



Participation of the Civil Society Organizations in the Process of European Integration

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Summary

This research was initiated by the presumption that civil society organizations (CSOs) in Bosnia and Herzegovina (B&H) have the capacity, expertise and willingness to be involved in the process of European integration (EI) and that state/governmental institutions and international organizations should create an environment that would provide the possibility for the involvement of CSOs as partners in the processes of European integration. However, ongoing research activities are showing limited capacity and the lack of specific expertise of CSOs. The research has also shown that CSOs are not involved in the process of EI and very rarely cooperate with governmental institutions through a true partnership. Cooperation between governmental institutions and CSOs is being institutionalized on the state level, and concrete cooperation activities are taking place at the level of local self-government. The challenge is incorporating the principles of cooperation in the middle level (entities and cantons) as well. However, there are few successful cases of cooperation between the CSOs and governmental institutions, such as the cooperation between The Independent Bureau for Humanitarian Issues (IBHI-BiH) in the Law on Persons with Disabilities that illustrate a good model for cooperation that could be incorporated in other governmental institutions. In March 2008 Office for Cooperation with NGOs was established within the Ministry of Justice BiH and it should be functional soon. The results of the research are recommendations targeting different stakeholders and are based on the collected and analyzed data and two case studies.



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Introduction

(State and Civil Society as Partners in European Integration Process)

Since the process of European integration (EI) is a wide area, the research is limited to the specific segment of the public policy-making. Therefore, it includes domestic CSOs who have or will have the policy development in their portfolio, state/government agencies that have the responsibility to develop European integration policies and international organizations and agencies supporting European integration policies development in Bosnia and Herzegovina.

One of the central priorities of institutional reform in the twenty-first century is democratization of state policy-making. B&H lacks strong political leadership that would be committed to opening up and democratizing policy-making within the executive branch of government not just as the matter of principle but most importantly because the state itself does not have any capacity in this field. Societal input into public policy-making is crucial, especially commitment to the processes of democratic public consultation. And in the case of B&H, scarce expert knowledge in this area is unexploited and not capitalized.

The process of EI is very much dependent on country's capability to develop and implement policies that will bring it closer to the EU. Data collected during the research show that in B&H these capacities are quite underdeveloped and create a lot of space for civil society inclusion. The emergence of professional non-governmental organizations (NGOs) in B&H started during the 1992-1995 war and some of them, principally thanks to the international aid and cooperation with international agencies and NGOs, developed significant policy-making capacities. Also, in the last few years, several organizations label themselves as think-tanks and they managed to develop evidence - based on the ground research methodologies that they apply as the basis for their policy recommendations.

The supply of policy-making services and products is increasing, but the demand side is still weak. So now is the time for the state of B&H to benefit from the past and present international aid and to ensure partnership with NGOs in the process of European integration policies development. After B&H initiated SAA, a positive spirit is present, but already a new target has been set (by some CSOs and other stakeholders), and that is for B&H to become a candidate country by 2010 or 2014 at the latest. This will be possible only if the requirements from the European Partnership are taken seriously. The process of European integration is about change and reform. It is a process entirely dependent on the country's policy-making and implementing capacities. Usually, policy-making will take the form of harmonization of Bosnia and Herzegovina legal system with the European standards. Some estimates are mentioning the need of enacting 100 to 150 laws per week (Sebastian, 2007). For example, prior to its entry into the EU, Slovenia enacted on average 1200 laws in 2003 (Sebastian, 2007). Bosnia and Herzegovina, with its average of 60 laws enacted by Parliament during last three years (Sebastian, 2007), will, obviously, have some difficulties in addressing this challenge.

During the research, a desk study of numerous documents related to this issue was conducted and some key documents were identified:

1. "Bosnia and Herzegovina: Policy-Making and Coordination Assessment" by Support for Improvement in Governance and Management (SIGMA), 2006
2. "Policy Research in Bosnia and Herzegovina by Local Organizations" by Raymond J. Struy and Christopher Miller from The Urban Institute, January 2004



3. "Were Bosnian Policy Research Organizations More Effective in 2006 than in 2003? Did Technical Assistance Play a Role?" by Raymond J. Struyk, Kelly Kohagen, and Christopher Miller, November 2006
4. "Agreement on Cooperation between the Council of Ministers of BH and the Non-Governmental Sector in Bosnia and Herzegovina", May 2007
5. "Council of Ministers' Rules on Public Consultation in Legislative Drafting", September 2006
6. "European Commission. Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission" by European Commission, 2002
7. "Communication from the Commission on the collection and use of expertise by the Commission: Principles and guidelines: Improving the knowledge base for better policies. (COM (2002) 713 final" by European Commission, 2002

Also, dozens of interviews were conducted with representatives of CSOs, governmental institutions and international organizations. The interviews were the basis for testing the hypothesis, key presumptions and for collecting the data. Thus issue is framed from all angles (CSOs, governmental institutions and international organizations in B&H). Also, European Commission's standards for consultation and the use of expertise were analyzed.

A few of the key terms which are used in this policy study are defined as follows:

Policy - "a course of action or inaction chosen by the public authorities to address a given problem or interrelated set of problems" (Pal, 2006)

Process of European integration - a process of development, adoption and implementation of different policies.

Think-tank - an organization formed by a group of people sharing the same interests, values and ideas. There are very few organizations in B&H that define themselves as think-tanks and most of them have been interviewed in the scope of this research¹.

Resource Centre - Re-granting and advocacy organization closely cooperating with think-tanks by funding their projects and organizing advocacy campaigns based on the analyses of the think-tanks².

¹ ACIPS Policy Centre, Populari, Foreign Affairs Initiative

² Centre for the Promotion of Civil Society, Centre of Civic Initiatives

Problem Description (Policy-Making Failure)

The fact that Bosnia and Herzegovina has low capacities for policy-making is well-known among domestic and international institutions and experts. It is difficult to measure the level of strategic approach to governing when “the politics in B&H is considered as pure division of power (...)” (E. K. Rasidagic, personal interview, November 14, 2007).

However, in order to test the principal hypothesis, a set of questions were asked: How CSOs in Bosnia and Herzegovina see their role in the process of European integration? Some sub-questions could be asked:

- What kind of capacities and expertise do they have in specific areas and in policy making?
- Is there a way to ensure that CSOs without specific capacities contribute to European integration?
- What could be their concrete contribution to European integration?
- What are their problems in cooperation with state/government?
- How could these problems be resolved?
- How do they participate in the policy-making process?

How the state/government sees the role of CSOs in the process of European integration?

- In which part of European integration process the state/government needs the assistance of CSOs?
- What is the official position of the state/government, if any, toward the cooperation with CSOs?
- What are the problems in cooperation with CSOs?
- How could these problems be resolved?

How does the international community in Bosnia and Herzegovina see the role of CSOs in the process of European integration?

- What is the official position of EU, if any, toward cooperation between the state/government and CSOs in the European integration process?
- In which segment of their involvement in Bosnia and Herzegovina, the international community needs assistance of CSOs?
- What are the problems in cooperation with CSOs?
- How could these problems be resolved?

Governments and Policy-Making in Bosnia and Herzegovina: A Problem

The policy-making problem of different governmental levels is a subject of several reports and studies delivered by domestic and international bodies. In 2006, a report “Democracy Assessment in Bosnia and Herzegovina”³ concludes that even ten years after the birth of the present state, the policy-making capacity of state apparatus is more than inadequate. Most recent study comes from a joint initiative of the OECD and European Union called Support for Improvement in Governance and Management (SIGMA). SIGMA is responsible for publishing a dozen of reports analyzing public administration and governance in Bosnia and Herzegovina and among them is a report called “Bosnia and Herzegovina: Policy-making and Coordination Assessment”⁴ published in 2006. Besides starting with the general remark that “division of

³ The assessment used the democracy assessment methodology developed within the “State of Democracy” project of the International Institute for Democracy and Electoral Assistance - IDEA (www.idea.int). The methodology is tested in eight countries: Bangladesh, El Salvador, Italy, Kenya, Malawi, New Zealand, Peru and South Korea).

⁴ The report covers three governments in Bosnia and Herzegovina: state level (Bosnia and Herzegovina) and entity level (Federation of Bosnia and Herzegovina and Republic of Srpska).



competencies between the levels of government and the practical methods for executing and sharing them are still evolving”, the SIGMA Report makes significant observations about the following areas creating the policy-making environment:

- Legal framework
- Organizational structures of the Centre of Government (CoG)
- Process of Policy Coordination, Planning and Monitoring
- External assistance

According to the SIGMA Report, framework for decision-making on state and entity level is defined by the Rules of Procedure (RoP), essentially modelled on the Yugoslav tradition⁵. At the moment, Bosnia and Herzegovina, according to the Public Administration Reform Coordinator Office, has 47 pieces of legislation (laws and bylaws), providing the policy-making and coordination framework at the level of state, entities and Brcko District.⁶ In spite of this, the general remark regarding legal basis for policy-making is quite disappointing:

Inadequacy of the legal basis: *The Rules of Procedures of all three governments do not deal adequately with the various aspects of policy preparation - inter-ministerial consultations, policy review and co-ordination - and with the support for the government and its working bodies by the CoG. (The RoP of the FBiH is less weak than the other two). In addition, in all the three governments, the enforcement of the RoP is very weak, largely because of the weakness of CoG, but also because of the inexperience of ministers and ministries, and perhaps of the insufficient authority of Prime Ministers (Bosnia and Herzegovina: Policy-Making and coordination assessment, 2006).*

The main comment of SIGMA Report concerning the organizational structures of the CoG is that all three governments in BiH, with some variations, are “seriously in need of reform and strengthening”. The organizational structure of the CoG at state and entity levels includes:

Bosnia and Herzegovina

- Office of the Chair of the Council of Ministers
- General Secretariat
- Legislative Office
- Directorate of European Integration (DEI)

Federation of Bosnia and Herzegovina

- Special Service of the Government
- Legislative Office
- Office of the Prime Minister
- Information Office

Republika Srpska

- Government Secretariat
- Public Relations Bureau
- Cabinet of the Prime Minister
- Legislative Secretariat

While describing these CoG organizational structures SIGMA Report used mostly negative observations, such as:

- Highly fragmented
- Limited interaction

⁵ “According to this tradition, three levels of normative documents shape the policy-development and decision-making system: the Law on Government, the RoP, and the rulebooks on internal organisation and systematisation of each of the bodies forming the centre of government (CoG)...” (Bosnia and Herzegovina: Policy-making and coordination assessment, 2006)...

⁶ The list with the regulations is available at <http://parco.gov.ba/latn/?page=117>.

- Lack of capacity for policy advice and policy coordination
- Lack of capacity to coordinate European integration
- Purely technical services
- Lack of authority
- Understaffed
- Underdeveloped
- Lack of reform and capacity building plans

This policy research was an excellent opportunity to test these findings and to investigate whether the list with the problems is reduced or expanded. The research methodology used SIGMA Report as a pool of questions for the interviews with the representatives of the above mentioned institutions.

“There are no analytical departments in any of the governmental institutions/ministries that would independently deal with the development of the policies, and capacities of non-governmental organizations are not being used” (S. Vasic, personal interview, December 12, 2007). “Ministries operate without any strategy, policies or action plans” (A. Vracic, personal interview, December 8, 2007).

The part of the SIGMA report related to process of policy coordination, planning and monitoring is rather short, but striking. It seemed appropriate to quote it entirely.

In all three governments, the process of preparing the meetings of the government and the commission is minimal, consisting of a legal review (not always sufficient) and of technical preparation of the dossiers by the CoG. There is no strategic planning, almost no annual planning, and no policy co-ordination and advice.

The process of policy development in ministries is also extremely weak. Despite this fact, review by the CoG is often not carried out at all, and in many cases ministers bring items directly to government sessions.

The management of European integration at state level has developed significantly, and the DEI is developing into a competent organisation. However, despite the fact that competences in many of the relevant areas for the SAA are with the entities, EI capacity is almost absent in FBiH and in RS (Bosnia and Herzegovina: Policy-making and coordination assessment, 2006).

The final part of SIGMA Report is used for overview of external assistance allocated to support the solving of policy-making problem in Bosnia and Herzegovina. The first conclusion is that international community did recognize the existence of the problem and tried to address it by initiating several projects. Key international organizations involved with these efforts are European Commission Delegation to Bosnia and Herzegovina, UNDP BiH, DFID and USAID. Therefore, investigation of their activities in this area and interviews with relevant representatives of these agencies is also part of our research.

Before going into some problematic aspects of their involvement, it must be acknowledged that their efforts, no matter how effective and influential they are, are usually the only serious attempts to remedy the problem of policy-making in Bosnia and Herzegovina. However, it is possible to speak about some unresolved donor issues which are following the process of international aid allocation from the end of war. First of all, coordination between different donors must be improved. This will help to overcome disproportional support to different



government levels in the country for building the policy-making capacities. At the moment, the overall impression is that the vast majority of international aid is applied at the state level, while capacity building for the policy-making and policy coordination at entity and cantonal levels are sometimes overlooked.

It is also stated in the "Agreement on Cooperation between the Council of Ministers of BH and the Non-Governmental Sector in Bosnia and Herzegovina" (2007) that "The Council of Ministers of BH intends to actively support its expansion to include the other levels of the government, cantonal and local self-government, who will be invited to adopt and adjust the Agreement in order for it to suit their relation with the non-governmental sector."

Public administration holds principal responsibility for the policy-making process. This fact alongside with the fact that Bosnia and Herzegovina and its governments have a policy-making problem is recognized in the 2006 Public Administration Reform Strategy (PAR Strategy)⁷.

⁷ PAR Strategy is available at <http://parco.gov.ba/?id=68>

Speaking about the current situation in the area of policy-making, PAR Strategy, which also used observations from different SIGMA reports and studies, mentioned fragmentation of central structures, which are quite independent and with little coordination; mostly technical functions of these structures; limited capacity for strategic planning, policy coordination and monitoring; limited coordination between different levels of government; limited capacity to assess the legal conformity of draft legal acts; the capacity of the FBiH government to coordinate policy issues with its cantons is lacking; RoP on all government levels do not deal adequately with the various aspects of policy-making process; at the level of ministries, there is insufficient recognition of the importance of policy preparation which means that most ministries tend to proceed directly with the drafting of legislation, without sufficient prior analysis or impact assessment; and, the weak link between the policy decision-making and the budget preparation process.

If we decide not to question the relevance of the above mentioned reports and documents, and till now, there were no attempts of doing so, it can be concluded that governments in Bosnia and Herzegovina do not have developed capacities for policy-making. This conclusion is additionally supported by field research based on interviews with the representatives of key governmental institutions where policy-making responsibility lies. Following from that, the next question is whether Bosnia and Herzegovina has policy-making capacities at all? If there is no capacity in the governmental sector, is there any policy-making in the so called third sector or civil society?

Before starting with some kind of a capacity assessment of civil society organizations for participating in policy-making processes, it is important to establish the existence of legal framework for policy-making cooperation between governments in Bosnia and Herzegovina and civil society.

In the research study prepared for Swiss Development and Cooperation Agency in 2005, Vogel stated that "even though the law provides for citizens participation, in general, there is no formalized process of systematic consultation with civil society, business, or interest groups". The same was concluded by Fleschner and Ahmetaj Hrelja who noticed that "while there was a tradition of public debate on draft laws, it was informal and irregular" (IRIS helps forge innovative public consultation procedures for Bosnian state ministries, 2006). Article 66 of the CoM

⁸ Rules of the Procedure of the Council of Ministers of Bosnia and Herzegovina. Official Gazette 81/2006.

⁹ Regulations are adopted on September 7, 2006.

RoP defines that the explanatory note submitted to the Parliament of Bosnia and Herzegovina together with the draft law contains opinion of institutions and organizations consulted during development of the draft law.⁸

The improvement in the area of public consultation procedures was achieved with the adoption of the 2006 CoMs Regulations on consultations in legislation drafting⁹. The Regulations had their origins in the Uniform rules for legislation drafting in the Institutions of Bosnia and Herzegovina (Official Gazette, 11/05), more precisely, in its Article 75(2) which requires public participation in the drafting of proposed legislation by the ministries. As observed by Professor Howard Fenton (2005) "this general provision is mandatory, a significant difference from provisions of other European states, where most requirements for public participation take the form of recommendations". Furthermore, Article 18 of the Law on Administration of Bosnia and Herzegovina stipulates that administrative bodies must obtain the opinions of appropriate professional institutions and other legal bodies on regulations (as opposed to laws) they draft (Fleschner and Ahmetaj Hrelja, 2005).

Regulations are defining procedures for consultations with the public and organizations to be implemented by state ministries and other institutions of Bosnia and Herzegovina. Among other important issues, Regulations are defining minimum consultation obligations for preliminary draft legislation (Article 6), as well as more complex consultation procedure on legal regulations which have significant public impact (Articles 16 - 18). Institutions are responsible to provide statement on conducted consultations when submitting a draft legal act before CoM (Article 24) and a part of that statement is a written report explaining reasons for acceptance or rejection of comments received during consultations (Article 23). In the case of exceptional circumstances, head of the institution can exempt the institution from obligation of making consultations (Article 26). If institution fails to submit a statement on consultations or the approved request for exemption, the CoM can (but it is not obliged to do so) refuse to include the draft legal act in its agenda (Article 29).

Although Regulations are considerably advanced in building the culture of cooperation between governmental and non-governmental sector, it is obvious that the present formulation of the Article 29 of the Regulations seriously undermines its effectiveness. Also, conducted interviews are suggesting that government officials are unaware of these Regulations or that they simply decided to ignore them.

In order to illustrate the previous statement, we decided to investigate the status of implementation of Articles 4 and 5 of the Regulations. Article 4 is about consultation coordinators which should be designated by all institutions and responsible for coordination of all consultation obligations performed by institution. Article 5 regulates publishing of planned legislative activities where it is specified that an institution, after creating a list of planned legislative activities as a part of its annual work program, will place the list on its website. Also, the institution will indicate which of the legislation on the list may have significant public impact in accordance with Article 8 of the Rules. The attempt to find planned legislative activities and annual work programs on the web sites of nine state ministries¹⁰ failed. According to the official web sites of state ministries, Bosnia and Herzegovina will not enact any new legislation in the near future, which, of course, is not very likely if we have in mind our proclaimed ultimate goal of joining the European Union. Another conclusion is that visibility of consultation coordinators, if they are appointed at all, on the web sites of the ministries is not achieved.

¹⁰ The complete list with the state ministries and links to their web sites is available at the www.vijeceministara.gov.ba



Within the nine ministries at the level of the state of B&H strategy has become a buzz word and escape from the real hard work of implementing action plans and meeting set targets. Ministries had a lot of difficulty in defining the best performance indicators for the programmatic budgeting for the period of 5 years but that job has also been finished.

Civil Society Organizations and Policy-Making in Bosnia and Herzegovina: Lost capacity

The lack of capacity for policy-making, based on the evidence-based research is also evident in non-governmental sector in Bosnia and Herzegovina. NGOs cannot afford to invest the time and other resources in increasing their capacity and expertise in a specific thematic area, especially when it comes to theoretical knowledge (D. Imamovic, personal interview, November 21, 2007). There are only few think-tanks that managed to build the research capacity and develop the expertise in the specific area, each using very different methodology¹¹. The reasons behind this are partly in the fact that the research activities do not provide significant financial resources to NGOs, thus the incentive for the hard work that needs to be undertaken in order to apply proper research methodologies is not there. Most analyses are reflection of the author's opinion, only desk research and there is very little research taking place on the ground.

"Soon enough, the time of abstract and endless talk will come to an end and recommendations and cases that will be used will be concrete topics and life stories with very clear recommendations for action. NGOs that try to engage in the policy work often make a mistake of doing politics instead of policy" (A. Vracic, personal interview, December 8, 2007).

The voice of the academic community is not heard in the public, in contrast to Serbia where, for example, the conflict between the academic community and NGOs emerged when academics raised their voice against the quality of research conducted by NGOs (L. Somun-Krupalija, personal interview, December 21, 2008). Unfortunately in B&H academic community is not a stakeholder in the researched issue and members of the academic community are only hired as external experts for the policy analysis implemented by the NGOs.

CSOs have tried to build their capacity in the area of policy development in order to establish a long-term partnership with the governmental institutions. One example is the development of "Guidelines for Policy Analysis"¹² as a part of the project "Supporting NGOs in monitoring government policies (2003-2005)" that was implemented by ICVA in consortium with network partners: Centers for Civic Initiatives and BOSPO, and supported by the European Union and Swiss Agency for Development and Cooperation¹³.

The nature of cooperation between the CSOs and governmental institutions is two-sided and it is of utmost importance that CSOs are more proactive instead of reactive. For example, when it comes to participation in the law making process, once CSO contacts the ministry in charge it is obliged to respond to CSOs' enquiries. Thus, CSOs have to build their capacity for articulating their request. The cooperation with the governmental institutions based on true partnership is so difficult to establish, that some CSOs decided to use the strategy of going to supra-national stakeholders such as European media¹⁴ or national parliaments of EU member states¹⁵. Committee for the Civil Society is in the process of its establishment¹⁶ but it has the potential of becoming a single voice of CSOs and credible partner for the dialogue with the governmental institutions. CSOs are still perceived as the critics of the work (not) conducted by the governmental institutions and not as partners with complementary roles. There are some examples of misuse of the research conducted by PROs for the political purpose, due to taking sections of the re-

¹¹ These are "Vanjsko politicka inicijativa" (Foreign Affairs Initiative), Populari and the Independent Bureau for Humanitarian Issues

¹² The "Guidelines for Policy Analysis" is available at http://www.bospo.ba/dokumenti/Guide_for_Policy_Analysis.doc

¹³ More information about the project is available at [http://www.icva-bh.org/eng/projectsdetail.wbsp?WBF_ID=1&prid=1&project=Supporting%20NGOs%20in%20monitoring%20government%20policies%20\(2003-2005\)](http://www.icva-bh.org/eng/projectsdetail.wbsp?WBF_ID=1&prid=1&project=Supporting%20NGOs%20in%20monitoring%20government%20policies%20(2003-2005))

¹⁴ Populari

¹⁵ VPI is closely cooperating with the German Parliament

¹⁶ Strategic planning session of the Committee for the Civil Society was held on 11-12 March 2008

search report out of the context and using it as quotation.s This happens when NGOs produce politically sensitive analysis, as it was recently the case with two quite critical research reports that analyzed the work of the parliaments and government and are produced by the Centre for the Promotion of Civil Society and Centre for Civic Initiatives.

Civil society as a political subject does not exist in B&H. NGOs are perceived as service providers that link high politics and citizens and not as political bodies. Distinction should be made between different types of associations (A. Arapovic, personal interview, February 8, 2008).

Case study 1 - The Independent Bureau for Humanitarian Issues (IBHI-BiH) - a Success Story

A very good example of an NGO that is recognizable for its capacity and expertise and that has established very good cooperation both with the governmental institutions and donor organizations is IBHI. The Independent Bureau for Humanitarian Issues (IBHI) has been established in 1995 when UNHCR (United Nations High Commissioner for Refugees) was undertaking the capacity building program of local NGOs as domestic actors in the social sector. IBHI-BiH defines itself as a think-tank with expertise in the areas of social security and social inclusion, policy development and gender equality. They are recognized as an organization with track-record and significant capacity and through series of projects IBHI-BiH focused its activities for which it is recognizable.

IBHI is intensively cooperating with the government at both the entity and state levels, as well as at the local, municipal level. The cooperation is expanded to several thematic fields, and an example of this cooperation is an ongoing project "Support to the Disability Policy Development (SDPD) in BiH". The aim of the project is the establishment of an adequate and sustainable system of social protection, with full recognition of the rights and opportunities of persons with disabilities and civilian victims of war. All project activities are conducted in cooperation with the Finnish government, the Federal Ministry of Labor and Social Policy, the Ministry of Health and Social Welfare of Republika Srpska, the Directorate for Economic Planning of Bosnia and Herzegovina (DEP), other CSOs (both professional NGOs and organizations based on membership) and disabled persons. The results of the project will be a comprehensive disability policy on the state level and strategy with an action plan, increase of integration of disability sensitive approach in national policies and programs and standardized tools for social work centers.

IBHI-BiHs modus operandi has always been always the development of a firm partnership based on equal qualitative and quantitative input and they managed to be perceived by governmental institutions as partners and not only as the recipients of funds. The positive image of the organization was built as a result of good cooperation with end-beneficiaries that are in a position to take part in the decision making process and by constantly focusing on real priorities of a specific area. The work conducted as a part of the project "Support to the Disability Policy Development (SDPD) in BiH" will result in the first policy study of that kind in B&H and it will integrate EU policies, standards and practices in the area of disability. Today IBHI-BiHs is being contacted for partnership by other institutions and organizations, rather than being in the position to seek partners and funding. Their original approach to problem solving and hard work focused on specific areas has paid off for the organization in the long run and granted them a positive image and widespread support.¹⁷

¹⁷ More info can be found at <http://www.ibhibih.org>



Case study 2 - Development of a National Strategy for the Creation of a Stimulating Environment for the Development of Civil Society in the Republic of Croatia

The creation of a National Strategy for the Creation of the Stimulating Environment for the Development of Civil Society in Republic of Croatia is a good example how CSOs, through advocacy activities (presence in media, media pressure and similar), managed to be included in the process of creation of a public policy. The Draft Strategy which was developed for the Governmental Office for NGOs by a group of independent experts (in 2005) received public criticism from the CSOs gathered in Civil Society Forum - Zagreb. After providing clear arguments for their position, the Forum made a conclusion that the Strategy is not acceptable and further development of this document was assigned to the Vice President of the Government who, in cooperation with the National Foundation for Civil Society Development, established new working groups that included large number of stakeholders (mainly representatives of civil society) and that developed a new draft of the National Strategy for the Creation of the Stimulating Environment for the Development of Civil Society. The main parts of the new draft were included in the final Strategy. The Government of Croatia adopted the Strategy on 20 July 2006 (Kunac, 2006).

International Organizations and Policy - Making in Bosnia and Herzegovina: The Lack of a Strategic Vision

“A basic paradox of the International Community’s policy in Bosnia and Herzegovina is the lack of a strategic vision for the development of the political, economic and cultural systems; this is a policy without an ideological vision, without “educated hope” (*docta spes*), without open horizons; its operative circle, marked by pragmatic actions and palliative solutions, does not encompass deeper historical and cultural strata, nor does it define specific terms of development of the Balkan regions supervised by the International Community” (Kovac, 2007).

The research conducted by international organizations is of questionable quality for several reasons, such as the choice of the issue, choice of consultants, the size of the sample and usage of the research results. This is due to the fact that the quality of the final product is negatively affected by bureaucratic procedures that lead to its creation. The consultants in charge of the assessment of specific issues usually come to Bosnia and Herzegovina for the first time, and their knowledge is limited since days allocated for their mission are only few. Local partner NGOs that take part in the research activities are not selected based on objective criteria, and their capacity, experience and credibility is often questionable.

However, the research reports and recommendations which are drawn from those analysis conducted by the international organizations are very important due to its significance concerning the image of the situation in the country and because of their frequent usage and quotation.

Policy analyses that are produced do not manage to change the focus of the donors. The process fully goes the other way around, and donor organizations are influencing the civil society in B&H greatly by setting the topics and priorities.¹⁸

Donor organisations working in a specific field such as judicial reform, transitional justice, monitoring of court hearings etc., often face the problem of finding CSOs specialized in that specific area. Due to the fact that CSOs are not focused and recognizable in a specific segment, the donors are always forced to involve several of the most prominent CSOs instead of expert NGOs with narrow mission and field of work and with considerable expertise and capacity. This problem could be resolved if CSOs focused their work on a specific field and branded the organization.¹⁹

Another problem, the donor community is facing is that the Head Office is changing the priority of the agency present in B&H in the crucial phase of the project implementation. The local staff are unable to influence decisions of the Head Office which have to be made as a consequence of the limited funding and as a necessity of gaining the biggest value for the invested funds. In order to have desired impact, assistance needs to be targeted which sometimes means reviewing the project as a success story and cutting off its crucial phases, like information campaign and promotion of the results achieved (E. Ahmetaj-Hrelja, personal interview, February 10, 2008).

¹⁸ This is not the case with big organizations that have long-term plans and strategic goals set

¹⁹ The project “Strengthening of the Local Democracy” that is being implemented by UNDP (United Nations Development Program) and financed from IPA (Instruments for Pre-accession Assistance) 2007 funds aims to contribute to the focusing of NGOs in B&H. However this is a long-term process.



Policy Options

Full implementation of the “Agreement between the Council of Ministers and Non-governmental Sector in Bosnia and Herzegovina” and building upon existing cooperation activities

The biggest civil campaign in B&H was formed in 2001 and lasted for several years. It was titled “To Work and Succeed Together” and more than 400 CSOs from all parts of B&H took part in it. The goal of this Coalition was to create the preconditions which are necessary for the sustainable development of NGO sector in B&H. After a three year consultation process between NGOs throughout the country, at the conference that was held in December 2004, several documents were approved, among them the “Agreement on Cooperation between the Council of Ministers B&H and the NGO Sector in Bosnia and Herzegovina”. The Agreement was signed in May 2007 and its implementation has been going slowly until now. Once all bodies envisioned by the Agreement are established, preconditions for the constructive dialogue and development of concrete action plans would be met. Several bodies are planned to be established by the Agreement, and these are Committee for Civil Society (that was established by CSOs), the Council for Civil Society (that should be established by the Council of Ministers) and Office for Cooperation with NGOs (that was established in the Ministry of Justice of BiH in March 2008). (S. Vasic, personal interview, December 12, 2007).

The weak points of the Agreement are that it only focuses on non-governmental organizations while other CSOs are excluded from the process of cooperation. That is why it is extremely important to insure the mechanism of cooperation between professional NGOs and traditional CSOs based on membership.

The most important functions of the Agreement are that it ensures a institutional framework for mutual cooperation and recognizes the complementary roles of government and civil society. Other important aspects are the recognition and appreciation of the volunteer work of the NGO sector, the recognition of NGOs in the development and democratization of the BiH society, the focus on strategic and continuous funding for the NGO sector.

There are several challenges for the implementation of the Agreement. The most important ones are: how to trickle down the obligations based on the Agreement at the entity, cantonal and municipal level; how to establish the monitoring mechanism for the work of the new institutions; how to initiate and support human resources development in the nine ministries at the level of the State of B&H in the area of research methodologies, policy development and policy implementation; how to foster ownership from the governmental side since it is driven by the conditionality put on the State by the EU, thus the government is creating an institutional mechanism for cooperation, mainly because by doing so it will fulfill one of the preconditions set by the EU; how to conduct annual review of the implementation of the Agreement that will show positive sides, potential risks and lessons learns.

All future funds for the civil society organizations from pre-accession funds will have to go through the Office for the cooperation with NGOs. The goals for the institutional framework that are set are to increase the transparency of spending on the civil society, to use objective criteria in reaching funding decisions and to use public announcements for tenders and calls for proposals. Council of Ministers intends to modify the procedures and institutions developed for cooperation between government and civil society. However, there is still no clear concept how this will be done. Also, there are too many stakeholders in the creation of the institutional framework for the cooperation between the government and civil society and there is a danger

of creating parallel structures (two offices for the cooperation with civil society). To prevent this, there are ongoing activities and dialogue between the Council of Minister, Delegation of European Commission in B&H and Ministry of Justice.

Apart from the implementation and operationalization of the Agreement, the cooperation with other state institutions needs to be fostered. Directorate for European Integration of Bosnia and Herzegovina (DEI) is one of the most important domestic factors of EU integration process. Thus, it is necessary to describe the role and achievements of DEI in the previous process, their experience in cooperation with civil society and their attitude toward this cooperation in the future. All interviewed PROs expressed satisfaction with the cooperation with DEI being the most competent organization on the state level.

The approach "Doing by Learning and Learning by Doing" tested successfully by GTZ in their program "Establishment and Promotion of Structures in the Youth Sector" is an approach followed in the implementation of the activities regarding the creation of the institutional framework that are already initiated. However, a set of recommendations should be taken into account for a more efficient and effective process.²⁰

²⁰ More info about the project can be obtained at <http://www.gtz.de/en/weltweit/europa-kaucasus-zentralasien/bosnien-herzegowina/7813.htm>

Adjusting the European Policy-Making Standards to the B&H Context

The attempt to propose the best model for the policy-making cooperation between Bosnian government and civil society must take into consideration the so-called European experience, trends and official recommendations coming from the most important EU institutions. The White Paper on European Governance Issued by the European Commission can be regarded as a standard-setting document. Of course, it must be noted that the White Paper is at the same time a subject of a critical debate among the scholars, practitioners and civil society activists, and their views will be taken into account in this short elaboration of EU ideas about the cooperation between European institutions and civil society.

The White Paper prepared by the Commission undertook the task of helping to reinforce the culture of consultation and dialogue in the EU (European Commission, 2002). In order to meet these specific requirements, the Commission introduced a document called "Towards a Reinforced Culture of Consultation and Dialogue - General Principles and Minimum Standards for Consultation of Interested Parties by the Commission". This document will be the basis for the presentation of European experience of policy-making and cooperation between the governing structures and civil society, because it is the document which comprises the substance of the Commission's long tradition of consulting interested parties from the outside when formulating its policies.

As stated in the title, the document lays down a number of general principles that should govern the relations between interested parties, and maps out the set of minimum standards for the Commission's consultation processes.

The cooperation between the Commission and civil society is primarily seen as a process of consultation through the whole legislative process, from policy-shaping to the final adoption and implementation:

Depending on the issues at stake, consultation is intended to provide opportunities for input from representatives of regional and local authorities, civil society organizations, undertakings and associations of undertakings, the individual citizens concerned, academics and technical experts, and interested parties in third countries.



Also, the Commission is legally obliged to make consultations according to the Protocol No. 7, annexed to the Amsterdam Treaty.²¹ However, neither the general principles nor the minimum standards laid down in the above-mentioned Commission's document are legally binding (Towards a Reinforced Culture of Consultation and Dialogue, 2002).

²¹ „the Commission should (...) consult widely before proposing legislation and, wherever appropriate, publish consultation documents”.

The process of consultations is very broad in terms of interest groups represented, and civil society organizations are just a part of them. From the perspective of European governance, civil society organizations are seen as facilitators of a broad policy dialogue, and they include: the labor-market players (trade unions, etc.); organizations representing social and economic actors (consumer associations, etc.); non-governmental organizations; community-based organizations; and religious communities (Towards a Reinforced Culture of Consultation and Dialogue, 2002).

So, the key principles for consultations according to the Commission are: participation, openness, accountability, effectiveness and coherence. The following provisions explaining these principles are taken from the White Paper on European Governance:

PARTICIPATION

(The) quality of (...) EU policy depends on ensuring wide participation throughout the policy chain - from conception to implementation.

OPENNESS AND ACCOUNTABILITY

The (European) institutions should work in a more open manner (...) in order to improve the confidence in complex institutions.

Each of the EU institutions must explain and take responsibility for what it does in Europe.

EFFECTIVENESS

Policies must be effective and timely, delivering what is needed.

COHERENCE

Policies and actions must be coherent.

The key principles are followed by five minimum standards:

A. A clear content of the consultation process - All communications relating to consultation should be clear and concise, and should include all necessary information to facilitate responses.

B. Consultation target groups - When defining the target group(s) in a consultation process, the Commission should ensure that relevant parties have an opportunity to express their opinion.

C. Publication - The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of target audiences. Without excluding other communication tools, open public consultations should be published on the Internet and announced at the “single access point”.

D. Time limits for participation - The Commission should provide sufficient time for planning and responses to invitations and written contributions. The Commission should strive to allow at least 8 weeks for the reception of written responses to the public and 20 working day notice for meetings.

E. Acknowledgement and feedback - Receipt of contributions should be acknowledged. Results of open public consultation should be displayed on websites linked to the single access point on the Internet.

²² Criticism was related to the White Paper's definition of governance, the simplistic view of civil society adopted by the Commission, limitation of the inclusion method solely to consultation, non-legally binding nature of the White Paper's inclusion proposal and conditionality toward civil society organizations.

Relevant provisions of the White Paper on European Governance can be regarded as improvement in the process of civil society inclusion in European decision-making. However, a number of social researchers provided us with very serious criticism²² related to civil society inclusion provisions (Butkovic, 2004).

According to Butkovic (2004), a Croatian scholar who analyzed the debate on the White Paper, the major concern related to the inclusion method chosen by the European Commission is its unwillingness to formulate its relationship with civil society actors in terms of legal obligations and legally enforceable procedural rules. Of course, the European Commission has an explanation for this position. Actually, two reasons are emphasized by the Commission: (1) A clear dividing line must be drawn between consultations launched on the Commission's own initiative prior to the adoption of the proposal, and the subsequent formalized and compulsory decision-making process according to the Treaties; (2) A situation in which a Commission proposal could be challenged in the Court on the grounds of alleged lack of consultation of interested parties must be avoided. Such an over-legalistic approach would be incompatible with the need for timely delivery of policy, and with the expectations of the citizens that the European institutions should deliver on substance rather than concentrating on procedures (Towards a Reinforced Culture of Consultation and Dialogue, 2002).

It is questionable whether the official answer to critics of non-legally binding consultation standards would have any sense in Bosnia and Herzegovina where even laws and other legally binding regulations are quite often avoided, neglected and poorly implemented.

But, the European Union has more to offer when it comes to external advice. Use of expertise is another important way to get outside inputs into the policy-making process. By promoting consultations, European institutions will hopefully achieve better involvement in shaping and implementing policies, while, by using expertise coming from scientists and other experts the quality of policies will be positively affected. The White Paper (2001) concludes that "scientific and other experts play an increasingly significant role in preparing and monitoring the decision".

Again, as a response to the commitment made in the White Paper, the Commission issued a document "Improving the Knowledge Base for Better Policies" (2002) which "seeks to encapsulate and promote good practice related to the collection and use of expertise at all stages of Commission's policy-making". The Commission Communication on the collection and use of expertise is actually a part of the European Union's scientific advice policy together with the Science and Society Action Plan and the Commission's Decision to set up scientific committees in the fields of consumer safety, public health and the environment (European Policy Centre, 2005). The document actually has three components offering elaboration of core principles, guidelines and practical question related to the use of expertise.

Core principles to be applied by Commission departments whenever they collect and use expert advice are as follows:

QUALITY

The Commission should seek advice of an appropriately high quality. Three determinants of quality of advice can be distinguished: excellence; the extent to which experts act in an independent manner; and pluralism.



OPENNESS

The Commission should be open in seeking and acting pursuant to experts' advice. Transparency is required, particularly in relation to the way issues are framed, experts are selected, and results handled.

EFFECTIVENESS

The Commission should ensure that its methods for collecting and using expert advice are effective. This means that arrangements for collecting and using expertise should be designed in proportion to the task in hand, taking account the sector concerned, the issue in question, and the stage in the policy cycle.

Guidelines and practical questions to be applied when collecting and using expertise are defined as follows:

Planning ahead

- Available human resources within the Institution (Is there, maybe, adequate in-house expertise to meet the needs of the institution?)
- The need for external advice in the first place (For example, what kind of assistance can be provided by other departments?)
- Making the process more cost-effective
- Early warning mechanisms to detect emerging issues

Preparing for the collection of expertise

- Framing the questions
- Choosing the right method
- Determining the expertise required

Identifying and selecting experts

- Considering open calls for expertise
- Collecting expertise in the form of consultancy work
- Considering usage of the selection committee for the selection of suitable experts

Managing the involvement of experts

- Modifications suggested by experts to their work plan - how to deal with them?
- Do the experts need additional data or information?
- Considering mobilization of in-house expertise
- Experts' understanding of mandates
- Conflict of interests

Ensuring openness

- What documents should be made directly available (explanatory note on policy issue and the use of expert advice, terms of reference, opportunities for open consultation, criteria used for selecting the experts, names of experts, declarations of interest, advice given)?
- Protection of information or negative effects of disclosing information
- Where information and documents should be made directly available?
- Is advice properly substantiated and documented?
- Submission of advice to other persons for comments and validation
- Interaction between experts, interested parties and policy-makers

Acting pursuant to the advice received

- When is the involvement of experts finished?
- How does the policy proposal show how input from experts has been taken into account (explanatory memorandum or annex to the proposal)?
- Communicating the outcome of the policy process to interested parties and to the wider public
- Considering relations with the media

These principles and guidelines on the collection and use of expertise didn't manage to avoid certain criticism similar to the one addressed to above mentioned principles and standards for consultation of interested parties. Again, the main objection is directed to the fact that principles and guidelines are not mandatory. Consequently, the enforcement mechanisms are weak.

Another remark concerns the document failure to provide clear information about the benefits of scientific evidence for policy-making, as well as comprehensive and common set of key concepts and definitions for use in the provision of scientific advice (European Policy Centre, 2005).

There is also failure to describe the key processes that underpin the process of collecting and assessing scientific evidence, and to require policy and regulatory decisions to demonstrate links between scientific evidence and proposed government action (European Policy Centre, 2005).

Also, if expertise is understood as scientific knowledge than it must be acknowledged that science has its limitations:

- Structural limitations in the nature of scientific evidence reduce its utility for policy-makers
- Some policy-makers and decision-making may be unable to make use of scientific evidence
- Most scientists lack an understanding of how policy-makers make use of scientific evidence
- Difficulties in obtaining "independent" and "excellent" scientific advice limit its effectiveness
- Difficulties in obtaining good quality scientific advice quickly enough limit its ability to deal with emerging risks
- Lack of acceptance amongst influential groups of the appropriateness of scientific evidence limits its effectiveness (European Policy Centre, 2005)

The general remark about the collecting and use of expertise is that there is a continuing need to further strengthen the role of scientific evidence in decision-making at European Union level.

The list with the documents that are regulating and guiding policy-making cooperation between European institutions and widely defined civil society is not limited to those presented above. There are many other documents of different legal nature that are treating this issue, and it is clear that European Union is striving toward evidence-based decision-making which is seriously taking into account the input coming from civil society. In order to enhance its policy-making capacities, Bosnia and Herzegovina will have to take into consideration European standards and eventually to make them the cornerstones of overall Bosnian policy-making policy and practice which is now at the early stage of its development.



Conclusions and Recommendations (Policy-Making Capacity Building)

Accession to the European Union is the overall political goal of Bosnia and Herzegovina ruling political options supported by the majority of its citizens. Being a member of the European Union, among other issues, requires the adoption and implementation of Acquis Communautaire which means that existing Bosnia and Herzegovina's legal system will be significantly changed and reformed. Reforms need strategies, and strategies will become operational through the development and implementation of policies. At the moment, as this research showed, Bosnia and Herzegovina, both in the governmental and non-governmental sector, doesn't have sufficient capacities for policy-making. Therefore, civil society strengthening and policy-making capacity building are subjects of all recommendations listed below. Their aim is to contribute to building policy development process in all of its segments, as presented in the diagram below, borrowed from the European Commission's document "Improving the Knowledge Base for Better Policies".

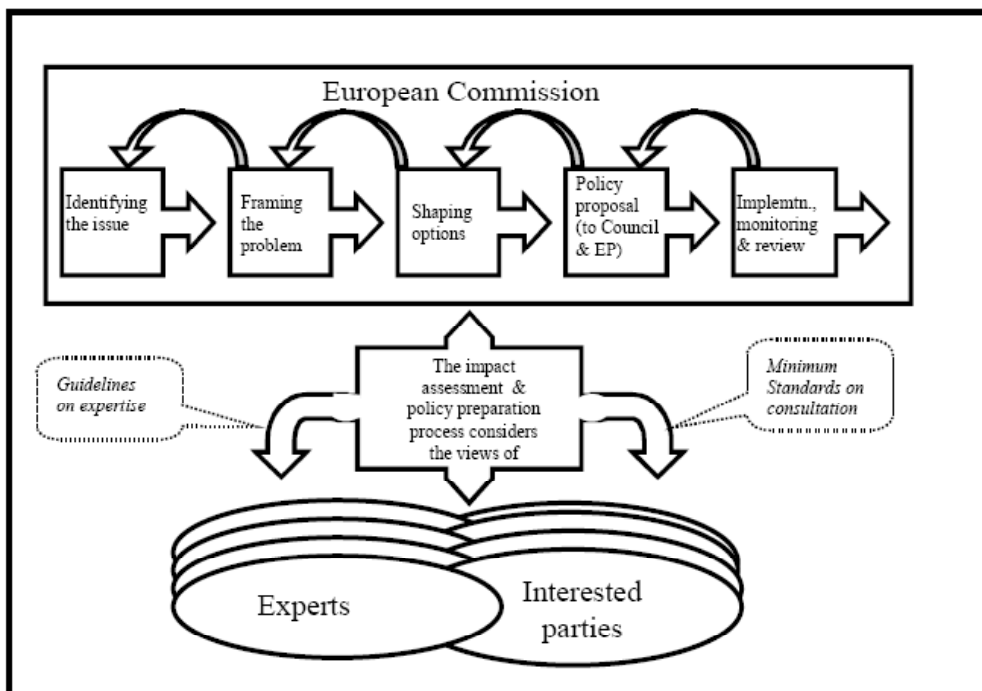


Figure 1.
Policy process

Master Program in Public Policy - The Master should be placed at one or more universities in Bosnia and Herzegovina, but it should include both domestic and international teaching staff. Its curriculum should be harmonized with the educational needs identified in the Public Administration Reform Strategy and coordinated with the Public Administration Reform Coordinators Office. At the same time, the curriculum will have to take over the core of European experience in the field of public policy making. The principal aim of the Master Program will be to build policy-making capacities both in governmental and non-governmental sector. Therefore, it should be open for civil servants, political activists, NGO and civil society activists.

Awareness-raising campaign on public participation in legislative drafting - The Council of Ministers of Bosnia and Herzegovina should ensure an adequate awareness-raising campaign for all active NGOs and CSOs in Bosnia and Herzegovina. The aim of the campaign

will be to introduce the Regulations on Consultations in Legislation Drafting and to invite all interested organizations to take a more active part in the policy-making process. However, if we have in mind the present state of the implementation of Regulations, which seems to be recognized only within the state Ministry of Justice, it is more likely that such a campaign could be a joint effort of some international agencies (for example, USAID, as an organization which was actively involved in the process of Regulations development and enacting), prominent NGOs and state institutions.

In any case, the participation of state institutions will be of crucial importance because that will be a unique opportunity for them to send a positive signal to civil society in terms of their openness and willingness to cooperate. The campaign will be a convenient pressure mechanism for decision-makers to get familiar with Regulations and accelerate efforts on their proper implementation.

The principal target groups of the campaign should be civil servants, NGO and civil society activists and media representatives as well. The process of campaign has the potential to be used for addressing some provisions defined by Regulations and related to the collection of data about the interest groups willing and capable to participate in the consultation process.

A training course for consultation coordinators - Policy-making trainings for trade unions and professional associations (lawyers and legal professionals, health workers, farmers, and other professional associations) should be organized by the Office for cooperation with NGOs or the Council for NGOs that are in the process of establishment, or by other governmental institutions. A number of professional NGOs (Policy Research Organisation and Think Tanks in particular) that are working in the area of policy-making would be brought together with CSOs based on membership that lack the expertise, in order to facilitate the process of full and equal inclusion of professional associations in policy-making processes. The quality of consultation coordinators as well as their sustainability and continuity would be insured if this activity is incorporated in the annual activity plan of some governmental institution.

Developing an independent system of monitoring and reviewing the implementation of the CoM Regulations on Consultations in Legislative Drafting and advocacy for public participation in legislation drafting at lower administration levels - It is more than obvious that the process of implementation of Regulations is very slow and, at the moment, one can say that the state Ministry of Justice is far ahead other state institutions in the application of Regulations. Regulations are designed to be the foundation for ensuring effective public participation in the policy-making process, but, like many other unique legal solutions in Bosnia and Herzegovina (for example, look at the constitutional and legal framework for human rights protection), they are facing the danger of not being implemented at all. Therefore, the development of monitoring and reporting mechanism could partly contribute to resolving this problem. The monitoring and reporting activities should be implemented by the consortium of most prominent domestic non-governmental and civil society organizations. The results of their work have to be presented to the public on a regular basis because both state institutions and the public have to be constantly reminded about the importance of the application of Regulations.

In the later stage, the monitoring and reporting efforts of the consortium could grow into an advocacy campaign directed toward the development and adoption of similar regulations on



the lower administrative level, i.e. entities and cantons. The rationale for this is obvious, since both entities and cantons have very wide jurisdictions over execution and legal framing they are in need of public participation.

A single access point for open consultations - The European Commission introduced a web presentation called “Your Voice in Europe”²³ which represents a single access point for all open consultations at the level of the European Union. Interested parties can review and submit their comments and suggestions on proposed EU policies open for consultations. The web site also offers information on closed consultations and results of the consultation processes.

²³ Available at http://ec.europa.eu/your-voice/consultations/index_en.htm.

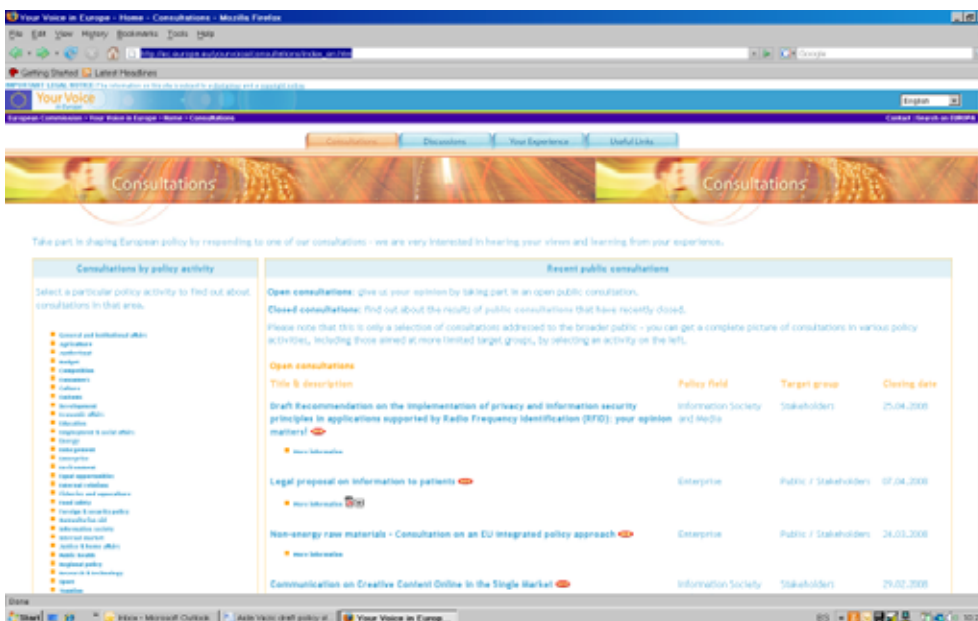


Figure 2.
Your Voice in Europe - European Commission's single access point for open consultations

The government of Bosnia and Herzegovina should be encouraged to introduce the same service and request for this service should come both from international community and civil society. However, if we have in mind the present state of official web presentations of state ministries, especially in the segment of almost non-existent public consultations, it is not very likely that this idea will be welcomed by relevant authorities. Therefore, the option that the above-mentioned consortium of NGOs and CSOs, dealing with monitoring and reporting, could introduce a similar single access point for open consultations is more realistic. In that case, this web site will be an additional monitoring tool which will clearly present the government's determination to act in accordance with the Regulations on Consultations in Legislative Drafting. For example, in case that such a web site already exists, according to the content available on the official web sites of state ministries, it is very likely that it will be empty which could be a clear message that state institutions do not respect Regulations.

Changing the Article 29 of the CoM Regulations on Consultations in Legislative Drafting - The formulation “The Council of Ministers may refuse to place draft legislation on its agenda when the institution fails to provide the required certification or waiver by the head of the institutions” should be replaced with the following formulation: “The Council of Ministers shall refuse to place draft legislation on its agenda when the institution fails to provide the required certification or waiver by the head of the institutions”.

Drafting regulations on the collection and use of expertise by Bosnia and Herzegovina government(s)

The same process that has been conducted with the development and adoption of Regulations on Consultations in Legislative Drafting should be repeated with the regulations on the collection and use of expertise. Although the use of expertise by the government(s) in Bosnia and Herzegovina was not a subject of this particular research, there is enough evidence to draw a general conclusion that the development and use of expertise is very much a part of the international support policies in Bosnia and Herzegovina, while domestic institutions do not have enough incentives to demand this kind of assistance. The process of development of public participation in the legislative process is a perfect illustration for this. Regulations on Consultations in Legislative Drafting are not the initiative of the Bosnia and Herzegovina government structures. They participated in the process, but the process was originally initiated and handled by the USAID. During its implementation a number of experts were engaged and they produced several reports and publications providing expert support for the process.²⁴

²⁴ These reports and publications are available on the official web presentation of the USAID in Bosnia and Herzegovina available at www.usaid.ba.

The adoption of regulations concerning the use of expertise could provide initial incentives for government(s) to demand expertise in the policy-making and decision-making processes. The adoption of these regulations could create environment for gradual withdrawal of the international community from the position of a principal factor creating the demand for expertise. The draft of these regulations should be based on the European principles and guidelines defined in the European Commission Communication on the collection and use of expertise called "Improving the Knowledge Base for Better Policies".

Linking the evidence-based research with the advocacy activities - Analysis conducted by PROs, think-tanks or individual academics should be linked with advocacy civil society organizations that have managed to establish the reputation of successful advocacy within governmental institutions that they have conducted for years. This natural symbiosis of different types of organizations especially needs to target the change of the focus of international and funding organizations.

Creating a clearing web site - Such a web site could serve as an intermediary tool between the suppliers of the policy-related research and demanders of the policy related research. A central database with all available policy studies developed by PROs and academic institutions should be created since the information about existing resources is scattered and incomplete. The Mediaplan Institute from Sarajevo has tried to establish such a database but failed in the implementation of the project idea. Successful examples include the database of the Centre for the Promotion of the of Civil Society resource centre that can be accessed at www.civilnodrustvo.ba. The task of the creation of this web site could be undertaken by the Office for Cooperation with NGOs.

Establishing the National Foundation for the Civil Society Development - Civil society is still far from being a relevant factor in the decision-making processes in the country. Furthermore, the role and potential of civil society is abstract and basically incomprehensible to the government, business and even civil sector itself. Civil society in Bosnia and Herzegovina is in the early development stage and in need of different policies and activities which will create good conditions for the future development of the sector.

One of the future policies for civil society strengthening could be the establishment of the National Foundation for Civil Society Development, similar to the one established in Croatia²⁵.

²⁵ More information about Croatian National Foundation for Civil Society Development available at http://zaklada.civilnodrustvo.hr/index.php?p=eng_vijesti_i_priopcenja&s=6.



This approach could help in upgrading the relationship between the governmental sector and civil society and creating better environment, especially financial one, for the sustainable development of the civil society. Taking into consideration both experience from Croatia and the reality of Bosnia and Herzegovina, it seems appropriate that the Foundation of this kind should be founded and financed by the state. It should be a public foundation founded by the special Act adopted by the highest legislation body with the basic purpose of promoting and developing civil society in the Bosnia and Herzegovina. Like in Croatia, the Foundation should work as a foundation of mixed type, meaning the combination of an operative foundation and a foundation which allocates financial support. In the initial stage, the Foundation must have founding capital which is to be provided by the state and international donor agencies active in Bosnia and Herzegovina. Also, some additional relevant laws (tax law, etc.) are to be amended in order to ensure constant inflow of fund, usually a part of the income from games of chance or other appropriate funds from the State Budget. Also, the good solution would be to adopt a kind of memorandum of understanding between the Foundation and international donor agencies aimed at ensuring their continuing commitment to the work of the Foundation.

The definition of the Foundation's mission, vision and goals should not be significantly different from those of the Croatian civil society foundation. Its vision is "the creation of an active civil population in the development of a modern society aimed at the establishment of social justice, equal opportunities for all citizens, tolerance, participatory democracy, improved conditions and quality of life and the spread of the field of public influence" (National Foundation for Civil Society Development, 2008)²⁶. To be more precise, the Foundation aims will be social mobilization, inclusion, empowerment and active citizenry; building up the capacities of the civil society; development of inter-sector cooperation and networking in general; development of inter-entity cooperation; development of cooperation between so-called professional non-governmental organizations and traditional-membership-based civil society organizations; increasing the influence of the civil society in the processes of government decision-making. It is important to emphasize that equal attention of the Foundation should be paid to the cooperation with three sectors: public, business and not-for-profit or civil sector.

To be fully operational, the Foundation will need a few organizational bodies such as the Management Board, the Director and additional auxiliary bodies of permanent and ad hoc character founded for different purposes.

The way to ensure a certain level of independence in the work of the Foundation will be through its Management Board. It is absolutely necessary for the majority of the Board to be made of individuals with recognized civil society background, while the rest of the Board should consist of government representatives and representatives of the international community.

If properly implemented, the idea of the National Foundation for Civil Society should have a potential to immediately address several problems currently facing contemporary civil society in Bosnia and Herzegovina:

- The firm government commitment to development of civil society
- A low level of financial sustainability of the civil society
- The ethnic division of the civil society
- A low level of the business sector support for the civil society development
- The lack of cooperation between professional non-governmental organizations and traditional civil society organizations

²⁶ National Foundation for Civil Society Development. "The Foundation - its mission, vision and goals" (http://zaklada.civilnodrustvo.hr/index.php?p=0_zakladi&s=31) (Accessed 15. January 2008)

- The lack of transparency of civil society organizations
- The non-existent positive public image of the civil society

The initiative related to founding of the National Foundation for Civil Society Development in Bosnia and Herzegovina should start with the development of adequate policy recommendation, advocacy and lobbying among the governmental executive and legislative bodies and international community.



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A "Policy Development Fellowship Program" has been launched by the Open Society Fund BiH in early 2004 with the aim to improve BiH policy research and dialogue and to contribute to the development of a sound policy-making culture based on informative and empirically grounded policy options.

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