

Civil Society Facility 2013, amending the programme for 2011-2012

(4) Country Fiche: Bosnia and Herzegovina

1. Basic information

1.1 CRIS Number: 2011/22-965; 2012/23-324; 2013/24-081

1.2 Title: Civil Society Facility Bosnia and Herzegovina Programme

1.3 ELARG Statistical code: 35 (Civil Society)

1.4 Location: Bosnia and Herzegovina

Implementing arrangements:

1.5 Contracting Authority: The European Union represented by the European Commission

1.6 Beneficiary: Civil society organisations in Bosnia and Herzegovina and governments' institutions directly responsible for cooperation with the civil society organisations.

Financing:

1.7 IPA contribution: **Total: EUR 8 500 000**
2011: EUR 3 000 000
2012: EUR 3 500 000
2013: EUR 2 000 000¹

1.8 Final date for contracting:

30 November 2012 for the 2011 budget appropriations
30 November 2013 for the 2012 budget appropriations
30 November 2014 for the 2013 budget appropriations

1.9 Final date for execution of contracts:

30 November 2015 for the 2011 budget appropriations
30 November 2016 for the 2012 budget appropriations
30 November 2017 for the 2013 budget appropriations

1.10 Final date for disbursements:

30 November 2016 for the 2011 budget appropriations
30 November 2017 for the 2012 budget appropriations
30 November 2018 for the 2013 budget appropriations

¹ Budget appropriations for 2013 are subject to the approval of the Budget Authority of the 2013 budget

2. Objective and Project Purpose

2.1 Overall Civil Society Facility Objective and Programme Purpose:

The Commission Communication on the Enlargement Strategy and Main Challenges 2007-8² and the latest Strategy Documents (2008, 2009, 2010 and 2011³) underline the importance of civil society being able to play its role in a participatory democracy.

The 'Civil Society Facility' (CSF) was set up in 2008 to financially support the development of civil society. This programme sets out the strategy and scope of activities for the CSF for the next three years with associated budget appropriations for 2011 and 2012, as well as for 2013 subject to availability of funds for this purpose under the 2013 budget. In line with the original vision for the Civil Society Facility (CSF), the overall **objective** for the CSF programme for the period is: *'To contribute to anchoring democratic values and structures, human rights, social inclusion and the rule of law, thereby supporting the EU integration process.'*

The **programme purpose** is to achieve: *'A more dynamic civil society actively participating in public debate on democracy, human rights, social inclusion and the rule of law and with capacity to influence policy and decision making processes.'*

For the period ahead, the CSF will focus on the achievement of **three outcomes** which have been identified on the basis of needs analyses⁴, internal and external reviews, and feedback from EU Delegations responsible for national programming:

- Greater benefit of civil society from national legal and financial frameworks and improved dialogue with state institutions;
- Greater commitment and capacity of civil society organisation (CSO) networks to give citizens a voice and influence public sector reform processes through analysis, monitoring and advocacy etc; and
- Increased access of grass-root organisations and civic initiatives to financial resources, in-kind contributions and expertise from established CSOs and CSO networks.

2.2 Bosnia and Herzegovina Fiche Purpose

In line with the CSF objective and programme purpose, the country purpose is to assist development of a strengthened civil society and more knowledgeable Governments' designated institutions to be valuable partners to each other in democratic reform processes. The CSOs are to better represent the citizens in the policy and decision making processes including the accession to the EU. In addition, stronger pressure group/s on the Governments advocating for a better and more timely response to citizens' needs in multiple areas will be supported.

² COM (2007) 663 "Enlargement Strategy and Main Challenges 2007-2008"

³ COM (2008) 674 "Enlargement Strategy and Main Challenges 2008-2009"

COM (2009) 533 "Enlargement Strategy and Main Challenges 2009-2010"

COM (2010) 660 "Enlargement Strategy and Main Challenges 2010-2011"

COM (2011) 666 "Enlargement Strategy and Main Challenges 2011-2012"

⁴ TACSO (2010): "Civil society organisations' capacities in the Western Balkans and Turkey - A comparative summary of the eight country CSO needs assessments"

This programme represents a qualitative move from supporting civil society organisations through grants for individual projects to assisting them to play a strategic role in the development of Bosnia and Herzegovina and their accession process to the European Union.

Bosnia and Herzegovina does not currently have a strategy on how to involve civil society actors in the reforms in various fields, development of society, and programming processes.

The country purpose is therefore strongly linked with all three outcomes identified under the overall CSF objective.

There will be a focus on capacity building of government institutions and civil society to engage in a dialogue in order to meet the first outcome.

Support to CSOs in several different areas such as environment and climate change, fight against corruption, awareness building in the area of justice and security, and culture etc. will be reinforced in order to meet the second outcome.

The third outcome will be achieved through the reinforcement of local democracy.

Based on the country fiche purpose, the following **provisional indicators** have been identified at this level:

- legal framework for an institutionalised cooperation between the governments/parliaments and CSOs developed (laws, by-laws, institutional mechanisms etc. adopted)
- number of municipalities which made a decision to use new transparent mechanisms when disbursing funds to CSOs
- high quality CSOs initiatives in several areas developed and their campaign managed and impact of their activities strengthened

2.3 Link with recent Enlargement Strategies and Progress Reports

The Enlargement Strategy 2010-2011 outlines the following:

"Civil society activities are essential for a mature democracy, the respect for human rights and the rule of law. Such activities enhance political accountability, stimulate and expand the space for discourse on societal choices and strengthen the consensus for a pluralistic society. By contributing to a more open, participatory and dynamic democracy, a lively and vibrant civil society is also conducive to tolerance and reconciliation. The involvement of civil society organisations in the pre-accession process contributes to the quality of and public support for accession-related reforms.

A culture of acceptance and appreciation of the role played by civil society need to be in place to allow civil society organisations to engage in an effective policy dialogue. Public consultation on policy initiatives and draft laws should become the general principle. The access of civil society to government support is frequently hindered by a lack of transparency and poorly developed allocation criteria.

The civil society facility helps civil society organisations to strengthen their capacities and professionalism, allowing them to engage in an effective dialogue with public and private actors and to monitor developments in areas such as the rule of law and respect for fundamental rights. The facility finances initiatives at local level, regional networking and short-term visits to the EU.

The Commission has reviewed the facility to better reach out to local community-based organisations, taking into account feed-back from civil society organisations. The Commission will better target needs in each country and provide longer-term seed-funding to NGOs. Stronger, well-established organisations could become mentors and facilitators for smaller organisations."

For Bosnia and Herzegovina, the 2010 Progress Report further specifies:

*"Development of **civil society** in Bosnia and Herzegovina continues to be supported under the Civil Society Facility, with an emphasis on anti-corruption measures, environmental protection, local democracy and networks of civil society organisations.*

The cross-border cooperation programmes between Bosnia and Herzegovina and its neighbours Croatia, BiH and Serbia were revised to include the additional financial allocation for the period 2010-2011. Implementation of the 2007-2009 cross-border programmes is continuing.

Bosnia and Herzegovina's Constitution provides for the freedom of expression, but a growing number of journalists and editors are subject to physical violence and intimidation, including death threats. Political pressure on the media increased and the independence of the Communications Regulatory Agency continued to be undermined. In certain cases, public bodies continued to deny access to information, even after the Ombudsman issued a recommendation to provide access. An increasing number of complaints about news reporting and Press Code violations have been filed with the Press Council. However, the self-regulating Press Council has not been sufficiently active in enforcing professional standards. Implementation of the Freedom of Access to Information Act remains insufficient. Journalists investigating corruption have faced intimidation.

Freedom of assembly and association are enshrined in the country's Constitution. However, further cases of violence and threats against human rights advocates and civil society organisations have been reported, mostly involving activists investigating suspected corruption.

The governments of both Entities and of Brčko District as well as many municipalities adopted cooperation agreements with civil society organisations. At State-level, the office for NGO Cooperation within the Council of Ministers has not been established as envisaged in the cooperation agreement between civil society and the Council of Ministers. The administrative capacity of the department for cooperation with civil society at the Ministry of Justice is weak. Resources for the Civil Society Board remain inadequate and funds allocated to human rights and environmental organisations are insufficient. The development of civil society in Bosnia and Herzegovina requires further support and more transparency in the allocation of funding".

The Enlargement Strategy 2011-2012 re-emphasises the importance of developing civil society as an essential element of pluralistic democracy in the region. The 2011 Progress Report for Bosnia and Herzegovina further highlights a series of issues of relevance to civil society:

*"Development of **civil society** in Bosnia and Herzegovina continues to be supported under the Civil Society Facility, with the emphasis on building the capacity of government institutions and civil society to engage in a dialogue, reinforcement of local democracy, environment and climate change.*

*As regards ratification of **international human rights instruments**, Bosnia and Herzegovina has ratified all major UN and international human rights conventions. However, in a number of cases, the decisions of the Constitutional Court of Bosnia and Herzegovina have not been enforced, which led to cases being lodged before the European Court for Human Rights (ECtHR). During the reporting period, the ECtHR delivered 2 judgements finding that Bosnia and Herzegovina had violated rights guaranteed by the European Convention on Human Rights (ECHR). A total of 507 new applications were filed with the ECtHR since October 2010. In September 2011, 1350 allocated applications regarding Bosnia and Herzegovina were pending before the Court.*

*Little progress has been made in the **promotion and enforcement of human rights**. Despite the fact that the Constitutional Court of Bosnia and Herzegovina has been confirmed as the competent body to review the proper implementation of the outstanding decisions of the Human Rights Chamber (HRCh) and the Human Rights Commission (HRCOM), the enforcement of pending decisions remains an issue to be addressed.⁵*

*Overall, the legal and institutional framework for the observance of human rights is in place. However, Bosnia and Herzegovina made little progress in improving the enforcement of international human rights legislation. Credible efforts towards the implementation of the ECtHR decision in the *Sejdić-Finci* case in order to comply with the ECHR remains essential.*

Overall, civil and political rights in Bosnia and Herzegovina are broadly respected. Some progress has been made in improving prison conditions, but a comprehensive reform of the prison system has not started. Access to justice and equality before the law remain hampered by the fragmented legal and institutional framework in the country. Very little progress was made as regards freedom of expression, freedom of assembly, association and freedom of religion. Political pressure on the media has continued. The continuing challenges to the independence of the Communication Regulatory Agency and of the Public Broadcaster remain issues of concern. Further efforts are needed in order to support the development and funding of the civil society sector.

Overall, economic and social rights are broadly respected. Bosnia and Herzegovina adopted an Action Plan on the implementation of UN Security Council Resolution 1325. However, more efforts are needed in order to ensure implementation of the Gender Equality Law and the Gender Action Plan, to address domestic violence against women and children and to make schools more inclusive. Implementation of the anti-discrimination law remained weak. Greater efforts are needed to improve conditions for the socially vulnerable and people with disabilities, and to strengthen labour rights and social dialogue, as well as the role of trade unions.

Overall, the framework for the protection of minority rights is in place and minority rights are broadly respected. Despite good progress in implementing the action plans on housing and employment, Roma continue to face very difficult living conditions and discrimination. More efforts are required in order to implement the action plans on health and education and as regards

⁵ The Human Rights Chamber was established by Annex 6 to the Dayton/Paris Peace Agreement, as a judicial body dealing with complaints on human rights violations in relation to the ECHR. The mandate of the HRCh expired in 2003, without having resolved all the cases it received (15,191). In order to resolve the outstanding cases, the HRCOM was created within the Constitutional Court of Bosnia and Herzegovina. HRCOM's mandate expired in 2006. The Constitutional Court of Bosnia and Herzegovina became the competent body to review implementation of these cases in 2010.

registration of births. Access to pension rights, health care and social protection for refugees needs to improve. Limited steps have been taken to implement the revised strategy for implementation of Annex 7 to the Dayton/Paris Peace Agreement. Difficulties with economic reintegration, access to health care, social protection, pensions and employment of minority returnees remain major obstacles to sustainable return and local integration"

2.4 Link with Multi-annual Indicative Planning Document

The European Commission Communication on the Enlargement Strategy and Main Challenges 2007-2008 and the last Strategy Documents (2008, 2009, 2010 and 2011) underlined the importance of civil society being able to play its role in a participatory democracy. The "Civil Society Facility" (CSF), financed under both the IPA Multi-beneficiary and the IPA national programmes, was set up as tool to financially support the development of civil society. The CSF includes actions to strengthen freedom of expression, as it represents a basic precondition for a functioning democracy. An adequate legal framework allowing media to operate freely needs to be put in place. A network of technical assistance desks (TACSO) has been established in the Western Balkans and became operational in autumn 2009. Local Advisory Groups have also been established consisting of representatives from the EU delegations, governments, civil society and other donors.

The Commission, the Directorate for European Integration and the Donor Coordination Unit in the BiH Ministry of Finance and Treasury held a series of consultation workshops in June 2010, to which representatives from the line ministries, other relevant institutions, selected donors and civil society organisations were invited to participate. Workshops were held in the areas of social inclusion, small and medium-sized enterprises (SME), education and employment, civil society, judiciary, law enforcement, public administration reform, environment, transport and energy. The objective of these workshops was to identify strategic objectives, expected results, benchmarks and indicators for financial assistance in the period 2011-2013. In combination with the outcome of the sector assessments the workshops helped to identify areas where IPA or other donors support can be better aligned with the existing strategies and action plans to gradually move towards a sector approach.

Considerable IPA funding is allocated to civil society development, in particular to build the capacities of civil society to actively take part in policy dialogue, reinforce local democracy and strengthen civil society organisations to fight corruption and protect the environment.

Relevant MIPD 2011-2013 quotes as concerns the sectors, objectives, and indicators:

Justice and Home Affairs: The development of an independent and effective judiciary in line with European standards, the reform of the penitentiary, as well as improving the law enforcement capacities to continue the fight against corruption and organised crime are important conclusions of the Enlargement Strategy. Support for these sectors is in line with Bosnia and Herzegovina's justice sector reform strategy, the anti-corruption strategy, the national war crimes strategy, the integrated border management strategy, and a number of police reform related laws. **The cooperation with civil society is an important element of the justice sector reform.**

Objectives:

- Increase the awareness of the rights of citizens and to enhance their confidence in the judiciary and law enforcement institutions

Indicators:

- Civil society organisations watchdog and advisory capacities developed

Public Administration Reform: The area of public administration reform comprises civil service reform, public administration reform (PAR) strategy implementation, public procurement and financial management, parliament, statistics, and civil society.

The Enlargement Strategy concludes that Bosnia and Herzegovina needs to amend its complex constitutional framework to improve the functioning of the institutions and to bring them into a position to adopt, implement and enforce the laws and rules of the EU. Support for this sector is based on Bosnia and Herzegovina's own reform strategies, in particular with the Public Administration Reform Strategy and the associated action plan. **An important objective of the Public Administration reform will be the participation of civil society in the policy formulation and decision making process.**

Although cooperation agreements with civil society organisations exist at State and Entity-level as well as in the municipalities, civil society organisations are often excluded from the decision-making processes and funding mechanisms are not transparent.

Objectives:

- Enable civil society to participate in policy formulation and decision making processes

Indicators:

- Participatory capacity of civil society organisations and the relevant authorities and civil society institutional and advocacy capacity developed
- Fostered cooperation between the administration and civil society, in particular at local level.

Environment and climate change:

Based on the findings of the Progress Report, the following specific objectives have been identified to support Bosnia and Herzegovina's efforts in the sector:

Objectives:

- Support the transposition and implementation of the environmental acquis and other international obligations.

Indicators:

- Cooperation fostered between the administration and civil society, in particular at local level.

2.5 Link with Country Strategies on Civil Society

No Country Strategy on Civil Society (development) is currently available in Bosnia and Herzegovina

The Memorandum of Understanding between the Government of Bosnia and Herzegovina and NGOs from April 2007 out the objectives, principles and forms of the cooperation of the two partners.

The forms of the cooperation include consultations, advising, joint activities (on strategic documents, identification of priorities, operational programmes, and implementation of policies and joint evaluation of the effects of the Government's policies) and the development of regulatory framework relevant for NGOs activities.

Bosnia and Herzegovina has the EU integration strategy, where there is a reference for development of civil society: *"BiH will confirm this determination through further democratisation and development of its institutions, the rule of law, free and democratic elections, and development of civil society by providing conditions for greater political and economic freedoms, and the respect for human and minority rights."*⁶

Under the necessary measures the strategy defines it will be necessary to: *"improve functioning and stability of institutions guaranteeing further democratisation of society"*.⁷

3. Description of project

Background and justification:

The EU Delegation to BiH's "Policy Paper participation of civil society in policy dialogue in BiH", released in October 2009, underlines several specific issues related to civil society in Bosnia and Herzegovina. The same findings are also identified by TACSO project⁸ in needs assessment for Bosnia and Herzegovina:

"The civil sector of Bosnia and Herzegovina has played an important role during the war distributing international humanitarian aid to the final beneficiaries and after the war, greatly contributing to the key political and social processes, such as return of refugees and displaced people, political stabilisation and integration, reconciliation, human rights, social inclusion etc. However, the changes to the political situation in Bosnia and Herzegovina, the neighbouring countries and the greater region, have placed entirely different and new challenges to be faced. Instead of humanitarian aid distribution or assistance in return of refugees and displaced persons, the new political circumstances require a greater engagement of civil society organisations in terms of adjusting and harmonising the Bosnia and Herzegovina standards to the European Union recognised standards.

These new challenges set before the civil society require a totally different organisational and functional approach of civil society, but also call for the establishment of very different relations and attitudes vis-à-vis the public/government and private sector.

⁶ EU Integration strategy for Bosnia and Herzegovina; Political criteria for integration – section 2.1.1, page 26. Available at: <http://www.dei.gov.ba/en/>

⁷ EU Integration strategy for Bosnia and Herzegovina; Political criteria for integration – section 2.1.1, page 26. Available at: <http://www.dei.gov.ba/en/>

⁸ Needs assessment for Bosnia and Herzegovina. TACSO project. Available at; <http://www.tacso.org/doc/Needs%20Assesment%20bos.pdf>

It is believed that more than 12 000 organisations are currently registered in Bosnia and Herzegovina. Since a citizens' organisation or foundation in Bosnia and Herzegovina may be registered in accordance with one of the four existing laws governing the issues of organisations/associations and foundations with the 14 ministries of justice and before five courts, the exact number of such registered organisations may not be clearly defined unless there is a unified data base of all the registered entities across Bosnia and Herzegovina. An analysis of the Bosnia and Herzegovina civil society structure, based on organisations' main function and purpose, shows a prevailing number of sports organisations and organisations with a common interest as a main goal among the respective members – i.e. associations of retired persons, employers, publishers, handicapped etc. The smallest number of organisations includes organisations dealing with labour issues and workers' rights (labour unions), civil society development and promotion, animal rights and protection, and peacekeeping initiatives.

The civil society of Bosnia and Herzegovina is predominantly made of the organisations established primarily to serve the interests of their members (Mutual Benefit Organisations) (i.e. sports, interest, hobby-oriented, organisations established after the war, different profession-related associations, returnees and displaced persons organisations, unions etc.). Such organisations make up 71,80% of the total number, while the organisations acting with an aim of meeting a common social interest (Public Benefit Organisations) make 28,20% of the overall number of organisations."

The "Reinforcement of Local Democracy" project is intended for grass-root CSOs. Other projects are of larger scale and most likely larger CSOs will benefit from them. However, part of the "Support to NGOs" is foreseen for issue-based NGO networks, which will encourage partnerships among NGOs (small, large, etc). Not all CSOs in BiH have poor capacity, but out of the total number of registered CSOs (above 12 000) only a small number of CSOs have excellent capacity (up to 300 CSOs).

The ability of civil sector to participate in creating a public dialogue is insignificant at the moment. The reason for such a state of affairs, on one hand, lies in the fact that a very few civil society organisations have sufficient capacities to monitor and assess certain public policies effects in Bosnia and Herzegovina in a constant manner, while on the other hand there is a very poor civil society sectoral networking in Bosnia and Herzegovina. Not a single civil society sectoral network of organisations has managed so far to define its platform to establish a public dialogue with the state/ government sector. The greatest number of attempts of networking has been directed towards certain project initiatives that have come to an end once the given project is over.

Thus, the overall assessment of the Bosnia and Herzegovina civil society corresponds to the assessment of the entire Bosnia and Herzegovina society and state in general: fragmented, institutionally exceptionally weak, financially unsustainable and to a great extent dependent upon the international community political and financial support, with no clear vision as to how to respond to the citizens' needs, at the same time very poorly perceived by the public in terms of the activities public benefit.

The above described objective weaknesses of civil society should in no way serve as an excuse for the government to justify a lack of initiation of institutional dialogue with the civil

society, because as it has been highlighted above, both BiH society and the state of Bosnia and Herzegovina have identical weaknesses as the BiH civil sector."⁹

3.1.1. Capacity building of government institutions and civil society to engage in a dialogue

As stipulated in the Thessaloniki agenda for the Western Balkans¹⁰ efforts to further consolidate peace and promote stability and democratic development should continue. However, consolidation of peace, stability and democratic development cannot be achieved without the thorough involvement of BiH stakeholders. As described in the "Guidelines on Principles and Good Practices for the Participation of Non-State Actors in the development dialogues and consultations paper" adopted by Commission and Council of Ministers,¹¹ *"Strengthening the capacity of civil society in partner countries should be given a priority. Capacity building support in critical areas has to be provided and financial should be made available for the NSAs when drawing up a programme of financial support."*¹²

The state of Bosnia and Herzegovina does not currently have a strategy on how to involve civil society actors in the reform and programming processes, although, as a result of previous support of the European Commission but also other donors, there are many well-developed civil society organisations who could provide a valuable contribution not only to reforms in various fields but also in programming activities for other donors' contributions.

This project will build up on previous EU assistance to civil society. The result of previous assistance is that there are several strong and developed civil society organisations in Bosnia and Herzegovina able to draw funds from external sources, out of Bosnia and Herzegovina (including EU). However, the further logical step is to support better networking of CSOs and co-operation among them in a more specialized manner (for example: working tables on human rights, round tables on gender issues, social inclusion, table on youth, etc) and their consultation in legislative drafting processes. If this is achieved it is assumed that CSOs will be able to become a better partner to the Government in responding to the citizens' needs, but also to become stronger pressure group/s on the Governments advocating for a better and more timely response to citizens' needs.

In addition to the formal consultation with CSOs and relevant government departments in formulation of MIPD, informal meetings have been held by Delegation staff all over the country and the needs and constraints of CSOs have been channelled into this proposal.

3.1.2 "Reinforcement of Local Democracy".

⁹ Policy paper participation of civil society in policy dialogue in Bosnia and Herzegovina. Available at: <http://www.europa.ba/?akcija=clanak&CID=32&jezik=2&LID=45>

¹⁰ More information on Thessaloniki agenda for the Western Balkans available at: <http://europa.eu.int/comm/enlargement/see/gacthess.htm>

¹¹ Available at: http://europa.eu.int/comm/development/body/organisation/docs/guidelines_principles_good_practices_en.pdf

¹² Ibid; page 5

It is a very rare case that contracting authorities (municipalities, cantons, and entities, state) advertise “Call for proposals” with transparent evaluation criteria. There is no institutionalised mechanism for disbursement of funds foreseen for CSOs and their activities.

Local authorities and CSOs at municipal level have no or minimum partnership and dialogue – therefore local authorities do not know how to cooperate with CSOs to fill the gaps where municipal government fails to provide services but also to involve citizens and CSOs in decision and policy making processes.

Local government is the tier nearest to citizens and a number of important initiatives have already been taken by municipalities to improve their relations with NGOs and other civil society organisations. Building on this, the project should seek to establish a complementary partnership to reinforce local democracy and improve the service delivery of municipalities to their citizens, with particular emphasis on the implementation of BiH's Medium Term Development Strategy.

Through this programme it is realistic to expect that municipalities will learn how to cooperate with civil society organisations in areas where municipality fails to provide services but also how to involve civil society in policy and decision making process. This will contribute to improvement of social aspects of citizens' lives since they (citizens) will make better impact (through CSOs) on municipal decision and plans for short, mid and long term development. In addition, CSOs will learn how to cooperate with municipalities in terms of policy making but also funding issues. This will lead to better addressing of local citizens' needs through CSOs-municipality partnerships.

3.1.3 "Support to CSOs".

Following the recommendations from the *Analysis of Institutional Cooperation on the Situation in BiH* project “*Support to CSOs*” aims at supporting CSOs' activities relating to anti-corruption as a cross-cutting issue, increasing the awareness of citizens' rights in the area of justice and security and enhancing their confidence in the judiciary and law enforcement institutions, support culture & cultural heritage, and other areas as identified in the Policy Paper participation of civil society in policy dialogue in BiH.

Through this intervention CSOs will further develop specialised interventions in the above areas. Furthermore they will have the possibility to develop cooperation among each other on specific issues and strengthen their advisory capacities in order to become better partners to the government. In addition, CSOs will become better ‘watchdogs’ of governments in implementation of policies, standards and laws. This will contribute to improvement of various aspects of citizens' lives since they (citizens) will make better impact (through CSOs) on government's decisions and plans for short, mid and long-term development. In addition, CSOs will improve cooperation with governments in terms of policy making.

3.1.4 Environment and climate change

There are a limited number of environmental/ecological NGOs active in BiH who have been instrumental in encouraging authorities to take a more pro-active role in dealing with environmental problems at the local level. These organisations lack sustainable financing and are therefore not actively engaged in campaigns and professional policy dialogue. It is

envisaged that continued activities and development in this area towards shaping policies of state, entities, and municipal governments to deal with the country's very real environmental problems will be covered by the project. Local authorities have an important role to play in environmental protection and civil society groups have been active in co-operating at local level in order to bring about improved practices. It is anticipated that this project will encourage and "systematise" this development.

The active organisations are lacking capacity to perform analysis of the environmental hot spots, obtain adequate information on the situation, develop strategies to address the issues and put these into practice. There is a lack of professionally designing campaigns, monitor their impact and optimise campaign strategies.

The impact of environmental civil society organizations has so far not been convincing.

The sustainability of activities is of particular concern. There is a high dependency on public funding which potentially provides a conflict of interest if the activities should address policy making of the same institutions providing the funding. A more professional and intelligent approach to fund acquisition incl. membership targeting, public relations, marketing, and optimizing concepts for long terms financial contributions is needed.

3.2 Activities:

3.2.1. Capacity building of government institutions and civil society to engage in a dialogue

- a) Foster more informed participation of civil society by supporting efforts to increase access to information, developing skills in policy analysis and formulation, and linking policy research organizations and action-oriented networks,
- b) Link capacity building measures to systems and processes that allow for immediate application of skills and experience based learning,
- c) Encourage NGO approaches to advocacy that support institutional development, e.g. towards government bodies and political parties, and that seek to create mechanisms for public-private partnership, and
- d) Assist watchdog activities by NGO networks as a means of improving implementation of reform oriented policies and laws.
- e) Support and encourage local initiatives toward the adoption of a state government policy on co-operation with NGOs.
- f) Build the capacity of institutional mechanisms for government cooperation with NGOs.
- g) Provide for timely, proper, and consistent implementation of new laws and policies through training for civil servants, education and capacity-building of NGOs, and watchdog activities.

3.2.2. Reinforcement of Local Democracy

The foreseen project represents a continuation of the Reinforcement of Local Democracy implemented by the UNDP. The size of sub-grant contracts will vary from 5,000 Euro to 100,000 Euro, depending on the CSOs' financial and operational capacities, size of municipal financial contribution, and other relevant factors typical for certain municipalities (number of CSOs, commitment of designated staff to evaluations committees, etc). Areas of intervention will be social issues, environmental issues, human rights related issues, etc.

A project steering committee will be established comprising of the EU Delegation, RS and FBiH Associations of Municipalities, UNDP and civil society representatives, whose first task will be to organise the selection procedure for the municipality. The funds can only be allocated to partnerships between municipalities and NGOs as explained below in bullet points. The benefit of this project is twofold. First, it allows the municipalities to learn how to allocate the financial resources to CSOs in a transparent manner and it builds an environment where publishing calls for proposals is a regular part of the allocation procedure (which is not the case for the time being). Secondly, the CSOs will receive funds for financing their projects and the trust and partnerships between them and municipalities is strengthened.

Before applying for funding with the Delegation, municipalities and CSO sector must:

- Define, jointly, areas of cooperation
- Sign memorandum of understanding
- Municipality pledges own funds for co-financing (minimum 10% maximum 50% of total projects approved number)
- Application form and evaluation criteria are developed
- Calls for proposals are published
- Municipality establishes evaluation committee comprising of municipal staff and representatives of civil society organisations (conflict of interest must be avoided).
- Projects are evaluated and sent to the UNDP for re-evaluation.
- Steering Committee re-evaluates the proposals and announces the final awards.
- The UNDP signs bilateral contracts with each municipality on total EU contribution for all approved projects.
- The Delegation's funds are transferred to selected municipalities, and municipalities sign bilateral contracts with awarded CSOs.
- Municipality is responsible for monitoring of activities. UNDP is also responsible for monitoring activities on ad hoc basis. Delegation will also conduct independent monitoring of activities.
- Awarded organisations report to the municipality. Municipality forwards the reports to the UNDP for approval.

3.2.3. Support to NGOs

Activities to be funded may include but not be limited to the following:

- monitoring of policy implementation, standards and laws;
- development of watchdog functions;
- provision of services to develop best practises to be fed into the policy making process;
- policy research, gaps and needs analyses regarding regulation and the level of public transparency;

- public awareness campaigns and quality reporting;
- improving networks and developing mechanisms to ensure representation in policy making processes;

3.2.4. Support to Environment

The activities related to result area 1 will include:

- Analyse all relevant information on state of the environment
- Identify sources of information incl. policy decision making institutions, academic institutions, international organisations, other
- Establish network to decision makers and develop lobby strategy

The activities related to result area 2 will include:

- Prioritize potential activities for campaigning
- Develop campaign strategy
- Implement campaign
- Monitor campaign, evaluate and prepare information for subsequent events

The activities related to result area 3 will include:

- Identify problems in funding situation and strategy for fund acquisition
- Identify intelligent approaches and tools for fund acquisition
- Prepare detailed strategy and action plan for fund acquisition
- Monitor, evaluate, and update income and cash flow information regularly

3.3 Expected results and measurable indicators:

3.3.1 "Capacity building of government institutions and civil society to engage in a dialogue"

Expected results:

- Governments establish more organized and more efficient co-operation with the Civil Society in mutual interest.
- Involvement of civil society and co-operation between CS and the Governments increased.
- Governments more responsive to needs of particular groups of citizens.
- Greater social cohesion and improved community relations in BiH.

Objectively verifiable indicators:

- Number of civil society interventions in future reforms and strategies' developments.
- Number of adopted of necessary laws and by-laws in order to institutionalise cooperation with the CS by the governments/parliaments.

- Number of established governments' institutional mechanisms for cooperation with CS.

3.3.2 "Reinforcement of Local Democracy"

Expected results:

- Local governments will have adopted transparent mechanisms for the disbursement of local funds foreseen for CSOs projects.
- Partnership and dialogue between CS and local governments established
- Communication and partnership among CSOs improved
- NGOs/CSOs have more specialised/narrowed their activities – losing “donor-driven” image.
- Local authorities learn how to “use” local CSOs to fill the gaps where authorities fail to provide services.
- Local CSOs recognize municipal authorities as their partner, but also become better “watchdog” of municipal activities.
- Participation of local CSOs (and therefore citizens) in decision and policymaking processes, as well as local development processes, increase.
- Improved service delivery by local government, with particular reference to the MTDS.

Objectively verifiable indicators:

- Number of municipal decisions made on adoption of new mechanisms for CSOs projects.
- Number of MoUs signed.
- Number of meetings between CSOs and municipal authorities.
- Amount of municipal funds utilized through this programme.
- CSOs and citizens increase their participation in different public hearings (such as budget, capital investments plan, etc) but also in other hearings organised either by CSOs or municipalities.

3.3.3 "Support to CSOs"

Expected results:

- Civil society actively engaged in the fight against corruption
- Awareness of citizens' rights in the area of justice and security and their confidence in the judiciary and law enforcement is increased
- CSOs address one issue related to culture and cultural heritage
- CSOs address at least 5 other topics apart from the 3 topics described above (fight against corruption, awareness of citizens rights, and culture). The topics are not stipulated in this fiche in order to make it possible for CSOs to come up with their own ideas and avoid "donor-driven" project ideas.
- Improved cooperation and work among NGOs.
- NGOs encouraged addressing issues in BiH's society of wider concern.
- Communication and partnership between Government levels and NGO networks is improved.

Objectively verifiable indicators:

- Increased number of high quality CSOs initiatives to improve transparency, accountability, governance, and to fight corruption Percentage of citizens able to access to justice increased (related to last statistical data available)
- Culture and cultural heritage improved or preserved by CSO initiative.
- At least 3 meetings held annually between Government levels and CSOs on relevant issues during the year after the completion of the grant projects.
- Number of responses through public consultations¹³ via existing Government websites during the implementation of the grant projects.
- At least 3 initiatives taken by CSOs to make proposals for new laws and amend the existing ones, both at the entity and state level by the completion of the grant projects.
- Number of interventions/recommendations, made by CSOs in decision making process at all levels of government by the completion of the grant projects.

3.3.4 "Environment and climate change"**Expected results:**

The project is expected to achieve the following results:

1. Access to relevant policy analysis and information improved
2. Management of campaigns and impact of selected activities strengthened
3. Sustainability of funding enhanced

Objectively verifiable indicators:

The targets for result area 1 are:

- 2 policy areas selected per year for policy analysis and information
- Strategy and action plan developed by end of first year, based on analysis of all relevant information

The targets for result area 2 are:

- At least 1 campaign strategy developed per year incl. analysis and plan for optimising impact
- 1 campaign carried out incl. environmental education (schools)

The targets for result area 3 are:

- One funding strategy developed and updated at least once per year

3.4 Selection mechanism:

There will be at least one consultation meeting on priorities held annually with CSOs. It will be complemented by the findings of the TACSO team and LAG. The cooperation between the EUD and TACSO will be build on a flexible mechanism for dissemination of

¹³ According to *Public Consultation Rules* general public, including CSOs, have the right to comment draft laws.

information on the published Calls for Proposals and training for grass-root NGOs on basic skills such as project writing skills, communication skills etc. In addition, other forms of support from TACSO will be discussed regularly.

Project 1, "Capacity building of the governments' institution to engage in a dialogue with civil society" will be a service project, subject to service tendering procedure. The selected contractor will be working with the State, entities' and Brcko District governments on improving the governments' institutional mechanisms for cooperation and communication with the civil society.

Project 2, "Reinforcement of local democracy" (LOD) will be implemented through a contribution agreement under joint management with the UNDP mission to BiH, as it has been implemented in the previous phases of this project. The UNDP LOD team will be working with minimum 10 municipalities which will be selected through a competitive process where municipalities must prove to meet certain criteria (agreement on cooperation with civil society, utilization of municipal funds through the new mechanisms which are to be established through the LOD project, etc). After the LOD municipalities receive technical assistance from the LOD team they will prepare all the necessary by-laws for implementation of LOD funds (adoption of set of documents "application form, log frame, etc"). Afterwards the municipalities will launch their own municipal Calls for proposals where they are obliged to co-fund with minimum 10% but ideally to utilise all their funds through the new, more transparent, funding allocation mechanisms. After completion of evaluation of CSOs' proposals by the municipalities' evaluation commissions the municipalities will sign contracts with the successful CSOs and continue with implementation phase (monitoring, reporting, etc). As shown above, re-granting to grass-root CSOs will be done via selected municipalities.

Project 3, "Support to CSOs" will be subject to Open Call for Proposals with different lots (anti-corruption, awareness raising for citizens' rights, issue-based NGO networks, etc). The grants to be provided under this grant scheme will be action grants only.

Project 4, "Support to environment" will be selected through the same Call for Proposals as "Support to CSOs" with one contract foreseen to assist the local environmental NGOs in building their capacities in conducting campaigns, awareness raising, access to funding etc. Therefore the beneficiary will be working with selected CSOs active in the environmental protection in order to increase their capacity in advocating for environmental protection.

3.5 Conditionality and sequencing

Project 1: The political decision of the state government to institutionalise a dialogue with the civil society should be reinforced in the project "**Capacity building of the government institutions and civil society to engage in a dialogue**".

Project 2: The Procurement Notice will be prepared by the end of July 2011 as well as Terms of Reference with the representatives of the entities', the state and Brcko District governments. The internal approval of the Procurement Notice and Terms of Reference should be completed by end of October 2011. The Procurement Notice will be published as soon as the IPA 2011 is approved. It is expected that the project will be contracted by end of June 2012.

All conditions necessary for successful implementation of this project are already in place for the project "**Reinforcement of Local Democracy**". The project will be contracted as a

contribution agreement under joint management with the UNDP mission to BiH. Since the existing LOD project ends on 30th March 2012, the Action description should be completed by October and the contribution agreement signed by end January 2012. Municipalities will be selected by the end of May 2012. The grants will be published by municipalities by end September 2012. The contracts with CSOs will be signed by end 2012.

In addition, since this project will have another phase funded from the IPA 2013 it is expected that the new Action proposal is to be completed in Q4 2013 and the contract signed by the end of 2013.

Project 3: All conditions necessary for successful implementation of this project are already in place for the project "**Support to CSOs**". Guidelines for the applicants will be prepared by the end of 2011, when it is expected that the CS fiche for BiH is to be approved. Since this project will be funded from IPA 2012 it is expected that the whole grant award procedure is completed by the end of March 2013.

Project 4: All conditions necessary for successful implementation of this project are already in place for the project "**Environment and climate change**". It is expected that the contracting will be completed by the end of 2012.

3.6 Linked activities

Previous CARDS assistance was focused on supporting the sustainable return process of refugees and displaced persons in Bosnia and Herzegovina. The **CARDS 2005 and 2006** were focused on supporting the reconciliation process in Bosnia and Herzegovina.

The IPA 2007 Programme (€3 million) was focused on encouragement of certain number of municipalities to establish more transparent funding mechanisms, improve dialogue and cooperation with civil society; and encouragement of the state, entities, and Brcko District of BiH governments to institutionalise the dialogue and cooperation with the civil society. In addition, grant scheme was provided to CSOs to address corruption issues in Bosnia and Herzegovina.

The IPA 2008 was focused on provision of grant assistance to CSOs to combat corruption as well as technical assistance to the successful CSOs to combat corruption.

IPA 2009 Civil Society Development (€2 million) aimed at grant support of the issue-based NGO networks.

The Civil Society Facility (CSF) is aimed at strengthening civil society within a participative democracy, by: increasing the capacities of CSOs to deliver quality services to their constituents, stronger local and international networking, improved understanding of EU affairs / procedures; enhancing visibility, participation and influence, in order to facilitate a civil society friendly 'environment' and 'culture'.

BiH's CSOs can also participate in the **IPA Cross Border Cooperation (CBC)** component which focuses on cooperation in the areas of (i) economic, social and institutional cooperation and (ii) natural and cultural resources.

EIDHR 2008 & 2009 (some €2,4 million) supported civil society in the areas related to human rights (civil, economic, social), democracy and democratic reform (with emphasis on

rule of law and fundamental freedoms), fight against discrimination (Roma, LGBT population, people with disabilities); gender equality in social and economic life.

EIDHR 2010 (some €1,2) aimed at strengthening the involvement of the civil society in BiH in shaping local and national policies regarding the protection and promotion of human rights and democratic reform..

IPA 2011 Civil Society Programme (€3.5 million) as part of this CS facility fiche builds on the results of the previous EU and other donors' assistance while addressing the priority areas of relevance to BiH's accession process.

Civil society is supported by Sweden, the UK and the USA. Austria, Germany, Hungary, Ireland, Slovenia, Spain, Sweden, the Netherlands, the UK, UNDP, the United Nations High Commissioner for Refugees (UNHCR), the World Bank, Canada, Japan, Norway, Switzerland and the USA contribute to the protection of human rights and minorities.

3.7 Lessons learned

- The international community continues to drive the development and agenda of civil society, although there is indigenous movement toward ownership of the sector.
- The legal framework for civil society is greatly improved, but gaps and deficiencies remain that impact both the development of the sector and the prospects for the success of related interventions.
- The relationship between government and civil society has yet to be defined and operationalised particularly at higher levels.
- A critical mass of professional NGOs does exist, although the domestic infrastructure to support civil society remains underdeveloped.
- Public awareness and the image of the sector are gradually on the rise, but need to be improved and deepened.
- Issue advocacy campaigns and community initiatives have produced notable successes, although the engagement of civil society is limited and uneven.
- Co-operation between NGOs and political parties to advance policy reform, while extremely rare, does exist.

4. Indicative Budget (in EUR)

	EU - IPA assistance 2011-2013 (indicative only for budget appropriations 2013) All Institution Building				Total Co-financing of Project 2011-2013 (indicative)	Total IPA + Co- financing 2011 - 2013
	2011	2012	2013	Total 2011 - 2013		
Measure 1: Service contract (2011)	1 000 000	-	-	1 000 000	0	1 000 000
Measure 2: Contribution agreement *LOD (2011)	2 000 000	-	-	2 000 000	150 000	2 150 000
Measure 2: Contribution agreement * LOD (2013)	-	-	2 000 000	2 000 000	150 000	2 150 000
Measure 3: Call for Proposals 1 (2012)**	-	3 000 000	-	3 000 000	300 000	3 300 000
Measure 4: Calls for Proposals 2 (2012)	-	500 000	-	500 000	50 000	550 000
TOTAL	3 000 000	3 500 000	2 000 000	8 500 000	650 000	9 150 000

*The proposal is based on human resources available in the "Reinforcement of Local Democracy" project to cover 15 municipalities per phase. Other proposals are defined in accordance with the available budget under IPA for civil society component.

**The division of amounts among lots under the "Support to CSOs" grant scheme will be made at a later stage based on the absorption capacity.

5. INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN PER QUARTER)

Contracts	Start of Tendering	Signature of contract	Project Completion
Service contract (IPA 2011)	Q4 2011	Q4 2012	Q4 2015
Contribution agreement (IPA 2011)	-	Q1 2012	Q4 2015
Call for Proposals 1 (IPA 2012)	Q1 2012	Q4 2013	Q4 2016
Call for Proposals 2 (IPA 2012)	Q1 2012	Q4 2013	Q4 2016
Contribution agreement (IPA 2013)	Q3 2013	Q4 2013	Q4 2016

6. Cross-cutting issues

6.1 Equal Opportunity

It will be requested, in the Terms of Reference, that successful bidder closely monitor gender equality and minorities' rights cross-cutting issues and make sure that such issues are addressed properly. The NGO sector in BiH has strong female presence and gender issues feature prominently in many NGO agendas.

Since municipalities will compete for the Delegation funds, areas that will be most likely covered through this programme will be: social issues, gender issues, environment issues, human rights issues, etc. The need to properly address gender issues and to take account of rights of minority groups, in particular Roma, will be an integral part of the selection and evaluation process. The final results should reflect this.

6.2 Environment

There are a number of environmental/ecological NGOs active in BiH who have been instrumental in persuading authorities to take a more pro-active role in dealing with environmental problems at the local level. It is envisaged that continued activities and development in this area towards influencing state, entities, and municipal governments to deal with the country's very real environmental problems would be covered by the project. Local authorities have an important role to play in environmental protection and civil society groups have been active in co-operating at local level in order to bring about improved practices. It is anticipated that this project would encourage and "systematise" this development.

6.3 Minorities

"Non-constituent peoples" in BiH and in particular the Roma Minority, face social, political and economic discrimination. The project should therefore seek to further the interests of this disadvantaged group in all interventions with government bodies. Also see 6.1