude. However, although that fact has suffered inflationary damage, today, at the time of the world crisis, it is worth more than ever. And if human resources are good for economy, are they good for other fields of life? Is there any place where human resources are not too important and not a key component of every effort and solution? What is the story, for example, with the local self-government?

We live in a complex world that is becoming more complex and more fast day after day. The number of technical and social innovations is increasing so mercilessly that it even for the most informed have difficulties to keep up with it. The tempo of changes far exceeds the ability of administration and the government to implement them, which has become one of the greatest challenges that the countries and naturally the local self-government are faced with. In this, the stakes are high: it is well known that those that do not adapt fast enough become extinct with no trace. So, is the government in danger? And, is the concept of local self-government built on sufficiently sound foundations to survive today's and particularly tomorrow's world?

Things do not look encouraging. We all know that administration is a symbol of slowness, conservatism and resistance to changes to such an extent

that the derogatory term “bureaucracy” is today used more and more. No one has ever thought it possible that, for example, the local self-government could keep abreast of science, economy and particularly entrepreneurship, and let alone excel. It is so much self-explanatory that the explanations are unnecessary. Yet, it is possible to indicate several directions of thought and also encouraging practices that give hope of a different outcome. Although it is true that administration often becomes a purpose for itself – particularly if it is lacking controls or when its purpose and driving force are gone – it is also clear that the procedures are the main mode of relations in civil society. Unlike all previous societies, this is the case of non-meaningful, and therefore formal action. It is simply impossible to avoid legal and all other procedures, and it is even dangerous to do so (“either procedure or dictatorship”), but that does not mean that society has to become a slave to the procedures that are purpose for themselves and detrimental. It is very possible, and necessary, to have control over all procedures because their purpose is eventually defined by man... who is renamed to “human resources” because of coherence of ideas.

So, what are human resources in general, and in which field are they manifested in the local community work? What is their aggregate condition and which laws they are subject to?

Human resources – this is the first thesis – are not necessarily manifested in their economic form; they are possible as humane, social, scientific and other forms. Human resources are something that has strategic, not tactical meaning – they are a motor but also the ultimate purpose.

So, how does our local community look like?

The firm core of the community consists of the local (self-)government, a small “company” managing a town, municipality or region, particularly in the fields of utility affairs, upbringing and education. Those companies are managed by mayors and town councils, elected for a four-year term. They work within the legal frameworks of the laws enacted at the national level, and the rules, regulations and decisions they make by themselves.

But those legal frameworks are only a shell that just borders, even that, the space for possible action. Local community is a microcosmos and it cannot be boiled down to only narrowed responsibilities such as utility policy or equipping kindergartens. Local community is not just a lower level of a higher, national or even world community, but something that is already an entity for itself. Hence the local community tends to become a whole and to find the leaders who addresses to that very whole. In other words, a local plan is almost 100% measure for the human life, and by far the largest number of their interests are realized exactly at that level.

In addition to already mentioned local administration, what needs to be discussed is the local community, a general one, but also the particular communities gathered around a sector or an issue, which we today mostly call civil and citizen initiatives. While the general community is known for a long time, it is different story with the particular ones because their functioning has recent history. The appearance of civil initiatives is maybe the most important transformation of classic local community thus far. Instead of a classic relation between the general local community and its representative body (and executive level), now there is something that complements classic representative democracy. This might be pretentiously called a direct democracy and participation that is not passive and limited to four-year cycles. The occupation of some groups of people with specific community issues can be of huge benefit, although it is true that such thing is recognized slowly and in a difficult way. Namely, who could disregard highly active occupation with some issues which a general representative body would mostly go through superficially and quickly? That occupation is a large help in clarifying some issues, in which it is not non-important that it is almost free-of-charge consulting. Unfortunately, there are too little procedural options for a serious engagement of civil initiatives in decision making, but it is very reasonable to assume that the development of legal frameworks for local community will have to go in that direction.

Civil initiatives are some sort of “selective public, ” the public that is particularly and even existentially interested for some narrow, even very narrow spheres of life. Civil society is built on such interests and initiatives; it is more than a complement to the “general” citizen society made of anonymous individuals. To such a degree it is about a postmodern phenomenon of its own kind, an important “amendment” to the civil society as we know it back from 18th century.

Where is the innovation? Well, representative democracy as we know it today received its theoretical foundation at the age of enlightenment, and then it was shaped and made complete during the 19th century. It is the system in which all citizens, as a mass, represent the voters of general interest. Every citizen expresses both his or her own “selfish” interest and a general one: we all have the first and last name, particular characteristics, height, age, profession etc., but at the same time each of us represents the “generality.” It is the society of modernism, industrial development, mass production, mass education... the age of uniforms and uniformity. However, civil society emerges when separate interests begin to stand out from “average generalized interest”; the interests of mostly a smaller number of people but strong

in their intensity. For example, an association of people with rare diseases cannot present its interest at general level, with the assistance of political parties or mass demonstrations, but it be agile in lobbying for a solution or alleviation of their problems with various authorities, on the street or in the media. It is completely clear that to those people the importance of their diseases exceeds any other item on the general scale of importance for the largest number of people, such as job, educational conditions or ideological affinities. Therefore they have to present their interest in a different way and fight for it using different means than those available to the “general public.”

But, to make things better, their separate interest can also be generalized for several reasons: an initiative represents value in any case, regardless of the field; the fruits of those initiatives also improve the quality of life “in the detail” where general interests are less effective because of the “big picture” they strive to. Every community with a multitude of civil initiatives is potentially rich because the people in it are more citizens and less subjects; after all, they are more movable and flexible. The activism of civil initiatives can also be used in other fields in addition to the original one where an initiative emerged.

Do civil initiatives strengthen democracy? Absolutely! Do they strengthen capacities of the local self-government? Certainly yes, but with some preconditions. First, it is necessary to build communication channels between civil initiatives and local self-government. Second, it is necessary to institutionalize the contact by establishing at least *ad hoc* institutions and forums. Third, it is important to properly “employ” civil society so as to have it realize its own particular interests but also transcend them, thus generalizing its activism and spilling it over to the broad society.

It is only the question of capability of local self-government to build mechanisms and the practices of civil society engagement while expanding and deepening its on capacities. For now, that depends on the horizons and intelligence of the local self-government leaders. Recognized and properly organized civil initiatives can participate in governing the community, even literally. It is possible for a representative body to issue a decision delegating some tasks to the civil initiatives. Experiences tell us that civil initiatives can do some tasks with less expenses, more reliability and more humanely than some typical institutions, because they contain more activism, volunteer spirit, and the sense of togetherness.

In the future, local self-government will not be able to function without the activation of human resources. The world has been changing so quickly so that neither the lawmaker nor the executive authorities can keep up with

all novelties, with the consequence of lagging behind those who “conspire” with modernism. Flexible and active local communities are much more successful in attracting the investments, and they also easier recognize good and long-term useful ideas. It is not a tradition for the local self-government to be innovative and show initiative, but it has to find the way to assume those characteristics in cooperation with economic, educational and scientific institutions, and civil society organizations. The question of cooperation with those sectors is no longer the question of politeness or political correctness but simply the question of necessity. Local self-governments do not have senses developed enough to flow through the today’s and particularly tomorrow’s world. Reforms are necessary but they are preceded by an open spirit and good practices – even now it is possible to build frameworks of cooperation with the civil and other sectors in society, not waiting for national lawmakers to write it, foresee it, and let alone impose it. Those attempts may bring errors, but a system without errors hasn’t the potential for stronger steps forward. After all, the biggest possible mistake is failure to act, i.e., to miss an opportunity.

The world has a whole series of examples of successful complements of various forms of social activities, institutions, and movements. Things go so far that some local areas stay out of a country legal framework – implicitly admitting that the applicable laws are more an impediment than encouragement – and in order to attract investments and staff with specialized knowledge. In such way some local communities begin to imitate the examples of super-successful sovereign cities that have become the champions of economic and technological development. Does that mean that the local has begun to win over the national with the help from the global?

Anyway, we all know that history punishes the slow and the unprepared. Areas in the southeast of Europe have “succeeded” to miss almost all historic opportunities after the ancient times, and it seems that they are persisting in it even today. But this is maybe an advantage – confronted with non-functional governments and extremely bad situation, maybe we will be forced to resort to unorthodox and innovative solutions. Maybe the salvation lies exactly in the shortage [possibly “poverty”]?



Agreement on cooperation between non-governmental organisations and the municipality of Bihać – the example of good practice?

Amira Hadžimehmedović

There is no legal definition of the term “non-government organization” in our country. In practice, it is almost impossible to find a standardized use of that term. Legal regulation, reference works and the public use a combination of various terms – non-government organization (NGO), civil society, citizen associations, foundations, non-profit organizations, societies, volunteer organizations, civil society organizations, etc.

There are several various determinations in the world (and each of them uses different criteria to distinguish NGOs from other organizations).

Legal definition is given in the country laws. Some countries have specific legal systems, which inevitably makes comparison at international level more difficult.

Economic definition defines the area with respect to the source of revenues, and it includes in nonprofit-volunteer organizations those in which more than a half of the revenues come from donations of supporters and

members. This definition was brought into question by analyzing the comparison of revenue sources of nonprofit-volunteer organizations (L. M. Salamon, H. K. Anheier, 1994), because practically there are almost no nonprofit-volunteer organizations with such structure of revenues.

Functional definition of nonprofit–volunteer organizations covers the private and non-government organizations with a generally useful/public purpose. This definition is limited for use because such differentiation does not exist in all countries.

Structural-operational definition relies on several criteria as a basis, and it includes in nonprofit-volunteer organizations those that are:

- formally established and with a certain degree of organizational continuation;
- private, established by non-government subjects;
- nonprofit-distributive (possible surplus of revenues is used only for the achievement of their mission and their programs);
- independently lead, and
- include some amount of volunteer work.

The above criteria vary from organization to organization in reality, but all elements have to be somewhat present if an organization wants to define itself as an NGO.

The structural-operational definition is the most wide because its advantage is in covering a larger number of organizations, and it provides a basis for comparison.

The European Union defines the concept of NGO as follows:

- NGOs are not established to gain profit (nonprofit character),
- NGOs are volunteer organizations, established on the voluntary basis, and the participation in the organizations is voluntary,
- NGOs are (at least partially) formalized, which excludes the possibility of entirely informal associating of the people,
- NGOs are independent – from the government and other public authorities, political parties, and for-profit companies,
- NGOs do not work only because of the interests of their members – the main purpose of their existence is work for common good of the society.

Since NGOs are prominently different, it is necessary to classify them meaningfully. There are various types of private-nonprofit–volunteer organizations in the world, and therefore there are various classification systems. All recognized classifications have a common standard for the classification

of organizations, which is the field in which a private–nonprofit–volunteer organization operates.

The International Classification of Nonprofit Organizations divides the organizations into 12 areas in which private–nonprofit–volunteer organizations operate, and additionally classifies them into 24 subareas of operation.

The areas of the ICNPO classification of private–nonprofit–volunteer organizations are the following:

- Culture/arts and recreation/sport,
- Education and research,
- Health,
- Social services,
- Environmental protection/animal protection,
- Local community development,
- Law, defense, and politics,
- Collecting funds/funding of nonprofit organizations, and voluntarism promotion,
- International action,
- Religion,
- Business and professional associations,
- Other, not elsewhere classified.

This classification gives 12 “main types” of private–nonprofit–volunteer organizations, based on which it is easier to orientate within the sphere of civil society.

Just like throughout the country, there are many NGOs in the Una-Sana canton and the Municipality Bihać, each of them trying to achieve in its own field something impossible in the world in which the relation between the government and non-government organizations is not precisely regulated under the law, but there are some commonly accepted customs and unwritten rules of conduct of the actors in this relation. Every institution functions in such a way that it gives own definition of its relation with the NGO sector, most often favoring some organizations without directing its activities to all NGOs from a certain field. For example, it was only two years ago when the Municipality Bihać introduced the practice of public invitation for the allocation of budget funds. Until then, the budget funds were allocated to three or four traditional NGOs in some fields, most often to cultural and artistic societies, hunters’ associations etc. Currently there are 123 citizen associations of various orientations in the municipality, and so the municipal authorities have been brought into a situation in which they are unable to fund only 1 of, e.g.,

7 cultural associations, 1 of 23 war veterans' associations, etc. At first glance, this situation looks unfavorable for the municipal authorities, but they might use it to exclusively request higher quality within the proposed programs in terms of strengthening capacities of the NGOs, and of civil society not with additional financial burdens but through the planned co-funding of the programs that would be in that case more quality, elaborated and harmonized with the adopted municipality development strategies.

The work of NGOs in Bihać is marked by numerous difficulties and anomalies. A small number of professional staff, the lack of professional knowledge (project management, obtaining funds, etc.), and also a poor infrastructural support for the NGO development indicate the fact of discouraging environment in which the NGOs cannot achieve a certain level of development. Human resources of lower professional quality in NGOs are most often the result of short-term funding of project activities, which largely causes "brain drain" to other sectors, most often the public one, which has at least somewhat more stable funding. The impossibility of offering employment with incentives in NGOs, and as well very weak protection of permanent and external staff in NGOs are the reasons for the lack of employment in this sector. The relations within NGOs are most often not regulated, and there are no clearly adopted regulations or operational standards or criteria for evaluating the quality of implemented activities, which leads to a fertile ground for "hypotheses" about inappropriate work of some organizations (which later leads to generalization), with particular focus on non-profitability. Further, one of the most important deficiencies in the work of all NGOs is related to weakly or not at all elaborated strategies of promoting their own activities, and so the NGO's appropriate appearance in the media is low (usually if there is a project) or it does not exist not a all.

The trend of connection and cooperation of NGOs is clearly visible in the world. Building of the global civil society is a trend that cannot be stopped. The lack of connection, trust and cooperation among NGOs in Bihać thus far because of failure to recognize advantages of a network or another form of cooperation is reflected in a generally weak power of this sector in the attempts of dialogue with local authorities on any issue. So the issue of signing the Agreement on cooperation between the NGO sector and the Municipality Bihać failed at the first attempt mainly because the NGOs did not stick together or firm enough to finish the process. There were even the conflicts that resulted in the interruption of all efforts toward the signing of the Agreement in 2010.

Nevertheless, the world trend of networking has inevitably "spilled over" to our area, so CPCD (Center for Promotion of Civil Society), with assistance

of the organizations from throughout the country, had managed to draw up draft Agreement that was signed and implemented in some municipalities or signed but not implemented. The Agreement on cooperation with the NGO sector was signed in the Bihać Municipality building on 22 January 2013, upon insisting of CPCD and UNDP. Article 1 of the Agreement reads that the Agreement “represents the determination of the signatories that the longtime supported work and development of the NGO sector in this territory be regulated in this legal document, with the aim of establishing clear, efficient and transparent procedures of cooperation and partnership on the basis of shared values produced by the civil and local administration sectors.”

Article 5 of the Agreement reads: “The Municipal Council and the municipal mayor shall undertake to prepare and train the Municipality staff to make them ready to establish partner relations with the CSO representatives transparently and in a quality way, and for the purpose of training the Municipality staff and the CSO representatives there will be round tables, symposiums, conferences, media and web presentations...”

Article 9 of the Agreement states the following: “Under the law and this Agreement, the Municipal Council and the municipal mayor shall be ready to accept an offer to co-fund the CSO programs and projects without and regardless of the public invitation procedures provided that the during the year CSO ensures more than 51% of the funds from another donor for the projects and programs of interest for the citizens of the Municipality Bihać, and only if:

- the provisions related to the budget are not violated,
- that is a requirement of a donor that provided more than 51% of the funds for the implementation of planned project funds,
- that is in the interest of the citizens of the Municipality Bihać.”

The very beginning of the Agreement is very promising but it seems that the municipal authorities have not read it at all. It is the same case with Article 5 regarding the provision of training of the Municipality staff in cooperation and partnership with NGOs (which they certainly need) because nothing has happened in that field since the date the Agreement was signed. Not a single educational seminar, not a single round table... in fact, municipal Division for Social Activities called a meeting with three groups of NGO representatives (the groups were defined in a very unusual way), in which it was said that the Agreement on cooperation had been signed, but we were not told where we could find a copy of it (a copy was later obtained upon request). Also, we were referred to the Division for Social Activities,



to the officer in charge with relations with NGOs (appointed upon signing the Agreement) for any help we believed we could receive.

Article 9 of the Agreement is certainly discriminatory and even detrimental for both for the Municipality and the NGOs. 50% of the co-funding is usually required for a large format EU projects (although the EU uses the term “small grants”) worth, say, EUR 100, 000–300, 000. The Municipality, being currently in a very difficult financial situation from which a near way out is not seen (the author of this text states that responsibly), objectively cannot co-fund such projects. NGOs also cannot co-fund such projects by themselves. And so such projects are doomed to fail in the application process. Even if they are eligible, approved and their implementation begins, then local authorities are often late with payments or do not make payments at all without any financial responsibility while the NGOs lose credibility and an option to apply again. It would have been more acceptable both for the community and the NGOs if the Municipality had defined a lower amount of co-funding and thus opened much more maneuvering space both for NGOs and its budget, for the benefit of its citizens.

Numerous factors are the reason why these efforts, energy, money, and achievements made thus far can fail if further cooperation and work in that matter is prevented mainly because of the lack of financial and human resources, and then also the lack of will on both sides. The cooperation that is mostly based on trust and interest connection, without major investments in its development, will probably not give expected results.

The Agreement largely simplifies the relation of authorities toward NGO, but it does not offer levers for committing the authorities to complying with the Articles of the Agreement and reduces the role of NGO sector to a “service complement” to the government, or an option for the solution of urgent problems. In order to prevent reduction of the NGO sector to the level of an assistant in the provision of services, a someone inferior to the government, it is necessary to consider arrangements for a true coalition of the NGO sector, the mission of which is to resolve problems regarding the welfare of the community in all fields with the vision of an equal partner that represents a legitimate alternative to the government organizations.

In practice, this would mean that in no case should the government view the NGO sector as competitive, revolutionary, only critically oriented, but it should create an environment in which NGOs strive to better, more efficient and more sustainable tools in their work. It is the only way for the NGO sector to overcome inferior position in relation to the government, and become an equal and autonomous partner with a position it deserves in the society.



Challenges and prospects of effective co-operation of government and civil society at the local level – the city of Mostar

Dženana Dedić

The establishment of the institutional framework of cooperation at the national level

Non-governmental organizations of the city of Mostar participated in the constructing process of institutional cooperation between the Government and civil society in Bosnia and Herzegovina. Since 2001. The NGOs were involved in the initiative as the Coalition of NGOs in Bosnia and Herzegovina, “Work and Succeed Together”, and one of the meetings was held in Mostar in April 2003rd year. The coalition was formed in February 2004th Its aim is to promote and develop co-operation agreements between governments and civil society in Bosnia and Herzegovina at all levels of government. Agreement on cooperation between the Council of Ministers and NGOs was signed in May 2007, and at the end of next year the manual for the implementation of the Agreement was presented. In this period the Committee on Civil Society was formed, an informal network of NGOs’ “Sporazum plus” was established, and a team for the implementation of the Agreement was formed.

A series of consultations and conferences with civil society organizations were organized, and as a result of the intense activities of the Ministry of Justice the Department for Civil Society was established.

The main competence of the sector are:

- creation of all documents of development for the NGO sector in BiH;
- Design and implementation of the Strategy and Action Plan for the creation of an enabling environment for civil society organizations;
- improving the work of the joint bodies of the Council of Ministers and NGOs, aiming more efficient consultation and assessment of common goals;
- repairing and proposing various forms of cooperation between the Council of Ministers and the non-governmental sector in BiH;
- evaluating new development policy for NGO sector;
- Facilitating and encouraging the participation of non-governmental sector in the process of consultation in the drafting of laws and other regulations;
- monitoring the importance of activities of the NGO sector and voluntary work;
- monitoring the cooperation of non-governmental sectors with lower levels of government;
- monitoring and drawing up the annual review of the agreements on cooperation between the Council of Ministers and the non-governmental sector in BiH;
- monitoring and making analysis of respecting the application of the laws and regulations relating to the non-governmental sector, the implementation of a code of conduct for non-governmental sector and the maintenance of high standards of governance;;
- Preparation of expert opinions and explanations for the application of laws, other regulations and general acts within the jurisdiction of the Division, on the occasion of queries of citizens, legal persons and other entities, or *ex officio*³².

In order to facilitate cooperation with the sector of civil society, the Ministry of Justice formed a committee for cooperation, composed of the representatives of the five NGO network. All this makes it essential institutional basis for the establishment of good cooperation that will ultimately result in the creation of a favorable environment for the development of civil society in our country. More than half of the municipalities / cities in Bosnia and Herzegovina has signed an agreement on cooperation with civil society organizations that are active in their area, some municipalities / cities that

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have signed an agreement of cooperation instruments have been developed, a certain number of municipalities / cities with the signed agreement already implemented them and they came to the states to need for modifications and adaptations, and some municipalities / cities can not implement the agreement that was signed. This is a different situation caused by the diversity of opportunities and relationships at the local level, which requires a different approach.

Civil society organizations in the City of Mostar

Mostar platform is an informal group of civil society organizations of the City of Mostar, which was active between February 2006 until May 2007. The initiative of establishing a platform was launched in October 2005 at a meeting held by Senior Deputy High Representative Martin Nejić in Mostar with the Mayor and representatives of non-governmental organizations from Mostar. There was agreed that the platform will be a forum that will bring together ten non-governmental organizations, representatives of the business sector, and the City Administration and the City Council. Later on Mostar platform brought together 30 active civil society organizations, and representatives of the city administration as executive law and representatives of the Mostar City Council. The aim of the platform was involvement of the business sector, but this was not done in the period of action. Mostar platform was open for cooperation and involvement of all other interested civil society organizations, and has repeatedly renewed call to all citizens associations to join this informal network. In this period 26 meetings were held.

In the course of its work Mostar platform was actively engaged in the following:

- Analysis of the Decision of the City Council about the procedure and criteria for the allocation of funds, grants to individuals, non-governmental and non-profit organizations established in the budget of the City of Mostar
- Development of criteria for evaluating proposals and awarding of funds by public invitation
- working groups for specific areas of community development, which consisted of representatives of citizens' associations and local authorities were formed
- a coordinating body was formed

- Members were mutually exchanging information about their work in order to plan further activities
- a Memorandum of joint work and cooperation was signed
- the initiative to create a development strategy was discussed
- A total of allocations to NGOs from the budget of cities / municipalities was analyzed
- Participation in discussions on the budget drafting
- Mutual support to the initiatives of individual organizations members of the platforms
- Participation in public protests
- Media appearances
- Good cooperation with the city government

Very important role within Mostar Platform was played by local authorities. City of Mostar within the Service (Office) of Education, Youth and Sports of Social Services Department has appointed officials to cooperate with NGOs, youth organizations and religious communities. Representatives of these services have actively participated in the work of Mostar Platform, and they partly assumed the role of coordinator, and most platforms sessions took place in the area of the Social Services Department of the City of Mostar. Some platforms sessions were attended by other representatives of local authorities such as City Council President, Head of Finance as well as the presidents of some committees of the City Council, according to the topics discussed.

Because of disagreements of the platform members to create a new coordinating body member and its Chairman, Mostar platform was closed in April 2007.

Youth Council of Mostar was first established in November 2006 on the initiative of the City of Mostar. The Council was an informal network. It had 64 members, representatives of non-governmental organizations and political parties active in the City of Mostar. This Youth Council of Mostar has stopped to operate in May 2008.

Youth Council of the City of Mostar, was again formed and registered in November 2010, and its composition are:

- Representatives of NGOs
- Representatives of the high school student council
- Representatives of the University student council
- Individuals younger than 30 years
- Honorary Members
- Advisers

With the active support of the City of Mostar, and the active involvement of its members, the Youth Council has realized a number of projects and activities useful to the local community. It is especially important to note that in this Council are working together young people from all over the city, which is still in many ways divided city in spite of administrative unification.

Cooperation Agreement in Mostar

Having signed a Memorandum of Understanding between the Council of Ministers in Bosnia and Herzegovina and the NGO sector in May 2007, the City of Mostar has launched an initiative to create an cooperation agreement at the local level. With the active participation of non-governmental organizations, series of working meetings were held in the period from March to December 2008. when was agreed the content of the agreement. After minor changes in the content made by the Social Services Department of the City of Mostar, agreement was sent for adoption to the City Council in February 2011. After a long period of control exerted by the Commission of the City Council of the City of Mostar, the Cooperation Agreement between the City of Mostar and NGOs operating in the city of Mostar, was signed on 4th of July 2012³³.

Agreement on behalf of the City of Mostar was signed by the mayor, at the discretion of the City Council on accepting the Agreement adopted on 3rd of July 2012. The ceremonial signing was approached by 36 non-governmental organizations. As stated in Article 9 Agreement: “This Agreement may subsequently join and sign the NGOs that were not involved in its proposal and adoption, and the newly established local NGOs.”

In accordance with this provision the Agreement was signed by another seven non-governmental organizations. It is also very important to emphasize the engagement of non-governmental organizations gathered at the initiative of the CSSP, Project for Integrative Mediation in Berlin, with Prof. Dr. Christian Schwarz - Schilling. Series of meetings were organized from November 2010, in order to define the state of the local community in order to create an effective mechanism to improve communication and cooperation between the city government and civil society. At these meetings, in the presence of the mayor, and representatives of the City Council, city administration, civil society and representatives of Mostar CSSP, in May

33 http://www.ldamostar.org/preuzimanja/Sporazum_Grad-NVO.pdf

2012 a consultative body for cooperation among communities (ICCB) was established. This body consists of representatives of local authorities and civil society of the city of Mostar, which ensures the equal involvement of government and non-governmental sectors in joint creation of mechanisms of cooperation. Consultative body has given its contribution in the process of accelerating the signing of the Agreement between the City of Mostar and NGOs operating in the city of Mostar; as a result of the work of this body, the Commission for Cooperation with NGOs of City Council, has been extended to three external members, representatives of NGOs. One of those three members is representative of LDA Mostar. The committee met three times until the 4th of November 2012 until the end of the last mandate of the City Council. At meetings of the coordinating body initiative of establishing thematic working bodies was made, composed of the representatives of departments of the City of Mostar, Mostar City Council and representatives of NGOs.

NGOs had the opportunity to choose in which body they want to participate, and the topics to be addressed by the working bodies are aligned with the action of the city department of the City of Mostar City Council or the Commission, aiming to cover all aspects of local community life.

Bearing in mind that the last local elections were held in October 2012 at a national level in Bosnia and Herzegovina except in the City of Mostar, and that the City of Mostar has no city council and mayor since then, and Mayor has performed its function until the end of 2013, it is clear that the implementation of the signed agreements, and all other activities related to the establishment of cooperation between the City of Mostar and NGOs operating in the city of Mostar is impossible.

In any case, City of Mostar civil society, and Bosnia and Herzegovina too carries a great responsibility in the process of building a democratic society. Civil society will eventually have to become aware of their power and influence to take over serious and significant role, of legitimate and responsible partner to the authorities of Bosnia and Herzegovina in the process of its construction.



Civil society development in Croatia

Miljenko Turniški

Civil society has been historically developing in its fullness along with the development of modern democracy, which is since the 18th century. Maybe we forget too often that non-democratic relations among the people have much longer tradition and so building of democratic structures and relations is worth respect, gratitude and serious work. Once Winston Churchill, former UK prime minister, said: “Democracy is the worst form of government, except for all those other forms.” He pointed an important fact that has not lost topicality and meaning, which is that there is no ideal democracy anywhere, but despite all critics so far, it is the most successful procedure for the peaceful conflict resolution. Everywhere in the world, in the most various regions and systems, people invoke democracy.

In the following text I will summarize the overview of the most reference points of the civil society development in Croatia, as described in the National strategy for the creation of encouraging environment for the civil society development 2012–2016.

Civil society – framework and definition attempts

The first thing that comes to mind for the most people when the term “civil society” is mentioned is associations. However, the concept of civil society is much broader than the concept of associations. It pertains to the sphere of social life that does not directly belong either to the government or private or profit sector. It is the field of action that is outside the family,

country, and market, and in which citizens associate in order to achieve common interests. Thereby civil society represents an active relation of citizens to the public policies in different ways, and implies their participation in public discussions and influence on the formation of political will, specific initiatives directed at some political measures, and as well taking over part of public affairs which the government and public institutions cannot do and fulfill with sufficient quality.

At the European level, the European Economic and Social Committee (EESC) defined the civil society organizations (CSOs) as the organizational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens. According to EESC, such understanding of CSOs includes a series of organizations: social partners; organizations that bring together individuals in a common cause, such as organizations involved in the environment protection, human rights, consumer rights, educational organizations, etc.; community-based organizations, such as youth organizations, organizations for the protection and promotion of the family, and other organizations the members of which participate in the life of local community; and religious communities.

The history of civil society development in Croatia

In the modern meaning, the first civil society initiatives in Croatia appeared in the second half of the 1980s. The Law on social organizations and citizen associations, as a fundamental legal framework that regulates the right to free association, was enacted in 1982. That law already recognized the difference between an association as the citizen association and an association acting for common good, i.e., social organization. CSOs acquired additional reputation and strength in Croatia immediately before, during and after the war in 1990s, when humanitarian and peace organizations were the first to develop their action. Most of the researches on that period clearly indicate the development of solidarity among the citizens of Croatia, with much higher level of voluntarism than today. Guided by the principle that human rights belong to all persons regardless of their ethnic, racial, religious or another affiliation, CSOs for the protection and promotion of human rights in Croatia were established at that time. Also, organizations for women's rights, environmental protection issues, and other CSOs were prominent in that period.

Although the CSOs in Croatia were established mostly as a spontaneous manifestation of the wish to organize citizens around some values or interests, there is no doubt that numerous international organizations and donors that were present then in Croatia significantly affected the civil society development and the work of some organizations by transferring to them the knowledge and skills needed for the work and development. But, it is necessary to emphasize that the character and importance of the civil society was not understood enough in Croatia in early 1990s, and that the government did not have enough structured and institutionalized relation to it.

The number of organizations is one of more important indicators of the civil society development. Under the above Law on social organizations and citizen associations (1982) and its amendments, associations had been registering in Croatia until 1997 when the first Law on associations was enacted. In 1985 there were registered 10, 844 social organizations, and 547 citizen associations in Croatia. According to the data from the National Statistics Institute, there were 21, 945 associations in 1997, among which 8, 208 had been registered between 1991 and 1997.

The number of associations was increasing every year in that the share of newly established citizen associations was increasing while the number of newly established social organizations was decreasing. According to the official records and registers, Croatia today has more than 46, 000 registered associations, 181 trusts, 12 foundations, and more than 500 union associations and employers' associations, 52 religious communities, and more than 2, 000 legal persons of the Catholic Church, 428 organizational forms of the Orthodox Church, and estimated more than 600 private institutions.

Having in mind about 16, 000 associations registered in the field of sport and recreation, almost 7, 000 in the field of cultural and artistic creativity, more than 4, 000 in various economic activities, almost 4, 000 in technical culture, and more than 4, 000 associations totally in the fields of social and health care, child gathering and protection, the youth and family, then more than 1, 000 associations derived from the Patriotic War, and more than 6, 000 associations in the fields of humanitarian aid, environment protection, hobbies, upbringing and education, science, spiritual field, and the fields of protection of human and minority rights, information and other activities, such a large number of registered associations should be seen as the national wealth.

Structure of the CSOs in Croatia

In legal terms and under the legal structure of the CSOs in Croatia we may speak about associations, trusts and foundations, private institutions, unions, employers' associations, organizational forms of religious communities, and also about various informal civil initiatives. Although there were some forms of citizen organization in the end of the 19th and during the 20th century as, broadly speaking, some sort of predecessors of civil society, more developed forms and the first civil society initiatives in the modern meaning appeared in Croatia in the second half of the 1980s.

The concept of the civil society organization includes, before all but not only, the associations established under the Law on associations, and the trusts and foundations established under the Law on trusts and foundations.

Institutional development of the civil society in Croatia

An important step forward in the CSO development in Croatia began with the development of the current institutional and legal framework in the end of the 20th and during the entire first decade of 21st century, and the establishment of institutions that are highly important pillars of civil society in Croatia, among which the most important are:

- Office for Associations within the Government of the Republic of Croatia (established in 1998),
- Council for Civil Society Development (established in 2002), and
- National Trust for Civil Society Development (established in 2003).

A set of laws and strategic documents regulating the work of civil society more precisely is also enacted. Some of more important are:

- Law on trusts and foundations (1995)
- Law on associations (1997 and 2001)
- National strategy for the creation of encouraging environment for the civil society development 2006–2011,
- Law on the organization of games of chance and prize competitions (2002 and 2009),
- Law on voluntarism (2007),
- National strategy of providing persons with disabilities with equal options,
- Strategy of combat against corruption,

- National program of the protection and promotion of human rights,
- National policy for the promotion of gender equality,
- Program of activities for the prevention of violence among the youth,
- National program for the youth.

The Republic of Croatia has a developed system of financial support for the CSO programs and projects at the national and local levels. On average, CSO programs and projects receive about 1.5 bn of kunas from public sources annually, in which about 1/3 comes from the national budget, and the remaining 2/3 of non-returnable funds from the budgets of regions, towns and municipalities. Analyses of the allocated funds by the field of funding show that about 1/4 of the total amount is annually allocated for sport in Croatia. Then comes the support to persons with disabilities, persons with special needs, and socially vulnerable groups, which receives about 20% of annual allocations for the projects and programs of associations. Almost an equal share in the total amount belongs to the projects promoting and protecting culture, cultural and historical heritage, and the preservation of nature. The share of national minorities in the country public life is 10%, while the projects from the fields of democratization, development of civil society and voluntarism, strengthening social cohesion, and philanthropy development account for about 7% of the total amount. The remaining nine areas have a share of less than 5% of the total amount of public funds allocated to the CSO projects and programs.

It is important to note that thus far associations in Croatia have used almost 100% of the available EU funds intended for the civil society sector and used for trainings in all society sectors, and for the provision of various social services where the government could not provide them, then for environmental protection, social entrepreneurship, combat against corruption...

Some of the internationally comparable researches conducted in Croatia (e.g., Civicus-index of civil society) clearly show that the most critical field of the civil society development in Croatia is related to the limited space for action, which is defined as legal, political, social, and cultural framework encouraging for the civil society development.

Although citizens have generally positive opinion about the CSOs, they are still not enough involved in their work or initiatives, which is directly related to inadequate development of voluntarism, and the culture of allocating funds for the projects and programs of common good.

The CSOs have a multiple role in every society. Civil society in Croatia is part of global phenomenon and has its national history, and at the same

time it is subject to global influences. The CSO mission is equal participation in building a democratic, open, inclusive, rich and socially just, sustainable, and ecologically aware society, and act as a corrective of the government, and a link between citizens and public sector.

Besides the work for the benefit of their members, a considerable number of CSOs act for common good. With respect to the development level of legal and institutional framework for the CSO operations, and the practice in some EU countries, still the efforts of previous national strategy have not been completely realized as to the properly regulated status of the organizations that act for common good, i.e., more just, effective and responsible allocation of funds of the central and local governments for the projects and programs of common interest, implemented by the CSOs.

Unifying in its work the principles of non-profitability, self-organization and transparency, recognition of volunteer work and entrepreneurship, the CSOs should encourage citizens, private and public sectors (the government above all) to donate funds to initiatives of interest for common good. Additionally, they should encourage mutual association, networking and cooperation toward the solution for common/general interests, and in the advocacy of public policies.

It is possible to achieve the CSO objectives through various CSO tasks and activities carried out in the range from advocating associations fighting for the rights of socially vulnerable and minority groups through the civil initiatives for an advisory role in shaping public policies, which is reflected in active CSO participation in the adoption of some laws, national programs or strategies, to the actions of trusts in local communities and the networks of local associations that support the civil society development, i.e., the citizen activism at local level. And, naturally, one must not disregard the importance of some associations in the provision of social and public services of general interest in the fields of education, health, and social care, in which those associations in Croatia, following the European example, can be a desirable and a good partner to the government.

Most of the CSOs are associated with four biggest towns, in which more than 21, 000 associations and the largest number of trusts were registered. Undoubtedly the big differences in the living standard of the citizens among Croatian regions are in direct relation with the level of civil society development in those regions. Therefore additional efforts were made in the past years to develop the programs of support to uniform regional development of civil society, and so the process of decentralization of funding the projects and programs of associations from public sources has continued, the real

effects of which should be in the forthcoming period, particularly in the context of the preparations to use the EU structural funds.

In the past five years, owing to the work of the Council for Civil Society Development, Office for Associations, National trust for Civil Society Development, and also other institutions involved in the implementation of the measures from the Operational plan for the National strategy for the creation of encouraging environment for the civil society development 2006–2011, the awareness of the government administration bodies considerably increased with regard to the values of the CSO operations, and as well about many processes associated with the democratization and transparency of public authorities,.

Agreements on cooperation of local authorities and citizen associations

The National strategy for the creation of encouraging environment for the civil society development 2006–2011 clearly established and defined the fields of legal and institutional framework for the civil society development, but some objectives and operational measures have not been implemented or not implemented satisfactorily, particularly the definition of the status of organizations acting for common good.

A particular success in the previous period that should be pointed out is the adoption of the “Code of positive practice, standards and measures for the financial support to the programs and projects of the associations.” In practice, the Code is mostly implemented at national, and only partially at local level. That fact remains a challenge to all authorities of local and regional self-government in the next period.

Agreements and charters of cooperation signed between the government authorities, and/or local self-government units, and CSOs have been implemented only partially. They are signed in only 14% of the local and regional self-government units. Despite the considerable progress compared to the situation in early 1990s, still there are difficulties in strengthening the trust and cooperation between public administration and civil society, particularly at local level.

The priorities indicated in public invitations are often repeated year after year without taking into account the real needs and trends. There is no either quality and systematic monitoring of the allocated funds or the evaluation of results and outcomes of the funded CSO programs and projects.

In addition to the system of monitoring by the National Trust for the Civil Society Development, contractors for some national programs and projects monitor and evaluate the implementation of some projects and the spending of funds. At local level, associations are not seldom funded through the inclusion in the budget or on the basis of a decision of individuals from the government instead of public invitation, which is evident in annual reports on funding the CSO projects and programs, issued by the Office for Associations since 2007. The solution to the question of who in fact is the party to negotiate with local authorities began 7-8 years ago through the establishment of local or regional forums of associations that would then register as a separate CSO and, as such, negotiated and advocated the interests of those gathered within the forum. The forum assemblies elected the forum leadership, followed by signing of the charters on cooperation in the places where they could be agreed on. Having in mind the profile of individual CSOs, the forum representatives delegated interested individuals to various local authorities to help shape public policies. Some of the tasks were the organization of transparent public invitations for the allocation of funds, defining standardized forms for invitations, and the discussion about the priorities of a particular local community. Unfortunately, after initial enthusiasm, the implementation of this model had stopped and covered only a smaller part of the Republic of Croatia. Problems also appeared regarding the coordination of a large number of associations and their sustainability and so, as already mentioned, the question of an effective model of cooperation between CSOs and local level authorities remains open.

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The agreement – from adoption to implementation

Zoran Banović

In the context of the development of cooperation between the government and non-government sectors

The beginnings of the development of civil organizations, or popularly non-government organizations (NGOs), the term that came from English language into our country, are associated with 1990s, when the organizations working only in the humanitarian field and help to the people in need emerged. Besides the help to vulnerable categories and humanitarian work, the period of 1990s and all until 2002, is also related to the development of NGOs and so-called capacity strengthening. With the recognition of importance and also strength of an increasing number of organized NGOs, appeared the need for cooperation and higher respect for the civil society activities by authorities at local and other levels. NGOs crowned the beginnings of cooperation with the government institutions at all levels with various memorandums and protocols on cooperation as important documents for that period, but their signing was not seldom conditioned by the receipt of donor funds.

It has been six years since the 2007 Agreement³⁴ on the cooperation between the non-government sector and the BiH Council of Ministers was signed. The expectations of the NGOs that had been fighting four years

34 Hereinafter: Agreement

to have the Agreement signed were much higher. Let us remind that the Agreement represents a framework mechanism for the development and sustaining of cooperation between the NGO sector and the government institutions at the municipal level in BiH. Common action of more than 300 NGOs reflected in the resolution for the main problems that had adversely affected further development and social marginalization of the NGO sector because there was no institutional framework for the cooperation between the NGO sector and the government institutions, and because of both unfavorable and non-transparent conditions of work and funding of NGOs. By advocating changes contributing to the development of partnership and determination of local authorities to accept NGOs – the members of the Coalition that emerged as the result of the work of more than 300 NGOs – as partners through the adoption of the agreement at a certain level (local, cantonal, entity, national levels), it is necessary to institutionalize relations between the NGO sector and the government at all levels through the establishment of clear, efficient and transparent procedures of mutual cooperation.

Through an overview of the importance of the NGO operations, it is evident that signing of the agreement at local level is the most important for NGOs, so it is necessary to make additional efforts to support the development of civil society and *partner* activities with the authorities in solving the problems of public interest and to have assigned some specific affairs from the local self-government partly or in full to the NGOs as needed. As for the mentioned affairs that are important for local administration, it is necessary to secure adequate funds for their performance.

Since 2007, the dozens of NGOs have oriented part of their work toward animating local authorities to sign agreements, which obliges the municipal/town administrations to carry out a series of activities, among which are:

- Appointment of an officer³⁵ tasked for cooperation and communication with NGOs,
- Training of the municipal/town administrative staff to have them ready to establish partner relations with the NGO representatives transparently and in a quality manner,
- Participation in joint trainings of the government and non-government sectors in the options to develop intersectoral cooperation.

35 Defined job positions in the job classification of local administration or a task within already existing divisions for social activities

The adopted agreements, as the document that is a manifestation of political will and that was signed to mutual satisfaction and benefit, include the provisions that oblige the municipal/town authorities to a transparent process of municipal/town funding of NGOs, and the establishment of clear criteria and procedures for the transfer of affairs of public interest to NGOs. The primary purpose of such definition of cooperation is an obligation to define the affairs of public interest for the municipality/town that will be transferred to NGOs, then the obligation to announce public invitation for the project application and the allocation of funds, setting reasonable deadlines for applications, and the definition of clear criteria for the NGO participation in the application for funds. Joint work toward the adoption of the agreements defined a series of mechanisms as integral parts of the adopted agreements. What local authorities should do is to define public interest and needs with the aim of solving a large number of accumulated problems both at local and all other levels.

Thus far, the agreements have been signed in more than 80 BiH municipalities/towns, which tells us that the agreements were signed in about 60% of the total number of municipalities/towns.

As to the level of contribution of the agreements to actual cooperation and establishment of partner relations, there still remains a bad practice regarding the provision of support to the NGO sector by local administrations, and if there is support, it is to the extent and level appropriate for the interests of municipalities/towns. The largest benefit and profit of such distribution goes to a small number of “traditional” organizations, such as the Red Cross, various sports associations, associations of persons with disabilities, associations of retirees, and in the postwar period this group is expanded with war veterans’ associations, associations of camp prisoners, associations of families of killed soldiers, war veterans, religious associations, etc. It is visible from the overview of the budgets and budget items in some local administrations that such distribution and allocation of funds is still elitist because this is the way to support the interests of the ruling elite. In fact, we have a large number of organizations that act as an extended arm of the government at three levels – local, cantonal and entity. Such practice of allocating funds either through public invitation or direct inclusion in the budget items speaks about the support of a political concept and it is present all the time. On the other hand, through the support to “non-government organizations” the authorities at all levels represent themselves as the institutions that support the NGO sector, which in principle has nothing to do with the real needs of the NGO sector and civil society as a whole. That

practice has been changing recently at entity level, because the organizations that are out of the eligibility context involve in the distribution of funds³⁶.

The ambivalent relation of the ruling structures to the NGO sector caused disagreements among the NGOs, which is proved by the fact that most NGOs are forced to seek support across the BiH borders, i.e., from international organizations instead of the government institutions, the problems and service users of which are handled by NGOs. Thus far we have witnessed many cases of wrong actions of some NGOs that, instead of fighting for social rights of vulnerable population groups, which is the most direct responsibility of the ruling elite, they place themselves at the service of politics and instead of criticizing leaders with political power, the partnership turns into the political eligibility and dependence. The fact is that those organizations inflict damage to the NGO work and operations, and hence the critics are often also directed to other organizations that base their unselfish engagement on the community problems and a large number of socially vulnerable citizens.

International assistance in the development of the cooperation between civil society and government institutions

In order to understand the help of international organizations to the civil sector development in BiH, it is necessary to emphasize that the international financial support to the NGO sector in BiH is conditioned by the fulfillment of a set of criteria which the organizations interested in receiving *grants* must meet to have their requirements accepted. The criteria are set by foreign sponsors/donors either directly or through foreign intermediary organizations and agencies. One can expect that the mediators should consult local connoisseurs of the NGO sector and overall social conditions during the design of criteria. Not seldom it happens that the needs do not meet the donor's requirements and that the NGO sector adapts to the established criteria, thus putting aside the core mission of its establishment and operations, and hence partially losing its independent work.

In such a constellation of relations and dependence on this or that party, the NGOs as a serious resource of democracy do not find their right place or see a way out from the crisis caused by the government at all levels. Not understanding the importance of adopting and signing agreements, many

36 Associations such as the Consumer Movement of RS, Banja Luka

NGOs do not recognize their purpose and importance or use it enough to contribute to the creation of a favorable environment for the growth and development of democratic society.

Thus far, there haven't been comprehensive researches into the implementation of agreements which would enable the NGOs and authorities to overview the current situation and facts related to the non-implementation of the agreement provisions, which is identified as a deficiency in the implementation and monitoring of the agreements.

Inconsistent implementation of the agreements also reflects in a very important clause on co-funding of the NGO projects, which clearly defines that if an organization secures 80% of the funds, the local administration will provide 20% of the funds. Local administration budgets neither recognize that support as a priority nor separate budget items and funds for allocation are established for such form of the NGO action. A visible step forward in all municipalities/towns after signing the agreements is only in the designation of persons tasked with the cooperation with NGOs, which can be seen in two ways: as a manifestation of the wish to do some job within local administration or as another "political" employment.

In any case, those job positions are defined and the staff tasked with the cooperation with civil society come to work regularly and receive salaries, but as to level of their contribution to the real development of cooperation between the two sectors, the information that those persons have no authority to decide on anything speaks for itself.

The overview of the implementation of the agreements and developments in the municipalities/towns of implementation showed that public invitations are announced for the funds secured in the municipal/town budgets. Further procedure and outcome of the projects are not known or transparent. The funds are allocated in a large number of municipalities/towns to preserve social peace, but without clear criteria regarding the field of projects, the amount of funds, implementation period, monitoring the results of implemented projects, and justifying the spending of received funds. This information supports the fact that the committees appointed by the assemblies or councils consist of the people without sufficient knowledge about the project design and implementation, and without the training in the process. In most cases, the committees consist of councilors/MPs, representatives of the local administration, and war veterans' associations that in fact represent civil society or the NGO sector.

The developments at national or entity level show the same situation, and nothing has changed thus far. There is no single entity level agreement, and

even several cantonal agreements do not perform the function advocated by the civil society.

For years, civil society has been advocating the establishment of various bodies, a national council, and as well an office for the NGO sector that should coordinate some activities contributing to the development and a greater role and respect for civil society. It would certainly be the most desirable to rely on some researches as a basis to define the criteria that will help develop a strategy for the NGO sector, which is under development and the task of the BiH Ministry of Justice to propose and adopt it. About that slow and long process speaks the fact that if a nominated representative from an entity political party involves inadequately, the entire process will be blocked, which is exactly what is happening to us in BiH. The lack of experience and knowledge about the management of such processes has brought the NGOs in BiH in an unenviable situation. On one hand, there is knowledge and experience of the NGO sector representatives but, on the other hand, there is politics that dictates the participation of its people in the processes.

Essentially, the NGO sector and the people in it, as part of civil society in BiH, represent a serious resource of BiH, equally because of a certain democratic potential and as a sector of employment, social and other services. It is hard to speak about the role, actual number, and potentials of the NGOs in BiH because a single data base does not exist or is not unified from entity level to national level. The enacted legislation³⁷, and the further development of our civil society and the NGO sector as its important component have been brought into question, and thus their operations are indicative in the context of strategic development concepts for civil society in the region.

Conclusions:

- Continue with the activities regarding the establishment of dialogue and partnership between the two sectors,
- Strengthen the NGO sector with the aim of assuming responsibility for the implementation of signed agreements,
- Establish efficient of implementation and monitoring mechanisms for the agreements at local level.

³⁷ National law and entity laws, court registration in RS and registration at the ministry of justice and cantonal ministries



The place and role of NGOs in the European integrations

Jelena Elijas

Having worked as an activist and a volunteer in the civil society organizations, for many years I have been following and trying to understand the context of the work of those organizations and the authorities, their mutual lack of understanding, and the importance of cooperation between those sectors in relation to the European road of BiH. This text on the place and role of NGOs in the European integrations represents my wish to contribute to better understanding and the establishment of permanent partner relations between the two sectors, easier resolution of the differences, and faster integrations with the European Union.

Partnership of the non-government and government sectors

In their works, many scientists define the partnership of citizens and local self-government as mutual assistance in the implementation of various programs in the community. Measurable results of joint activities are an indicator of common action that enables a quality life for both sides in a certain geographic area. In BiH, 1990s brought changes equally in political life as in civil society, so then appeared a large number of NGOs that put their operations in the context of problem solving in the community. Their operations initially concerned humanitarian aid to vulnerable categories.

The country that just went out of the war needed fundamental changes, and a large number of international organizations focused their operations on the strengthening of the NGO capacities. There are different opinions and understandings of the NGO sector engagement in that period, because some see it as a sector that acts against the government, while the others thought that NGOs are the only solution to the problem that befell us. The former understanding of NGOs is present even today; political representatives routinely minimize the role of civil society in the social development.

Various documents and ratified charters helped the civil society development in terms of accepting the NGO operations and passing the legislation at the national and entity levels and also at the level of local administration. The NGO operations concerns the local community or a field in which those organizations solve community problems with the help of citizens. These indicators are only a segment of the NGO work, while other tools and mechanisms are used depending on the need in the given situation. Working in very difficult conditions and being criticized by the government, NGOs have strengthened their work in cooperation with international organizations, and so political representatives are asking us a question today: (1) Have you (=NGOs) become foreign mercenaries, or (2) Do you (=NGOs) work for the benefit of the society and citizens in local communities? Reaction to those two questions is determined by underdeveloped capacities of the organizations, and by a large number of organizations that are included in the municipal/town budgets and not seldom have salaries higher than senior government officials.

In the time of the NGO sector development in BiH, a two-track development is noticeable – governments work separately from citizens, and NGOs separately from governments. The lack of dialogue and communication caused such development, but the respect of mutual work is important for the further progress of BiH.

Why is BiH lagging behind the region and Europe?

Countries in the region have already oriented their activities toward the cooperation between the two sectors for a long time, which results in positive steps forward within the European integrations. A country in transition, such as BiH, needs more time to adapt, but also more political will for social and political steps forward.

The civil society development in BiH did not take place as originally foreseen. At one time, the NGO pressure was visible in the society, but only

in terms of numbers, while the institutional segment was lacking, so that civil society in BiH still does not have the role and strength that inherently belongs to it in the dialogue with the government institutions. Responsibility for this situation rests with both sides; one sector does not understand the other, there are mutual prejudices, and such situation lasts for years and goes in circles.

The European Union supports the European road of BiH and allocates IPA funds for that process. Most of the funds will be spent on building the institutional mechanisms of cooperation between the government and non-government sectors. The importance of those mechanisms that should be part of the government functioning at all levels regardless of political changes is supported by the fact that 1 million euros was allocated only for the training of civil servants in four governments (national, entity and Brcko District levels) for a two-year period. A precondition in the process of making important decisions for both the life of local community and the state level is *involvement of the citizens*, not as passive subjects but as involvement of those citizens who give a real contribution.

Citizen involvement has been mostly the involvement in the election process thus far both at local and elections at higher levels. Such practice should stop, and citizens should be involved in decision making from the local community and municipality levels up to the entity and national levels. Some ministries and some municipalities/towns have already made steps forward in this segment, so there are examples showing that the NGO representatives participate in the development of legislation and local strategies, while some organizations have been assigned with part of government affairs³⁸. There are such examples in BiH, but if we compare the data with Serbia where NGOs have budget items and charts of accounts, while Croatia has the National Fund and the Office for Cooperation with Organizations and Foundations, we lag behind the region in this process as well. The role of cooperation with civil society in BiH was given to the BiH Ministry of Justice, which has the Division for Cooperation with NGOs and Civil Society Development. NGOs had high expectations from the division, but except several study visits, everything else has remained as an attempt thus far, with the visible lack of dialogue and understanding between the two sectors.

38 The Ministry of Trade and Turism in the RS Government transferred part of consumer protection affairs to seven consumer associations.

Openness of the authorities toward the NGO sector within cooperation

The processes within BiH are conditioned by the NGO participation, and there are steps forward in some segments through concrete cooperation, such as the example of NGO participation in the development of a set of laws on combat against corruption and organized crime in the FBiH. The NGO sector representatives were directly involved in working groups that drew up the text of the law, so a high level of cooperation and respect is visible in that case.

The dialogue with civil society progressed in the segments of culture, environment protection and some other fields, but the progress is the most visible in the fields in which the authorities have traditionally best cooperation. The cooperation is traditional with sports clubs, the Red Cross, and cultural and artistic societies that receive the biggest financial support. The allocations for traditionally supported fields are the most visible in municipalities and towns. Other parts of the NGO sector have an eternal question about the real effects of those allocations and the level of participation of those organizations in decision making.

A great danger in BiH is in the organizations that emerged directly from political parties, such as their branches of the youth or women, that have been increasingly organized and registered as NGOs recently. The government should be honest and open toward NGOs so as to define the standards of cooperation together. The European road of BiH is based on the Lisbon Treaty that inaugurated “participative democracy” as a fundamental constitutional value on which the EU rests. Stronger coordination of the government and non-government sectors in the implementation of such democracy will be needed in the next period.

Transparency problems

Most NGOs are funded by international organizations. In most cases, the NGOs that work for the benefit of citizens do it transparently, and the public can access their reports through the web pages, media reports, and in many other ways. Naturally, in a wide range of organizations there are those that do not work transparently and inflict damage to all other organizations. Both the government and non-government organizations should handle this issue equally in the identification of a wrong side and damage of such actions.

Another issue regarding the transparency and directly harmful for euro-integrations is in poor or almost non-existing criteria for receiving government funds for the NGO programs. Many “local”³⁹ donors still do not ask where their money was spent, and some NGOs still make profit on fictitious projects because of nepotism and corruption. Nevertheless, it certainly needs to be noted that there is a significant number of organizations from the NGO sector that helped BiH to progress and civil society to develop through various projects and actions.

Funding the NGOs or the NGO projects?

According to unofficial data, more than 10, 000 organizations are registered at all government levels, 200 of which are active and at service to the citizens. More than KM 200 million was allocated for the funding of the NGO sector projects in BiH in 2011 and 2012, in which the most of the funds were given by the authorities to sports organizations, projects social services, and war veterans and war disabled associations. The money for the projects was allocated and donated at all government levels in BiH (municipal/town, cantonal, entity and national), and most of the ministries also have their own funds. Looking at the trends of the increase in the number of organizations and applications to public invitations announced by various local sources, we can note a flood of NGO registrations in the past several years. A large number of those NGOs exactly “live on” the funds from local sources, while some newly registered organizations derive from political parties.

The NGO sector in BiH is engaged in various activities – from fishing associations and bird lovers to nationalist hardliner groups. For many years the NGOs have been pointing out the need to define their orientation, and also the process of allocating funds by the government institutions to the NGO sector. This two-sided process should enable each side to have responsibility and act transparently. Government institutions should work more toward the regulation and transparency of the funding process, with clear criteria on who and why is eligible to receive funds, and what is the expected outcome. Criteria for allocating funds should be in line with the real needs of a community, e.g., if a municipality/town has a strategic development plan, the NGO projects should be based on strategic directions. On their side, NGOs should do more regarding their transparency and to publicly

39 Various ministries, equally at the national, entity and cantonal levels

report who funds them and what results they have achieved. Various donors require co-funding of the programs and projects, which means the necessity to establish good relations between the government and non-government sectors. Authorities, in most cases local self-governments, should recognize the importance of the NGO's work toward the problem solving and prepare themselves for co-funding because otherwise NGOs will not be able to complete a large number of projects by themselves, which leads to the lack of desired outcome. This co-funding problem is manifested at all levels, which indicates the need for a more comprehensive dialogue and for the government to define which programs will be designated for the co-funding from the pre-accession assistance.

NGO sector – positive steps forward

A positive side of the NGO sector engagement is noticeable in many social fields, e.g., social character, ecology, and up to involving minorities in the community life and work. Many associations of minorities were registered in the previous period, and the Roma Decade and the fulfillment of the BiH obligations toward the European Union is certainly a positive example of good work on the road of eurointegrations. If it hadn't been for the involvement of NGOs, local authorities wouldn't have succeeded in many things in the implementation of the tasks set out in the Decade. Roma associations also wouldn't have succeeded if it hadn't been for coordination and partner projects with other NGOs.

It is still devastating in some municipalities and towns that citizens do not recognize the NGO sector as the citizen organization, as the structure they belong to themselves. Reactions of those who know the NGO operations are positive, but it is felt that part of citizens do not understand their affiliation to NGOs or feel the power that common action can have.

An overview of the place and role of NGOs in the EU integrations shows visible lack of understanding, inadequate dialogue between the two sectors, all of which imposes some ***recommendations and conclusions***:

- It is necessary to establish permanent dialogue and permanent communication between the two sectors, thus enabling more understanding, reduction of tensions and thereby opening a new space that should lead to the partnership between the two sectors,
- NGOs in BiH strive to professionalization and standardization of their work, which will enable them more inflow of IPA and other international

and local funds, which naturally means that the government is expected to participate more importantly and more transparently,

- Both non-government and government organizations need partner relations with mutual respect, and only common work may solve accumulated problems at all levels,
- Eurointegrations mean the participation in processes, not only as declarative support but also as co-funding of the programs and projects, and therefore it is necessary to consider the establishment of co-funding funds.

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Co-operation between civil society and government in Serbia: opening a new chapter towards the EU integration

Stanka Parać Damjanović

According to data from the Business Register Agency, the number of associations and organizations of civil society, registered and re-registered in accordance with the new Law on Associations (2009) is over 20,000, with almost half of them being the associations, societies and associations working in the field of sport.

The results of the research conducted by the Civic initiatives in 2011., about 46% of the civil society organizations are those dealing with culture, media and recreation, including sport, 42% of the organizations are involved in education and research, 40% in social services, the environment protection 28%, while some 9% of the organizations are involved in advocacy, legislation and public policies.

Research has shown that the civil sector is predominantly young, and that the number of organizations continuously increases after 2000., especially after 2010. Only while the study itself was being conducted in 2011., this number increased from 16,000 to more than 19,000. Only a limited number of organizations, about a quarter, can boast with many years of

experience or with the establishment before 1990. Further to this, estimations say that some 4500 full-time employees work in civil society sector, most of whom belong to traditional organization, including the sports associations, fire brigade associations, hunters' associations including the organizations working in the field of social services.

As regards the territory, the largest number of civil society organizations are registered in Autonomous Province of Vojvodina and in Belgrade, while most of organizations dealing with public policies are located in Belgrade, while others are distributed across the regions.

When it comes to financing, the traditional and the organizations involved in sport are largely financed from the budget, while the organizations engaged in advocacy are mainly financed from donations while some of them belong to those with the largest budgets. However, it is necessary to bear in mind that the funds intended for the financing of civil society organizations (within the budget line 481), are at the same time the funds intended for the financing of political parties and the Serbian Orthodox Church (SPC) and the religious communities that all together are included in the system of funding within the same budget classification.

According to the same survey, over 60 % of budget allocations have been realized in the field of sports, 17.2 % for social services, 6.4 % for the youth and students and 6.3 % of the area of the environment. All other areas - including culture, education, the fight against corruption, human and minority rights account for a very small percentage of up to 4 % of the budget.

This brief review of statistical indicators is an evidence about the status and prospects of development of the civil sector in Serbia at the beginning of a new phase of the EU integration, and after obtaining the status of a candidate country and the expected opening of negotiations with the European Commission. Despite the growing number of organizations registered in accordance with the new law, the civil society in Serbia is faced with continuing challenges, primarily due to an inadequate funding system, partially due to inherited excessive dependence on international donations in the period of the mid-'90s until the 2005. Incomplete financial framework at this stage of joining the EU to a great extent affects the capacity of the sector to meet the criteria further professionalization and specialization in their activities. This represents a significant obstacle to the contracting of services with CSOs, particularly in small and underdeveloped areas. This has further endangered the local organizations who find it increasingly difficult to survive because they cannot meet the requirements of professional activity, nor are recognized as partners of local governments, and the public sector as a whole.

The exceptions to that rule are at present the Ministry of Youth and Sports, the Office for Human and Minority Rights, Ministry of Labour, Employment and Social Policy who on regular basis announce public calls for applications for organizations of civil society in the provision of social services and other respective sectors.

Existence of a large number of organizations that operate in different sectors and different levels as well as their mutual competition also means that not only for the government but also other government institutions especially local governments, it is difficult to establish an adequate system of communication and cooperation. On the other hand, the communication between CSOs themselves are inadequate and limited, with only a small number of established and functional thematic networks, all of which complicates the process of coordination and planning for consultation on sectoral policies. To a certain degree, there has been efforts to overcome this problem (again under the pressure of sectoral planning of pre-accession assistance within available IPA funds) by establishing the SECO network (sectoral civil society organizations) for areas that are consistent with the negotiating chapters, among which the most important areas are: the rule of law, public administration reform, civil society, media and culture, competitiveness, human resource development, agriculture and rural development, environment and energy, and transport. It is evident therefore that both the state and civil society have made substantial effort to establish sustainable mechanisms and institutional forms of communication, and most commonly around the issue of European integration, poverty reduction and social policy, the environment, youth policy, human and minority rights, and sustainable local development. The establishment of the Government Office for co-operation with civil society has been yet another step in the direction of improving the system of dialogue, but not enough considering the role of civil society in the political and economic reforms (primarily institutions) as well as the upcoming phase of accession negotiations with EU. As Serbia is advancing in the process of European integration, the EU became the main (almost sole) donor for CSOs. Some European experience shows that from the beginning of the negotiations by the full membership of the EU, the civil society operates under a heavy burden of changes and ceases to exist in its primary form, similar to other institutions after the transition. The example of the established system of support to civil society in Croatia which allocates funds both to thematic networks and for sustainability (so called operational grants) following the principle of balanced territorial approach. In this way the state confirms that it is necessary to invest in civil

society recognizing its expertise as a partner in transition and as future service provider. At the same time, this approach is aimed to help develop the capacities and institutions for the future use of much larger European funds.

Civil society in public policy making

In Serbia today, there are over forty national strategies drafted with involvement in various forms of consultation with the civil society organizations. This refers to the national strategies, such as the 2003 Poverty Reduction Strategy, that helped launch the methodology and mechanisms of CSO participation in strategic processes. In a similar way adopted were the Strategy for Sustainable Development, the National Plan for Children protection, Strategy for elderly people protection, national plans and actions for the disabled and for gender equality, youth strategies. At present, thanks to their knowledge of the local situation and the problems of specific social groups, the local civil society organizations are often involved in local strategic planning and their implementation. Often they are partners in the development of local sustainable development strategies, or socio - economic development programmes adopted in the cities and municipalities of Serbia thus promoting citizen participation and public consultation at the local level.

The recently adopted resolution of the National Assembly on legislative policy, defines the need to ensure full transparency and openness throughout the entire legislative process through the following principles:

- The principle of the transparency, which includes a public presentation of the initial basis of the legal regulation, especially involving the target groups referred to, the preparation and adoption of regulations in the regular legislative procedure, which shall ensure high-quality public participation to which these regulations apply.
- The principle of accessibility required by the authorities to provide public information dissemination on the new regulations in a reasonable time-frame, and provide free and easy access to updated databases of current regulations. With this in view it is necessary to regulate the rules and elaborate consultation and public discussion of relevant stakeholders.

Bearing in mind the role of Parliament in the EU integration process, this resolution has contributed to the quality of consultation, also as an evidence of willingness to communicate and improve cooperation with civil society. Thematic public hearings have been organised and the publication Bulletin of the Parliament (electronic bulletin Forum), was made available for all

interested organizations. Establishment of the Council for Development of Civil Society is also expected, and the start of consultation on the development of the first National Strategy for the creation of an enabling environment for civil society.

When it comes to the provincial and local level, until recently very active in providing financial and technical support to civil society organizations, the Fund for the support to non-profit sector of the Autonomous Province of Vojvodina ceased to exist in 2012., although it was the first such fund in Serbia, with a single database and a variety of incentives especially in support to CSOs in local multiethnic communities. At present, sectoral provincial secretariats have committed themselves to co-operation and financing through public calls intended for the civil society activities. It remains, however, a large gap in the area of coordination, cooperation and consultation, bearing in mind the multi-ethnic province and a number of civil society organizations that operate at the local level in urban and rural areas. Some cities in Serbia, such as Belgrade, Nis, Novi Sad, Zrenjanin, Subotica also established local funds and programs to support civil society in areas relevant to the preparation and implementation of development strategies.

In previous annual reports on the progress of Serbia (as well as other countries of the Western Balkans), the Commission emphasized that civil society has a crucial role in the process of European integration, and typically mentions all relevant aspects of the vibrant civil society in the region. First of all, it is emphasized that civil society has the capacity to mobilize citizens for European values, to promote the benefits of the European integration as well as economic and institutional aspects, also capable of ensuring an effective contribution to the strengthening of capacities for the optimal use of available EU funds. Cooperation with civil society itself is not a requirement for membership in the EU (among 35 negotiating chapters, none is specifically intended for the civil sector), but civil society organizations have a role in the consultation, effective implementation and monitoring of the implementation of legislation harmonized with the EU *Acquis*. Compared with the previous IPA 2007-2013 budgetary period, the new program document - *Agenda for Civil Society in the candidate countries for EU membership in 2014-2020*, puts the emphasis on establishment of enabling environment for the development of civil society, building their organizational capacity as an active, responsible and independent stakeholders in decision making and in public policies making. Moreover, in addition to necessary institutional requirements and organizational capacity building of CSOs, particular emphasis is placed on the performance effectiveness and on results indicators.

Monitoring and reporting on the progress of reforms includes the assessment of the effective contribution of civil society through:

- - Involvement of civil society organizations in the preparation of annual monitoring report of the European Commission on the progress and results achieved in the process of EU integration
- - Establishment of the system for monitoring the coordination of grants allocated for the development of civil society
- - Preparation and development of the mid-term report on the progress and participation of CSOs in the actual reforms (by 2017)
- - The preparation and drafting of the final report on the progress and participation of CSOs in the actual reforms (by 2020)

Both in Serbia and other countries of the region, the civil society is facing numerous new challenges in the next phase of EU integration. It is clear that civil society organizations play an important role in European democracies because they enable citizens to constantly articulate, defend and advocate their legitimate interests in public and political life, not just at election time (the concept of active European citizenship). Participatory democracy is not only a formal approach engaging mechanisms for participation in decision-making, but rather the concept of effective functioning of these institutions to the benefit of the citizens. Existence of democratic institutions is only a prerequisite for their possible function to underpin the democratic values in society.

These principles of active citizenship are defined by the Lisbon Treaty of the European Union (EU) in 2007., to distinguish representative democracy (the role of political parties) and participatory democracy (the role of civil society) as basic democratic principles on which the EU is founded. The contract guarantees every citizen the right to participate in democratic life of the Union, and obliges EU institutions and bodies to adequately represent citizens and CSOs to facilitate the expression of interest and exchange of public opinion in all sectoral policies of the European Union.

Establishment of the Office of the Government of the Republic of Serbia for cooperation with civil society, made the first and certainly the most important step towards institutional support to civil society in achieving its role in EU integration. The founding document comprises, among others, the following key tasks and responsibilities for functioning of the office:

- Initiate dialogue with civil society on issues of common interest
- Participation in the preparation and monitoring of the implementation of strategic documents related to the creation of an enabling environment

for the civil society, in order to further develop cooperation between the public, private and civil sector;

- Initiate the preparation of regulations and other general acts regulating the status of associations and other civil society organizations as a foundation for building a democratic, inclusive and cohesive society;
- Collection and dissemination of information relevant to the work of associations and other civil society organizations
- Co-operation with the competent authorities in the performance of tasks related to the programming and management of pre-accession and other European Union funds to support civil society;
- Preparation of acts which government supervises, directs and coordinates the activities of the ministries and special organizations that are related to issues of civil society and the Government of cooperation with civil society, to elaborate the ways in which the public is informed about the activities aimed at the development of civil society and cooperation of the Government with civil society

By adoption of the new laws and the establishment of the Office, Serbia joined the countries that have developed the system regulating the relationship between the public and civil society as a recognized and legitimate partners in the reform process towards EU integration. Further efforts are needed in order to establish an adequate system of financing as well as for establishing the sustainable mechanisms for cooperation and dialogue with a particular view to the local civil society and local governments.



Developments in the shadow of the agreement on cooperation between government and non-governmental sector

Murisa Marić

Introduction

Civil society organizations from Bosnia and Herzegovina, Serbia and Croatia gathered within the project “Civil Society in Action for dialogue and partnership” in a period of two years carried out activities to establish partnerships and dialogue aimed at the implementation of the Agreement on cooperation between the government and non government sector in BiH, using the knowledge and experience of civil society organizations in the region. The common denominator of the study was to establish a dialogue primarily and then taking concrete steps towards greater visibility of civil society activities in Bosnia and Herzegovina’s socio-political scene. Despite all the hardships that accompany the development of civil society in BaH, organizations in Mostar, Prijedor, Tuzla, Bihać, Zavidovići and Breza gathered around them organization from other cities and municipalities and have established collaboration that in future time should result with partnerships through a bigger number of projects which will contribute to building communities and a greater appreciation of the work of the Associations. Joint investment, both governmental as well as non-governmental sector, is an

indicator of european orientation of our country. Inclusion of civil society actors is one of the important steps that enable our country to implement a European task and find its way to dialogue and partnership with relevant organizations that can respond adequately to the challenges of modern society, which leads to a larger opening and transparency of local governments work and has a direct effect on restoring trust and accountability to citizens. It is our intention that from year to year improve cooperation on many fields of joint work, that with our suggestions and effort help social growth and development and at the same time in our communities show partnership in action and at the specific tasks, that results cooperation, the smooth development of civil society, creating a predisposition for employment, but equal lead our country into a system which takes into account the opinion of the citizens and respect of their rights.

Summary of the research

The main purpose of the research and publishing the same is to present to the public how much and in which way come to life, in to the municipalities and cities, the Agreement on cooperation of governmental and non-governmental sectors⁴⁰. Document of the Agreement provides a framework that guides towards a common relation to all levels of government in BaH, from local communities (municipalities) to the state level (BaH). The Agreement confirms the commitment of the Council of Ministers and non-governmental sector to strengthen their duties and responsibilities in fulfilling the assumed roles in the development and providing of public policy, and that the Council of Ministers takes commitment and strengthen its role in promoting voluntary and community activities in all areas of our social life.

Through the efforts primarily of civil societies the Agreement has been signed in over 60% of the local communities in Bosnia and Herzegovina, in the two Cantons, while there is no Entity Agreements signed.

Research of the implementation of the Agreement was conducted in the 23 municipalities⁴¹, as the first research conducted by CSOs in order to demonstrate to the public the use of the Agreement not only through financial giving, but to look at other options for which the local government is com-

40 The Council of Ministers signed an Agreement on cooperation between the Council of Ministers and the non-governmental sector in BiH april, 2007. year.

41 Cca 17% local communities

mitted in cooperation with civil society. Our aim is to promote the transparency of local government work and continue to work on strengthening, good governance and activities of civil society organizations in BaH.

The study was conducted within the project “Civil Society in Action for dialogue and partnership”, supported by the EU within the Program of the pre-accession cross-border assistance (IPA), and it is based on the assumption of development, which is confirmed by the results of comparative analysis and good practices in cooperation between local governments and CSOs.

Within the government and the business sector in our country, as well as within the non-government sector in BaH public in general, in recent times, more and more demands for greater openness and transparency of NGOs can be heard. Equally non-government organizations demand also transparent work of local management and greater consistency in implementation on the Agreement, which certainly means more support in all areas of cooperation between these two sectors. The publication of this study is a substantial contribution to the response on these requirements.

Non-governmental organizations, that publicly disclose their data on financial transactions, contribute to developing of a positive perception of NGOs from BaH citizens and the BaH public in general, and strength the credibility of the NGO sector as a reliable partner to authorities in the further development of mutually beneficial cooperation. All these segments undoubtedly have a positive impact on the further development and implementation of the Cooperation Agreement, as democratic practices in the relations between these two sectors of society, at all levels of government in BH.

As the main research instrument was used the questionnaire designed to get feedback by municipalities and cities on the status of implementation of the Agreement. 24 local governments were participated in the study from both BaH entities.

The questionnaire was through personal contacts and meetings, e-mail and by post, addressed to the 30 local authorities, with reference to the requested data concerning their implementation of the Agreement with respect to the principle of voluntariness. In the distribution of these documents are used services and resources of organizations participating in the project in Mostar, Prijedor, Tuzla, Bihać, Zavidovići and Breza.

City/Municipality	Agreement
Banja Luka	There is no signed Agreement; there are Regulations and annual plans that regulate the financing and co-financing of the non-profit sector.
Prijedor	The Agreement signed in 2009, till signing of the Agreement, worked according to the Decision about criteria, methods and procedures of allocation of the resources to the „Citizens associations“.
Kozarska Dubica	There is no signed Agreement; but relations are defined by the “Decision on criteria, methods and procedures of allocation of the resources to the „Citizens associations“ dated 24th april 2002.
Ključ	The Agreement signed 21st December 2005.
Mostar	The Agreement signed 04th July 2012.
Trebinje	The Agreement signed 04th July 2005. Besides the Agreement there are Decisions on criteria, methods and procedures of allocation of the resources to the Citizens associations/Youth and organizations, Decision on the financing of the associations in the public interest for the city of Trebinje.
Konjic	There is no signed Agreement; there is a Manual about the partnerships with the citizens, adopted 2008.
Bihac	The Agreement signed 22nd January 2013.
Velika Kladusa	The Agreement signed 07th May 2006, other documents about financing / co-financing of projects of CSOs and NGOs active in the area of Velika Kladusa.
Gradacac	The Agreement signed 12th June 2007.
Tuzla	There is no signed Agreement; but there are the Decisions on co-financing the NGOs projects, the Decision on granting the premises for NGOs under preferential conditions, Internal Code of Tuzla municipality, support in terms of reference.
Orasje	There is no signed Agreement; there is the Decision by Municipality Council about allocation of the resources to the Citizens associations.
Bijeljina	The Agreement signed in 5th November 2010, there is also the Decision on criteria, method and procedure for allocation of the resources to the Citizens associations, Regulations on the allocation of resources to the national minorities.
Zavidovići	The Agreement signed in 2007.
Maglaj	There is no signed Agreement; but there is the Strategy of Partnership between Maglaj municipality and the citizens of municipality Maglaj dated 19th May 2008, and through the same work with associations, sports clubs, NGOs.
Doboi Istok	The Agreement signed 2010, work according to the integrated local development Strategy.
Zepce	The Agreement signed 2010, the Decision about criteria was made.
Breza	There is no signed Agreement.
Varec	The Agreement signed in 2012.
Sanski Most	The Agreement signed in 2012.
Cazin	The Agreement signed in 2012.
Visoko	The Agreement signed in 2006.
Ilijas	There is no signed Agreement.

Analysis

Asked whether according to the systematization of jobs in Your city / municipality was defined position for cooperation between governmental and non-governmental sectors, of the total number of respondents, in the 11 local governments the workplace for cooperation between governmental and non-governmental sectors was defined, in two there were not defined workplace, while the 10 local governments defined this position within the other sections.

Conclusion: From the above it is evident that there is a need for further and stronger requests by representatives of civil society in defining the work position in cooperation with the non-government sector, which will provide a better and more productive work, exchange of experiences and plan further partnership in development of sector cooperation.

On the question whether local government functioning in accordance with internationally certified standards, of the total number of local governments, 14 local governments operate under international certificate.

Conclusion: It is clear that local governments tend to standardization, which is an indication that there is need to edit both procedures and relations with non-government sector. Defining and establishing mechanisms through standardization of procedures will ensure greater cooperation and mutual benefits from the defined relations.

When asked how many per annum local authority sign letters of support, even sixteen (16) local governments sign more than ten (10) letters of support to civil society organizations, while six (6) local governments sign more than one (1) letter of support, and one of the municipality (Ilijaš) generally does not have such requirements.

Conclusion: It is clear that local government signs a letter of support but with no information on what is happening with the projects and how it was carried out after the signed cooperation. It is necessary in defining relations between the governmental and non-governmental sectors, to work on a transparent report by the NGO, which contributes to the establishment of dialogue and partnership between governmental and non-governmental sectors.

When asked how they know which CSOs in the area of Your city / municipality has applied and received funding through European and IPA programs, seven (7) local government has no information, in four (4) is not known, and twelve (12) local administration has information for 22 CSOs.

Conclusion: It is evident that even municipalities/cities that have defined persons for cooperation with non-governmental organizations do not have the information on the work of civil society organizations in their territory, although for certain projects they have given consent by letters of support. It is necessary in the future to revise signed Agreements and defined channels of communication between the governmental and non-governmental sector, which will result in greater awareness of citizens about common and individual projects in listed sectors, which will also enable local governments greater insight on the projects to be realised in particular area.

On the question of whether a city/local governments in the 2012th allocated funds for financing/co-financing of programs and projects of NGOs/CSOs, all local authorities involved in the study were affirmatively answered

Conclusion: In all local governments implement the policy of responsibility to allocate resources for the non-government sector, as well as for other categories of non-profit organizations, but through discussion could be concluded that no one does the monitoring of approved funds nor the effects of investment in solving the problem defined by the CSO projects.

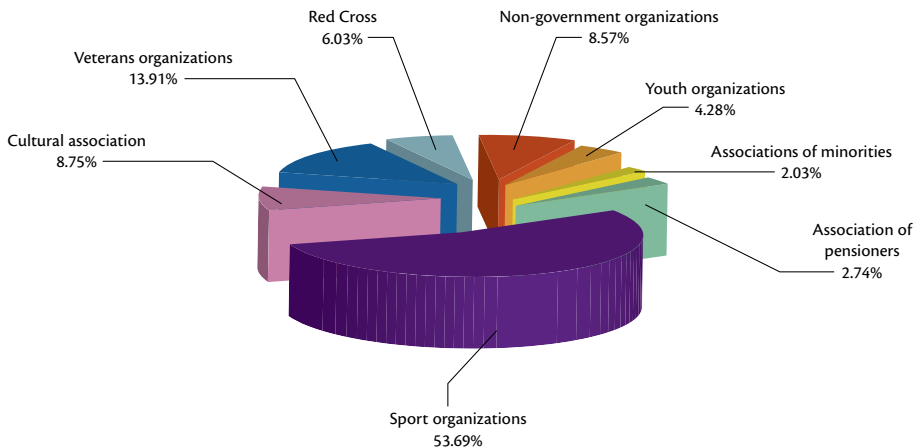
Asked whether the Assembly/municipal Council, according to the adopted and signed Agreement, made the Decision on the areas foreseen for financing in 2012th.

In one of the local government, projects are defined in all areas, in five (5) there is no Decision, in one (1) of the local government that is not provided by the Agreement, while in sixteen (16) local governments made the Decision on the funding of youth work, sports, culture, community infrastructure, democratic society, social protection, religious institutions, community activities

Conclusion: It is evident that local government support “al kind” without clearly defined areas and programs. This method of distribution of funds from the budget of local governments does not reflect the clear attitude nor commitment for solving accumulating problems that should be resolved together in cooperation with non-government sector. Non-government organisations in accordance with defined provisions of the Agreement or any other documents that define cooperation, need to strongly advocate fields of funding on an annual basis as well as an independent evaluation of the effects of this kind of work.

The table below contains data on allocations from the budget of the city/municipality in the 2012th for the programs and projects of non-profit sector.

City/municipality	NGOs	Youth organisation	Organisation of Minorities	Association of pensioners	Sports organisation	Culture and Art society	War veterans society	Red Cross	Total
Banja Luka	268000,00	305000,00	200000,00		2304600,00	82900,00	689000,00		3849500,00
Prijedor	95000,00	100000,00	25000,00	210000,00	270000,00	90000,00	90000,00	75000,00	955000,00
Kozarska Dubica	39500,00	11000,00		25000,00	240000,00	18000,00	104585,00	38100,00	476185,00
Ključ	7900,00				90000,00		34000,00	10000,00	141900,00
Mostar	29000,00	32000,00	6000,00	5000,00	699500,00	112000,00	255000,00	138000,00	1276500,00
Trebinje	64935,22	80000,00	15100,00	22500,00	507000,00	16560,00	51300,00	90150,00	847545,22
Konjic	111200,00	20000,00			200000,00	100000,00	100000,00	341800,00	873000,00
Bihać	90000,00	13800,00	9690,00		833000,00	476000,00	20000,00	50000,00	1492490,00
Velika Kladuša	10701,00				178421,00	1500,00			190622,00
Cazin	51700,00	5000,00		5000,00	290000,00	15000,00	127500,00	35000,00	529200,00
Sanski Most	160000,00	10000,00	15500,00	3000,00	242000,00	12000,00	94000,00	25000,00	561500,00
Gradačac	60000,00	5000,00	3000,00		165000,00	7000,00	166606,00	8000,00	414606,00
Tuzla	100000,00			16920,00	205000,00	164723,00		39996,00	526639,00
Orašje	10000,00	5000,00			125000,00	30000,00	42500,00	26000,00	238500,00
Bijeljina	123000,00	40000,00	50000,00	64000,00	1400000,00	78000,00	77000,00	30000,00	1862000,00
Zavidovići	15000,00	12000,00		65000,00	170000,00	25000,00	105000,00	12000,00	404000,00
Maglaj		4305,00		9000,00	158763,00	60000,00	40305,00	3500,00	275873,00
Doboj Istok	5000,00				4000,00	4000,00	12000,00	1000,00	26000,00
Žepče	20000,00	15000,00			120000,00	80000,00			235000,00
Breza	48723,00	2400,00	1850,00		132000,00	1650,00	178000,00	14100,00	218523,00
Vareš	8000,00	2000,00			25000,00		8000,00		43000,00
Visoko	58000,00	15000,00			120000,00	7000,00	66000,00	12000,00	278000,00
Ilijaš		10000,00		15000,00	140000,00	24000,00	132000,00	18000,00	339000,00
TOTAL:	1375659,22	687505,00	326140,00	440420,00	8619284,00	1405333,00	2232596,00	967646,00	16054583,22



Review of the percentage allocations from the budget of local governments for certain categories of non-governmental sector

Conclusion: The total allocation of 23 cities / municipalities amounts 16,054,583.22 BAM, and it is evident from the chart repeats of the trend of the largest investment and spending on sport of 53.69%, various veterans organizations of 13.91%, Cultural association 8.57%, non-government organizations 8.57%, red Cross 6.03%, Youth organizations 4.28%, the Association of pensioners 2.74%, associations of minorities 2.03%.

Listed data are an indication that the funds foreseen in budgets of local governments mainly spent on funding of various sports clubs and events, with no clearly defined criteria for this area. Important role in financing occupying various Veterans' organizations, and the youth stands with only 4.28% of the total budget which are not sufficient funds for improvement of lives of young people and the implementation of youth policy.

On the question in what way resources are allocated to the non-governmental and youth organizations, eight (8) local authorities responded that the funds are assigned through public tender, seven (7) through a public tender with clearly defined areas, goals, and the amount per individual grant, the five (5) without a tender which means by the Decision of the City Council/Municipal Assembly/Municipal Council, five (5) working towards the demands of civil society organizations, and there are answers that it is at the Decision of the City Mayor/Mayor, through program budgeting and through specific budget lines.

Conclusion: The data collected about the way of allocation of resources tell us that local governments do not have clearly defined mechanisms in this issue, because there are needs that choose the options, which further complicates the position of non-governmental organizations. Seen from the side of non government organizations this kind of work tells us about the non-transparent process of allocation of funds, without further control and insight into the results.

On the question of how non-governmental and youth organizations receive funds for co-financing of programs and projects defined by the Agreement or other document on cooperation, ten (10) local governments work through public tenders and five (5) to the demands of civil society organizations, and some of the local administration do not have the tenders, if the CSO projects are of public interest it come up with the funds, in the Agreement were not defined co- financing, documents on cooperation and Agreements on individual projects were signed.

Conclusion: Non-governmental organizations should require a different relations and unique system of allocating funds to co-finance, that needs to be equally available to all organizations, this is the way to gain confidence in working together with local authorities, do not create a privileged organization, but it strengthens civil society in all segments.

On the question of whether and in what amount co-financed programs and projects of non-governmental and youth organizations, and which one, of twenty-three (23) local government co- financed over twenty projects in amounts from 1500 to 100000BAM.

Conclusion: Local governments still fail to recognize the importance of co-financing of projects that can and should contribute to the development of the civil society and community development. Pre-accession funds through the mechanism of IPA, as well as all other funds of the European Union require contributions for individual projects and up to 90000 Euros which is 30% of received 300000 EUR grant. It is necessary to continue working on establishment of partnership mechanisms and relations with local government, defining the importance and forms of cooperation, as well as defining opportunities for co-financing OCD projects that contribute to the improvement of the quality of life in the local community.

When asked how they defined the obligations of non-governmental and youth organizations on the financial reporting of funds received, twelve (12) local

governments responded to the report is defined by the signed Agreement, with clearly defined method of financial reporting through copies of invoices, while in six local governments Financial reporting is done through a written report, without copies of invoices, and some of them used LOD methodology, reports are submitted on a repeat application, where with the written report, copies of the bills from the previous period are attached.

Conclusion: The data indicate the necessity of organisation of the reporting areas as an integral part of the allocation of resources, on any basis, with clearly and unambiguously defined mechanism for all funds allocated from the budget of local governments. It is necessary to define the mandatory reporting, narrative as well as financial, submit copies of invoices, and put in order organizations that their work needs to reconcile to the positive legislation of BaH as well as responsibility for any spending funds. In this way raises the level of development of civil society, as well as transparency in the work of non-governmental organizations and local governments.

When asked how they defined the obligations of sports organizations providing financial reporting of funds received, four (4) local government defined this by the Agreement, without clearly specified ways of financial reporting, five (5) by the Contract, with a clearly defined method of financial reporting through copies of invoice, s in three (3) financial reporting is done through a written report, no copy of the invoice, do not report, because sports federation receives grant funds, bringing the individual Solutions with required copies of the invoices, when a new application for funding is submitted, makes a written report on expenditureis.

Conclusion: Indicators of budget allocations clearly show that for the sport allocates more than 50% of the funds from the budget of local governments, for what should demand greater accountability in justifying them. Data on allocations and non-transparent spending and justification, indicates that, in municipalities where the Agreement was signed, there is need to work on additional annexes that will define the area of reporting.

When asked how they defined obligations organizations of minorities on providing financial reporting of funds received, eight (8) local authorities responded that with the Contract, is clearly defined method of financial reporting through copies of invoices, defined relations, in five (5) financial reporting is done through a written report, no copy of the invoices, while others do it when submit a new application, or by issuing a Solution for individual grant with copies of invoices.

Conclusion: As in sport in this segment also, it is necessary to define clear and unambiguous reporting mechanism, which affects the level of growth and development of civil society and allows transparent access in spending funds of budget taxpayer

When asked how they defined obligations of Culture and Art societies about providing financial reporting allocated funds, which allocations, as displayed in the table, very important, ten (10) local government is defined that by the Contract, with a clearly defined method of financial reporting through copies of invoice, s in four (4) financial reporting is done through a written report, no copy of the receipt, while others use just the Decision on the approval of funds, when a new application is submitted reports are attached, Decisions are individual with copies of receipts.

Conclusion: Culture is an important segment of society and there is need to acknowledge the work of all who promote it. As before, in this segment also, it is necessary to bring order and define clear and unambiguous reporting mechanisms, thus raising the level responsibility of civil society and allows a transparent insight into the spending budget of taxpayers.

On the question of whether keep a Register answers are as follows in the attached

Non-government organisations		Youth organisations		Organisations of Minorities		Sports Society		Culture and Art Society	
Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
15	8	18	5	13	10	16	7	16	7

Conclusion: The data in the table tells us how much Local Government Administration keep records of non-governmental and others organizations. It is necessary to bring order to the recording number of organizations in the area covered by the local government. This register is significant for several reasons: local governments have the data on the number of CSOs, the significance and scope of activities that organizations can and should do in accordance with defined missions, the importance of international investment in to the local community through CSOs, etc.

Asked whether the organization when they register in the Court/competent Ministry, are obliged to register in your Registry also, in 3 local authorities have got the answer that they should, while even in 20 local authorities responded with a no.

Conclusion: Considering that local governments should have the data and information on the activities carried out in a particular area of local community, it is essential to apply a or registered their activities in the relevant department of the municipality or city. This type of reporting is certainly not to disturb the freedom of association and the independence of the work of the Association, but without doubt, raises the level of transparency in the work of CSOs.

Asked Do You know how many non-governmental organizations are active in the area of your city, municipality, representatives who filled in the questionnaire were answered roughly, that the figure of organizations in 23 communities moving about in 2467 while in one local government does not know the number.

Conclusion: Local governments are doing an annual report on the work of CSOs, in the web sites of most local governments there is some evidence, and it is necessary to calculate the approximate number of associations with the aim to determine the number of organizations that work, the ones that are on the paper only, which have been closed long ago but appear when necessary to get the funds from the budget.

When asked whether civil society organizations, youth organizations, sports clubs, organizations of minorities and other non-governmental organizations have an obligation to submit narrative and financial reports, 19 local governments have responded there is obligation (the ones that are on the budget, and those who obtain resources from the local governments) while 4 of them believes that the report is not obligatory.

Conclusion: OCD have an obligation of the realization of annual Assemblies, a large number of OCDs their reports published transparently on the Website, and there is no reason for the reports not to be available to the local parliament and local government also. In this way CSOs that contribute significantly to strengthening of the local communities will be recognized, but also OCDs who still need help to achieve a higher level in their own development.

When asked whether civil society organizations, youth organizations, sports clubs, organizations of minorities and other non-governmental organizations voluntarily submitted the published annual narrative and financial reports, in 10 local authorities that makes only twenty organizations while in 13 there is no delivery of the reports.

Conclusion: it is necessary to work on establishing continuous dialogue and increased cooperation between civil society and local government so in that way responsibility none of them will not fail.







