Remarks by the Senior Deputy High Representative, Ambassador Peter Bas-Backer to the members of the NGO Council

30 May 2006

Where Are the Protests?

Ladies and Gentlemen, members of the NGO Council, colleagues

It is a great pleasure for me to have this opportunity to talk to you today and discuss with you questions of importance to civil society in Bosnia and Herzegovina . I would like to use this opportunity to commend the work of the NGO Council and the valuable services that you provide to your members.

More than ever, a functioning civil society is crucial for Bosnia and Herzegovina 's development.Yet at the same time civil society seems to be too weak in making its points to those who govern this country.

Take the example of education reform. The BiH Council of Ministers is considering today the latest draft law on higher education – but where are the students? Did they overwhelm the state government with tons of letters requesting the adoption of this law? Did they organize peaceful demonstrations in front of the JointInstitutionsBuilding?

I don't believe they did.

BiH needs a strong civil society movement because there are so many interest groups whose voice is not heard, who do not feel

represented, who are left on the margins.

At the same time — considering the way in which parts of this society are still organized and the prejudices that still dominate, as well as the fact that some politicians, far from discouraging such prejudices, still seek to exploit them — I think that altogether this creates a situation which leaves too little room for movements promoting an open society with strong individual rights.

Well, it is exactly for this reason, of course, that we need to continue to strive for a strong and convincing civil society in BiH, one that will serve as an extra-parliamentary force and link between those who govern with those who are governed.

There are several ways in which the International Community can help to strengthen civil society movements; and many donors and NGOs from other countries are already doing good work in this respect.

For example, civil society actors need — and deserve — a better, friendlier regulatory framework. This concerns, above all, various tax laws regulating the financial affairs of NGOs, and laws governing charitable donations by public and domestic companies.

In the context of our efforts aimed at improving the existing legislation, let me inform you about a recent meeting in which OHR and OSCE decided to join forces and address two structural issues of key importance for improved civil society development:

1.   The Agreement on Cooperation between the BiH Council of Ministers and the NGO Sector in BiH

2.   The BiH Draft Law on Voluntarism

The main purpose of the Agreement on Cooperation is to provide

an adequate framework and introduce reliable practices for systematic communication and cooperation between NGOs and the state government. This draft agreement, the outcome of the work of the greatest NGO coalition ever created in BiH and embracing more than 300 NGOs, was officially submitted to the CoM in February 2005, but it has never been considered, let alone adopted by the government. The delay has been mainly caused by the ongoing dispute about responsibilities between state ministries, but also by an evident lack of interest on the part of state institutions. Such a situation is simply unacceptable, and this is why we decided to get involved and support the NGOs in their lobbying effort with the government.

The Draft Law on Voluntarism, on the other hand, was forwarded to the CoM in April 2005, but since then there has been no action by the government on this issue either.

The failure of the state authorities to act on these initiatives is very disappointing. It also highlights the weaknesses of the current arrangements and the difficulties that citizens' associations experience in influencing the legislative agenda. We believe that these two documents would help to increase citizens' involvement in public life and create the basis for developing meaningful partnerships between government and the civic sector in mutual understanding, policy development, service delivery to citizens and reform implementation.

We are also aware of the problems faced by humanitarian organizations in BiH, who call for friendlier legal regulation of their work, especially with regard to the rather strict tax laws that do not stimulate donations by public or private companies. The legal basis for the needed improvements must be created in the existing BiH Law on Associations and Foundations. At the moment we are working together with some major charities in order to identify possibilities for amending this law.

Well, this is just a brief look at our ongoing work in the field of strengthening civil society. As you know, the days when OHR micromanaged the political processes in BiH are over, and the International Community will not provide a safety net in the future. This also applies for the above-mentioned lobbying projects — we are there to facilitate and support the process, but ownership must clearly lie with BiH stakeholders. It is time for all societal actors and powers in BiH to take over the role and responsibilities they are entitled to — and obliged to exercise — in a modern, democratic society.

I know this is much easier said then done, but for a society to function and succeed it *must* offer citizens security and it must offer them sufficient opportunities to develop, to be creative and to contribute. Civil society and NGOs provide the ideal platform for individual development. And the up-coming elections offer an excellent starting point: for they are the expression of the citizens' voice. We are now four months from polling day — still time enough for civil society to demand progress from their politicians ahead of the elections.

I hope that our discussion today will also create a basis for further cooperation — and an opportunity to further intensify the relations between the International Community and members of the NGO Council.

Thank you very much.