
Why is NGO Potential Unrealised?

Qualitative analysis of the
NGO sector in BiH – What can
be done?

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The situation in BiH – Do NGOs demonstrate social awareness?

Bosnia and Herzegovina has been in a deep social and economic crisis since 2009. A smaller share of the crisis is caused by the global economic crisis, but its larger share is a result of the incapability of local governments to initiate necessary reforms and respond to the global crisis.

After a period of stable GDP growth from 2000 to 2008, the GDP dropped by almost 3% in 2009, in 2010 it rose by 0.5% in comparison to 2009, and in 2011 its growth remained equally small. In 2012, GDP growth in BiH will, optimistically speaking, be at 0, and the development level of the country will be lower this year than in 2008. The unemployment rate is 28% (ILO methodology), while administrative data go up to 44% (the difference is made up of the registered unemployed who work „off the books“). According to the latest estimate of the World Bank, 30% of the population lives in poverty or at risk of poverty, while 60% live in a state of social exclusion.

In this situation, opposite to the elementary logic of responsible policy-making, a deeply rooted political crisis was opened after the 2010 general elections. The BiH Council of Ministers was formed 16 months after the elections, and its formation was immediately followed by the opening of the crisis in FBiH, where the Government remained in a *de facto* technical mandate. Political parties and their leaders have spent over 2 years on transforming and restructuring parliamentary majorities at all levels, and institutions (governments, parliaments, etc.) are *de facto* inoperative.

At the base of the problem is the existing “political system” which, apart from formally, is not even remotely related to a multi-party parliamentary democracy. Instead, we have “multi-party singlepartism” in which political parties behave as in the period of “command economy” and single party Government, only this time limited to those parts of territory where they were elected and which, depending on the number of their voters, enable them to “share the plunder”, meaning power.

In the expressively negative BiH 2012 Progress Report, the European Commission quite rightfully states: „In May, following the adoption of the 2012 State budget, disagreements between parties in the governing coalition emerged. This started a process of reshuffling at the State, Federation and cantonal levels. Due to political disputes and ongoing legal challenges, the outcome of this reshuffle remains uncertain.“

The Government, authorities and Parliament are not realised as citizen services or agents of country development, but as an instrument for controlling public revenues, public companies, ministerial and other positions, etc. All failures in reducing public expenditures, which is a fundamental, structural reform this country desperately needs, were caused by the fact that such reforms are not in the interest of “multi-party singlepartism”, that is, all political parties, because it would reduce the “election plunder” and rock the foundations of the “Frankenstein-like” party system. This governance model is the “birthplace” of the systematic corruption which seems to be “metastazing” in BiH.

On the other hand, cross-party agreements which have formed the new parliamentary majority at the BiH level lead to the strengthening of partisan powers (closed lists, manifold increase of donations to parties from legal and physical persons, significant reduction of positions of civil servants, etc.). The EU accession process was stopped in 2010 and in that respect, BiH is dramatically behind other countries of the region. Inevitable future deterioration of the already bad economic and social situation in BiH in 2013, and complete alienation of the government from the real problems of citizens will ultimately lead to social upheaval and conflicts, with unpredictable political results.

The general context described above is definitely not a favourable environment for the development of civil society and civil society organisations (CSOs). The real question is whether NGOs have, considering their quantitative capacities, succeeded in “civilizing” the described real politics and articulating civic awareness as opposed to the visibly predominant apathy, and, first and foremost, directing and articulating social inclusion in its broadest sense. More precisely, do NGOs have any social awareness and are they truly the defenders of the interests of the poor, marginalised and, therefore, excluded citizens. We estimate that the answer is negative. Further on, we analyse why that is so and what can be done to make a difference.

Serious research of the NGO sector began in 2005 and intensified in 2010. Systematic, core support to this area of research is still lacking. Studies and research from which information was taken for the preparation of this document are listed at the end.

The NGO sector in BiH – Unrealized potential

The last methodologically relevant estimate of the number of NGOs in BiH was made in 2008 and amounts to 12,189 NGOs. For comparison, there are 18,119 registered NGOs in Serbia, 11,326 in Macedonia, and

3,454 in Montenegro, which shows that BiH is among the countries with the most NGOs relative to the number of population in the Western Balkans. Of course, comparisons with EU countries are not of great use (for example, Hungary has 40,000 NGOs while Croatia, which will soon become an EU member, has over 45,000).

Associations primarily operate at the local/cantonal level and, in most cases, they are registered at the same level. Only 19.2% of associations are registered at the BiH level, at the Ministry of Justice, the smallest number is registered at the entity level (6.4%) and most NGOs (47.8%) are registered at the cantonal level. Most active associations are registered in smaller towns with populations up to 100,000 (51.1%), whereas least associations are registered in rural areas with less than 1,000 population (7.7%). Out of the overall number of active associations in Bosnia and Herzegovina, 15.9% operate in Sarajevo, the capital of Bosnia and Herzegovina.

Due to different levels of NGO registration, duplications undoubtedly appear; the number of active NGOs is drastically smaller and does not surpass 5,000. We estimate that there has been a significant increase of registered NGOs over the past 2 years, but it is difficult to estimate the number of active NGOs.

The overall number of associations founded to work for the interests of their members is 71.8%, compared to associations which work for general interests of which there is only 28.2% in the overall number of associations. Most associations in Bosnia and Herzegovina were registered after the 1991 democratic changes, whereas only 9.4% of associations were registered prior to 1991.

Furthermore, the civil society of Bosnia and Herzegovina is dominated by small NGOs (with a maximum of 10 employees or 100 active members/volunteers), which make up 85.4% of associations in BiH. Associations with more than 10

employees or 100 members/volunteers are considered to be large NGOs (14.6%).

Apart from activities which are directly related to the consequences of war, there are several differences in the fields of work of the NGO sector in BiH, when compared to more developed countries. The main areas of NGO activities include: culture and recreation, economic and social services, civil services and advocacy. In the mid-2000s, NGOs provided services for 29% of BiH citizens, and 60% of NGOs acted on the local, municipal level.

Researches of the funding of NGOs from local budgets were conducted in 2007, 2008 and 2010. The overall planned funds from institutions for the NGO sector in 2010 amounted to 114,078,193.73 BAM (0.48% of the 2009 GDP). Governmental institutions planned 3,955,197.70 BAM less funds for NGOs in BiH in 2010 than in 2008.

The overall planned allocations of institutions in 2010 were 75,269,352.73 BAM in FBiH; 33,647,941.00 BAM in RS and 3,241,900.00 BAM in BD BiH. Around 66% of the total amount planned was allocated in FBiH, 29.5% of the overall amount was allocated in RS, whereas 2.8% was planned in BD BiH. The remaining 1.7% was planned at the BiH state level. FBiH planned 6% more than in 2008, whereas 6% less than in 2008 was planned in RS. Brčko District BiH planned 43% less funds than in 2008.

As much as 31% of funds (35,698,841.62 BAM) were allocated without adhering to tender procedures. A total of 78,379,352.11 BAM of the granted funds was allocated through tender procedures, which is less by 8.4% in relation to 2007.

Out of the institutions that allocate funds, 76.9% demand both financial and narrative reports to be submitted by the association/NGO, while 5.2% of institutions allocate funds without any reporting obligations. A total of 14.4% of governmental institutions demand to receive only financial reports, and 3.5% demand only narrative reports.

Of the overall number of institutions in BiH, 69% are FBiH institutions and they allocate the aforementioned 66% for FBiH. RS institutions make up 26% of all institutions in BiH and they allocate 29.5% of total funds within RS. The remaining 4.7% of the overall number of institutions in BiH are State-level and BD institutions, which allocate 4.5% of total planned funds. Observed by administrative levels, municipal levels allocate most funds (47.1% of municipal institutions allocate 53.2% of overall planned funds). It is clear that the transparency of NGO funding dropped significantly since 2007.

A view from within

All interviewed organizations stated, without exception, that the biggest problem in their work is the complete lack of a favourable environment for the work of NGOs. Local institutions and sources of funding declare to be supportive of the work of NGOs, but this support is rarely realised in practice. Governmental institutions prefer to fund a large number of organizations with minimum funds and material support, than to provide comprehensive core support to a small number of quality organizations. Their goal is to maintain the *status quo* and ensure that everyone gets a small piece of the cake, regardless of the size, scope of activities, number of activities or the quality of work of an organization. Municipalities throughout BiH try to satisfy the needs of a large number of NGOs in local communities with very little funds. On the other hand, NGOs also have to cover basic expenses, which is the reason why only a fragment of the allocated funds reaches the final beneficiaries.

According to the statements from interviewed NGOs, this environment makes it very difficult to separate good quality, professional organizations which meet the needs of their beneficiaries, from those which represent individual interests and change their mission and vision whenever opportunity arises. As a result, non-governmental organizations have to turn to foreign donors and their ever decreasing support, which is often held against them in public.

In spite of a lot of bitterness towards donors and non-transparent criteria for funds allocation, most respondents were familiar with cases of non-transparency in the work of NGOs as well. They believe that specific members in some organizations implement

*There is a need to perform a realistic and adequate analysis of the number of the existing **active** NGOs, for example on a yearly basis, as well as to analyse the planned budget and allocated funds for the work and activities of NGOs.*

projects for their personal gain. However, local communities are mostly well aware of such practices and have learned to differentiate quality organizations from low quality or even criminal organisations. Unfortunately, there are no appropriate mechanisms in place to control their work. Most organizations are controlled exclusively by (foreign) donors, who only inspect the spending of their own funds. The overall work and funding of NGOs should be monitored more precisely through the work of inspections in charge and the Financial police.

The number of 12,000 NGOs (data from 2008) included all registrations at all levels in BiH. Apart from that, it is important to emphasize that the number also includes all 'citizens' associations', which also includes sports, cultural, hobby, expert and many other subcategories of associations. Of course, the exact number of organisations is impossible to determine without a unified registry which would gather data from all over BiH, categorize registered organisations by their goals and mission, and from which organisations would be erased after a long period of inactivity is determined. If the actual number of active NGOs was available, along with the amount allocated to the NGO sector, the premise that the NGO sector is as developed as it is presented to the public would be highly questionable. Most respondents

With the aim of analysing the NGO sector „from within“, from the perspective of NGOs themselves, we interviewed 19 representatives of different NGOs across BiH (from the Federation of BiH, Republika Srpska and Brčko District). We selected different NGO profiles, and the main criterion was the quality of their work and positive results realised at the local or higher levels. We also had an in-depth discussion at a focus group (in which 3 NGOs participated) and at a meeting of the IBHI Peer Advisory Board.

Organisations are not satisfied with rare and non-transparent calls for funding from public budgets. It is a common appearance, even a routine never to approve the total amount for which an organisation applied at a call for funding. The relevance of the publicised sum of allocated funds from municipalities for NGOs is also questionable, considering that budgets are often revised and that funds meant for NGOs are often reallocated for other purposes.

A negative example of the attitude the media and the public have taken towards NGOs in BiH is the appearance of a member of BiH Parliamentary Assembly, Aleksandra Pandurević, and an SNSD politician Drago Kalabić, whose statements were broadcast on prime-time evening news of RTRS on 16/09/2012. Aleksandra Pandurević's following statement was reported in other media such as Glas Srpske, Nezavisne novine, etc: „All non-governmental organisations funded from foreign donations and grants should post a warning on their websites and publications stating that they are organisations working as foreign agents. The Ministry of Justice should publish a register of such organisations and their financiers.“ In her words, nobody can be allowed to „work against BiH citizens“ while receiving foreign donations.

expressed the attitude that the actual number of active NGOs in BiH is significantly smaller, while a large number of registered NGOs largely contribute to diminishing the results of the truly active NGOs.

According to most respondents, the media also contributed to the drop of credibility of NGOs in the public eye. Apart from not being sensitive enough to specific issues of public interest, the media are focused on their personal interests as well, and in most cases are not independent from politics. As a negative example, more than half of the respondents cited the recent excess of SDS and SNSD politicians (see box).

When the media broadcast and publicize such attitudes of politicians who fight against the democratic role of NGOs as a corrective to the government with all their might, it will naturally lead to the demise of NGO credibility. That is when non-governmental organisations start to do the job of public servants and institutions, instead of controlling them and being their partners. Unfortunately, the media, which are also a part of civil society, choose to stand by their financiers in this struggle.

Media representatives often fail to adhere to professional standards, which confirms that they are also going to a transformation process. It is highly indicative that respondents from Republika Srpska had the most complaints about the work of the media.

Political influence within the NGO sector is an 'open secret'. Respondents were aware of some political parties using the NGO sector during the election campaign to further their goals by providing them financial support or empty promises. In this way, the most vulnerable groups of citizens are abused (children, victims of violence, single mothers, etc.), and the supposed help and assistance end when the election campaign ends. Apart from that, there have been many incidents when NGO activists transition to public service after the elections, which clearly questions their non-partisan nature.

Regardless of results achieved by the NGO sector in BiH being diminished by poor (positive) media coverage, the fact remains that there have not been any long-term, essential changes, especially in the eyes of beneficiaries. This is partly due to the fact that BiH is an extremely poor country and the needs of its population by far surpass the aid which is "in circulation", regardless of whether it is domestic or foreign aid. When combined with various abuse and bad donor planning, the results are additionally reduced. By bad planning, we mean the allocation of funds for issues which are far less urgent in the BiH context when compared to the fundamental issues which are, in proportion, funded very rarely. For example, the NGO society proverbially recounts the case of the public call for proposals whose goal was to examine the influence of climate change on gender in u BiH, while on the other side, the BiH

society has catastrophic poverty and unemployment rates. Donors should give thought to long-term projects which will resolve fundamental systemic issues; only then will we have the luxury of providing for the procurement of better IT equipment, capacity building and similar 'issues'.

There is visible complementarity between the estimates of NGOs themselves and numerical indicators of the organisational and financial capacities of the NGO sector in BiH.

The statement made by the Prime Minister of the Zenica-Doboj Canton, Fikret Plevljak, during the work of the informational gathering of the Zenica Anti-Corruption Network: „...in many cases, the non-governmental sector does the dirty jobs of some powerful people in this country“ was published on 13th September 2012 on the rtvze.ba portal. Citizen Action from Zenica reacted to the statement, demanding concrete names and examples. As far as we know, there was no reply.

'Grassroots' projects have started to die out and more and more organisations are turning to advocacy and making policy documents. Nobody wants to work on concrete projects. Another problem is the existence of one person organisations which are only active while that person is, otherwise they are shut down.

What is wrong?

In the general, conceptual sense, there is a reduction of the interpretation of civil society, or the civil character of society. There is an indirect or direct failure to understand nationality, especially national equality. As an abstraction, the citizen is removed from the nation, and it is believed that equal citizens will automatically ensure national equality. In the multinational BiH, the realisation of that concept would definitely lead to the abolition of constituency of nationalities and the domination of the majority which is, as history demonstrated, realised through a unitary state structure and centralisation. Choosing a national or non-national identity is a fundamental human right. Therefore, "pushing" people into nationalities is equally unacceptable. The stated contradictions within civil society caused the following problems:

- A distinctive nationalistic division of CSOs dealing with general social issues, from those which are radically nationalistic, to those whose anti-nationalism produces an indirect or direct attitude about the need to abolish nationality;
- Through that, the nationalistic division of the political elites met their counterpart in one part of NGOs, causing the loss of potential of civil society to initiate real changes in society.

Alen Zaimović's research (IBHI) on a sample of 75 NGOs and governmental institutions shows that from 32% of NGOs „someone started working in a governmental institution“, while from 20.6% governmental institutions „someone started working at an NGO (unpublished).

Due to the fact that local budgets have been taking over the primary role in NGO funding since the beginning of 2000s, which is definitely a positive process, a phenomenon of “governmental non-governmental organisations” occurred in the margins of that process. Specifically, we are referring to the funding of NGOs (without tenders, projects, reporting obligations, etc.) which then recruit the voting machinery for governments (parties in power), or support the governments in other ways. This also leads to some sort of symbiosis of personnel, „governmentalisation“ of the NGO sector. The direct teaming of political parties with the part of NGOs which then become the agents of those parties, instead of the development of civil society, is also a part of this problem.

The so-called “business orientation” of work has gotten fully defined in a significant part of NGOs, where activities are focused on maintaining and defending the financial and other interests of NGO employees and their managerial technostucture, whereas the needs of beneficiaries, citizens who are the main reason for receiving grants, are neglected. The dominant “donor-driven” type of projects in both foreign and domestic donors also contributes to this. Any awareness on the mission of civil society is lost in the “project industry.”

The absence of precise legal regulations and any type of financial control/auditing makes a very “favourable environment” for this type of “NGO business,” lack of transparency and illegal activities both in domestic and foreign NGOs. On the other hand, it is an unfavourable environment for those NGOs that really try to enhance civil society.

The Federal Administration for Inspection has, in October 2012, warned the FBiH Government that out of 67 foreign humanitarian NGOs (who received the permission of the FBiH Government to work on its territory), only several work in accordance with the Law, whereas most of them work outside the Law („off the books“ employment, tax and contributions evasion, profit making activities, etc.). Due to non-existence of inspection controls for local NGOs, there is no similar data regarding them, but we believe that many irregularities could also be found there.

We can conclude that both NGOs and donors continually fail to recognize the real dimensions, depth and dynamics of the deterioration of the social situation in BiH. The fundamental values of civil society are equality, dignity and inclusion of everyone or, in other words, the realisation of human rights. Today, poverty and social exclusion are BiH's most significant factors threatening the values of civil society. However, this is not perceived as significant in the NGO sector and the social aspect of civil society is lacking. The only exception is the portion of NGOs working on the local-municipal level.

Interestingly, most donors, especially foreign, do not focus on resolving social issues. Problems still exist, although there has been visible progress in that respect over the last 2 years. Regarding domestic donors and budgets, especially those from the municipal level, they have also started to allocate more funds (in 2010 allocated funds grew by 10% compared to 2008), although their participation in overall allocations from domestic budgets from all levels remains insufficient (21.6% in 2010).

What must be done?

When considering the most common problems that non-governmental organisations in BiH face, it becomes clear that they themselves, unfortunately, also largely contributed to the creation of many of those problems. Without a doubt, external factors (domestic and foreign donors' policies, inadequate legislative framework, etc.) also had a significant role in creating the bad situation within the NGO sector, but non-governmental organisations are also not immune to temptations such as non-transparent work and spending of funds, corruption, etc.

However, there are still many organisations which have demonstrated excellent results while also adhering to the fundamental values and principles of the work of civil society. Many such organisations are often left out of the public eye, and are not interesting enough to the media in BiH. It is precisely these organisations that must initiate reforms within the NGO sector in BiH by lobbying for more transparency and efficiency on the side of NGOs and for the standardisation of procedures of allocation and spending of funds. In order to request fundamental changes from the governments in BiH, the situation within the NGO sector must first be regulated. That is the only way to improve the credibility of the NGO sector (which is virtually non-existent) in the public eye enough to make all initiatives, criticism and suggestions that have been coming from the civil society finally resonate among the BiH population.

Below we list recommendations for future steps of NGOs. Their main purpose is to increase the influence and the constructively critical role of the NGO sector.

1. In cooperation with governments at all levels, NGOs should start creating a favourable environment for the development of NGOs. First and foremost, this means regulating the work of NGOs legally and in other ways, including financial control and NGO registry. To this end, NGOs should make preparations for the adoption of the Cooperation Agreement with all levels of executive and legislative governments of BiH, entities, cantons and municipalities.
2. Non-governmental organisations should actively promote the establishment of public and transparent support, partnership and funding mechanisms for civil society activities from budgets at all levels of government through drafting and adopting the Code of Funding, as well as through application and further development of funding mechanisms.
3. NGOs should become a lot more active in constant monitoring of the implementation of public policies. That is why they should initiate networking and coordinated cooperation between research organisations (think-tanks, institutes) and implement joint projects and programmes in the area of policy making, monitoring and evaluation of public policy results and effects.
4. The NGOs' mission is to express the interests of BiH citizens. Presently, that includes the fight against poverty and social exclusion. NGOs are expected to initiate civil-socio-civic pressure on the governments, instead of mere "academic" criticism. Non-institutional pressure is a legitimate means of expressing the interests of vulnerable citizens, and the use of informal forms of engagement such as social networking is, as many examples show, highly effective.
5. It is necessary to introduce and promote a comprehensive system of quality control for non-governmental organisations, with the aim of professionalization and standardisation, as well as eliminating negative practices.
6. We also recommend NGOs to be more active in establishing and maintaining different forms of both formal and informal consultations between governments and CSOs, which will enable them to be included in all phases of the process which leads to the creation of reform policies, strategies and laws.
7. It is necessary to initiate the introduction of the independent reporting obligation at least on an annual basis, with the goal of increasing transparency and justifying funds spending within NGOs (the issue of NGO funding received a lot of public attention, and very few organisations even try to change the negative image of corruption in non-governmental organisations by simply increasing their transparency).
8. Non-governmental organisations have to initiate the independent reporting obligation on the progress of BiH in the EU integrations process, as well as to become actively involved in monitoring and evaluation of the Action Plan for the Implementation of the Strategy of Introducing the Decentralized System for Managing Assistance Programs of EC in BiH, realised by the BiH Council of Ministers.
9. NGOs should relate their activities to strategic planning at all levels of governments in order to make strategic activities complementary to the activities of the governmental sector.

Recommendations to governmental representatives:

1. There are 3 laws being processed by the Parliamentary Assembly of BiH: Law on Associations, on Foundations and Endowments. In order to introduce the necessary financial control over the work NGOs, it is necessary to include the following article into the Law on Associations and Law on Foundations: „Supervision over the financial management of associations (foundations in the Law on Foundations) is realised by the Audit Office of the Institutions of BiH and other institutions in charge“. Apart from that, it is important to maintain articles of both laws which prescribe inspection supervision over the work of associations and foundations in the application of laws and regulations implemented by the Ministry through

administrative inspections. Changes in entity laws have to be made identically and with the same goal.

2. It is necessary to found a **functional** and **independent** organisational unit or coordinator for cooperation with NGOs within relevant institutions at all levels of government (BiH, entity, cantonal, municipal) for cooperation with NGOs, which could have a ministry-coordinating role and that could coordinate cooperation with NGOs, especially in the funding area. A part of the existing surplus of public servants could actually be put to work this way.
3. To establish civil society development councils as advisory expert bodies for legal and financial issues of the civil society at the parliamentary level of BiH, FBiH, RS and, if needed, cantons in FBiH.
4. In September 2001, the Council of Ministers drafted the Framework Law on the Establishment of a Common Register of NGOs in Bosnia and Herzegovina, in order to establish a joint database and harmonise registration procedures at all levels. The draft was sent to the Parliamentary Assembly and we recommend its adoption as soon as possible.
5. It is necessary to clearly define activities of those NGOs which are of public interest or for the public welfare (activities which will become the obligation of the state, if not covered by the scope of work of NGOs).
6. It is very important for governments to enable the inclusion of NGOs into the public policy making process at all levels with the aim of exchanging information and consultations (through organizing round tables, workshops, focus groups, forums, etc.), as well as through nominating CSO representatives into temporary and permanent working bodies, commissions, boards as part of executive state bodies dealing with crucial social issues.
7. We especially recommend enabling NGOs easier access to European and other funding through the establishment of appropriate mechanisms of co-funding for financial support and assistance (funds, foundations, etc.).
8. It is necessary to include NGOs as much as possible into the preparation of strategic documents (which would be especially beneficial at the municipal level).

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