

# Civil Society/NGO Development Policy

Successful peace implementation and protection of human rights in Bosnia and Herzegovina requires a strong and successful development of a civil society throughout the country. Until now, the international community has put extensive efforts and financial assistance in the development of civil society in Bosnia and Herzegovina. However, these efforts and financial support are scaling down, so further assistance must be more focused and aimed at making local NGOs and civic groups increasingly sustainable.

The progress and development of civil society in Bosnia and Herzegovina varies depending on the political situation and legal environment in each Entity and, and within the Federation, between the ten cantons. This of course affects the work of local NGOs. Thus, the OHR is increasingly concentrating on those areas where the political situation is still very difficult and where NGOs are still facing a variety of serious obstruction.

In order to improve the situation, OHR is working to establish a favorable and sustainable environment for local non-governmental organizations and other civil society actors. This is being done through *improved coordination* of the work of international organizations and donors, and work to *improve the legal framework* governing the operation of NGO's.

## **Coordination:**

OHR, through the *Civil Society Coordination Group*, is concentrating on the coordination of the international community efforts. It is a priority for the OHR that organizations develop a common policy, avoid duplication, and ensure a more systematic and long-term approach in the

advancement of a sustainable civil society which would have an impact on all international organizations and donors. The Civil Society Coordination Group, which is co-chaired by the OSCE, draws together organizations including: UNHCR, the Council of Europe, the Office of the High Commissioner for Human Rights, as well as several donors. The group meets on a monthly basis.

### **Legislative Framework:**

The present framework is preventing the effective and easy operation of NGO's throughout the country and fails to address certain basic needs such as:

- NGOs cannot register to operate throughout BiH;
- NGO registration processes are not harmonized;
- there is a membership requirement of 30 individuals to establish an association;
- there is no distinction between mutual and public benefit organizations (vital to tax deductible contributions and access to government grants and contracts);
- norms that regulate economic (income generating) activities of NGOs are lacking or inappropriate, etc.

The OHR is thus focusing on the passage of a new general legal framework for associations and foundations. This law has been drafted in accordance with Article 11 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, which would empower local NGOs from both entities to operate on the entire territory of Bosnia and Herzegovina.

In addition, after the general legal framework is established, the OHR will be concentrating on the review of the current legislation that regulates financial issues affecting the work of NGOs and which represent an important obstacle to the sustainable development of civil society.

**OHR Human Rights/ Rule of Law Department, May 2000**