

# “BiH municipalities and the EU: Direct participation of citizens in policy-making at the local level”

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## **Table of Contents**

<b>1 INTRODUCTION</b>	<b>3</b>
<b>1.1 METHODOLOGY</b>	<b>5</b>
<b>2 BACKGROUND</b>	<b>8</b>
<b>2.1 GENERAL SITUATION IN BiH.</b>	<b>8</b>
<b>3 COMPARISON OF THE RELEVANT BIH LEGISLATION WITH THE EU STANDARDS AND THE OBLIGATIONS UNDERTAKEN UNDER THE INTERNATIONAL HUMAN RIGHTS LAW</b>	<b>13</b>
<b>4 PARTICIPATION MECHANISMS</b>	<b>16</b>
<b>4.1 TOOLS FOR DEVELOPMENT OF LOCAL DEMOCRACY AND CITIZEN PARTICIPATION IN THE PRE-WAR PERIOD</b>	<b>16</b>
<b>4.2 PRESENT PARTICIPATION MECHANISMS</b>	<b>17</b>
<b>5 CASE STUDIES</b>	<b>24</b>
<b>6 POLICY OPTIONS</b>	<b>37</b>
<b>7 CONCLUSIONS AND RECOMMENDATIONS</b>	<b>43</b>
<b>8 BIBLIOGRAPHY</b>	<b>47</b>
<b>9 APPENDICES</b>	

## 1 INTRODUCTION

Satisfying the criteria for EU accession and providing maximum respect for basic European values is the most commonly debated topic in BiH. All of the major reforms in BiH have been made in order to meet the EU standards and speed up the process of integration. Since individual rights are the foundation of European values it is a paradox for a country that is aiming to join EU in the future that its citizens exercise their rights through a collective identity. Results of a major assessment<sup>1</sup> conducted by the UNDP in BiH, and UNOHCHR, indicate that the participation of citizens in policy-making at the local level is very often conditioned on several factors, most obviously ethnic and religious affiliation. Municipalities where considerable numbers of pre-war residents have returned<sup>2</sup> are the most often cited examples of citizens' inability to influence policy-making, or benefit there from because of their ethnicity. However, the ethnic minority returns most often occur in the rural areas, hence putting them in a category of rural population which is vulnerable even without the ethnic factor.

Current rates of direct participation of citizens in decision making at the local level in BiH are worryingly low. Having in mind that the next important challenge on BiH's road to the EU is meeting the standards regarding direct citizen participation, it is crucial to act to provide effective solutions to this issue. Participation at the local level is crucial for the

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<sup>1</sup> Rights-based Municipal Assessment and Planning Project (RMAP) has covered 25 BiH municipalities.

<sup>2</sup> Prijedor, Drvar, Stolac, and Srebrenica are very good examples because their ethnic make up was dramatically altered during the war, only to be changing again after the war. Common denominator of all of the mentioned municipalities is that the priorities of the returnee groups are not taken into account when development priorities are decided upon, and there is generally little contact between the authorities and these groups.

EU future of BiH, because of the principle of subsidiarity<sup>3</sup>, which is so deeply embedded in the EU governance structure.

Besides the discrimination against certain groups, there is a more general lack of participation in decision-making that affects all citizens. There are several causes, most notably weak application of the mechanisms for citizen participation as prescribed by the Entity and Cantonal Laws on Local Self-Governance, and lack of awareness of the opportunities to participate on the side of the citizens. Besides the Mayor's Days, public debates, and civic initiatives<sup>4</sup>, the MZs<sup>5</sup>, which are the traditional mechanisms for citizen participation, are underutilized. Numerous municipalities have not even officially registered all of the MZs on their territory. Hence there is a prevailing confusion about citizen participation, because of lack of information about the subject, and an inability to come up with the most appropriate solutions to the problem.

The aim of this research is to help speed up BiH's EU integration process by introducing into the debate the importance of citizen's participation in the conduct of public affairs. Additionally, it is expected that this research will identify the most likely mechanisms/measures, existing or new, that can be used to strengthen citizens' ability/willingness to directly participate/influence the decision-making process at the level closest to them, and, hence, strengthening the subsidiarity principle in BiH.

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<sup>3</sup> According to the principle of subsidiarity, the decisions should be made at the level of government closest to the citizens which can still effectively achieve the desired aim.

<sup>4</sup> For example, in Drvar only 70 citizens' signatures are necessary to start an initiative that has to be addressed at a Municipal Assembly meeting, yet that opportunity has never been utilized by the citizens who claim to have numerous problems in putting their issues on the municipal agenda.

<sup>5</sup> Mjesne zajednice (MZs) or Local communities in English, have rapidly developed in BiH during the 1970's as grassroots governance mechanisms which were particularly effective in the rural areas where citizens used them as basis for construction of roads, sewage systems, water supply systems, etc.

## **1.1 Methodology**

Having in mind the situation described above, the questions to be answered by this research are:

1. What are the differences between the present BiH legal framework and the European standard?
2. What are the options for municipalities to ensure citizens' participation defined by law?
3. Which of the available options for citizens' participation are used the most frequently by municipalities?
4. To which extent are the existing mechanisms applied and effective?
5. To which extent is there monitoring of municipal performance in terms of applying the mechanisms?

In order to answer the questions posed in this research, it is necessary to conduct an assessment of the BiH legal norms relating to citizen participation. Namely, besides taking into account the state obligations under IHRL, regulation at the entity, and cantonal level, is to be closely assessed. Since the situation regarding participation in BiH is not well researched, this research will take into account the results of UNDP Bosnia and Herzegovina Rights-based Municipal Assessment and Planning Project. One of the main conclusions of this project is the necessity to rely on qualitative data when assessing the situation in BiH municipalities. This is especially true in the application of Laws on LSG, where the RS has one, unevenly applied standard, while the FBiH has different laws for every one of ten Cantons.

Furthermore, this research will focus on the following variables:

Situational:

- **RS and Federation LSG laws**

Policy:

- **Level of implementation of the Law on local self-governance in municipalities**

Indicator: existence and nature of mechanisms for citizen's participation

- **Value of different existing mechanisms for citizens' participation**

Indicator: information sharing, availability of mechanisms to vulnerable categories, accessibility, existence of follow up mechanism with municipality, feed back mechanisms, budget expenditure, etc.

- **Monitoring of the municipal performance in the field of citizens' participation**

Indicator: number of reports issued by higher level government regarding this issue, existence of monitoring bodies, etc.

**Hypothesis:**

**H 1:** Current BiH legislation on citizens' direct participation in conduct of public affairs, which is not up to the EU and IHRL standard, is not fully applied in BH municipalities.

**H 2:** There is no monitoring system from the higher levels of government to ensure that the municipalities respect the above mentioned laws; therefore municipalities do not fully ensure that the mechanisms for direct citizens' participation are effective and transparent.

This research has included both formative and summative elements. Formative in terms of assessment of effectiveness, efficiency, sustainability, accessibility, transparency and responsiveness of mechanisms and how they are administrated and managed by municipalities, and summative in terms of analyzing different data on what kind of different mechanisms for citizens participations exist and are offered by the different municipalities.

One of the most important methodological issues is the selection of municipalities where research will take place. There 142 municipalities in BiH, hence a group of municipalities have been chosen which possesses sufficiently diverse characteristics to provide a variety of data that can be compared. Twenty, randomly selected municipalities, have served as the base for sample selection. **Four** of them have been selected as case studies on the basis of three criteria: 1. spatial criteria: rural/urban, 2. location/entity, 3. willingness to participate in this study.

Data collection has been conducted through review of documentation, observation and interviews. Semi- or non- standard interviews have been conducted, depending on the interviewees or situation. Interviews have been conducted with administrators in local municipalities, Mayors, members of municipal assemblies and executive committees, MZ leaders, and representatives of higher levels of governments, representatives of NGOs that work on development of local democracy and media.

## **2 BACKGROUND**

This part of the paper will provide an overview of the current situation in BiH, as related to direct participation of citizens at the local level. Furthermore, it will examine the BiH pre-war legacy in this area and the municipal relationship with higher levels of government.

### **2.1 *General situation in BiH.***

Bosnia and Herzegovina is a decentralized state, composed of two entities: the Federation of Bosnia and Herzegovina and Republika Srpska. The Federation of Bosnia and Herzegovina is further decentralized, and subdivided in ten cantons, while the Republic of Srpska is more centralized and subdivided in 6 regions. In addition, the area of Brcko has a special status as a separate district.

The State of Bosnia and Herzegovina has no competence in the field of direct participation of citizens in the conduct of public affairs at the local level. There is no relevant ministry at the State level that deals with this issue, directly, or indirectly. In the Federation of BiH, there is a Law on Basis of Local Self-Government which was adopted by the FBiH Parliament in 1995. The new RS Law on Local Self-Government has been effective since January 1<sup>st</sup> 2005. It is the most relevant legislation in terms of direct citizen participation at the local level in the RS. All Cantons have their own Laws on Local Self-Government which regulate direct participation at the local level.



Presently, there are 142 municipalities in BiH, out of which 62 are in the RS. Municipalities are not logically divided, as there are extremely small and poor rural municipalities, which have the same obligations towards the citizens as big ones in urban areas<sup>6</sup>. However, the administrative division in BiH is a result of the conflict and has not much to do with logic. Furthermore, BiH municipalities are severely under-funded for the functions they provide. In the FBiH municipalities spend less than 8% of the total administrative budget, while the situation in the RS is somewhat better as they spend around 15% of their budget on at the municipal level.<sup>7</sup>

### **2.1.1 Legal provisions governing direct citizen participation in BiH today**

This portion of the study is an overview of the relevant legislation regarding direct citizen participation in decision making at all levels of government, including the local level.

#### **2.1.1.1 State level**

When analyzing the BiH Constitution, and other relevant legislation, it is important to note that the European Convention on Human Rights, has been incorporated into the preamble of the Constitution as the supreme legal document of the land. Hence, it is against this document that all future legal reforms will have to be made, and measured. The present situation, whereby certain laws in BiH are not fully aligned with the ECHR<sup>8</sup>, is a legal paradox, which will not be the key component of this paper as they are not

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<sup>6</sup> For example, in the RS there are municipalities such as Istocni Drvar which has 60 inhabitants, and Banjaluka with over 220,000 inhabitants.

<sup>7</sup> UNDP Bosnia and Herzegovina National Human Development Report “*Better Local Governance in Bosnia and Herzegovina*.” Sarajevo, August 2005.

<sup>8</sup> For example, the election of members of the BiH Presidency is not in line with the non-discrimination clause of the ECHR, or ICCPR.

directly related to direct participation at the local level. The State of Bosnia and Herzegovina has no competence in the field of direct participation of citizens in conduct of public affairs at the local level. There is no relevant ministry at the State level that deals with this issue, directly, or indirectly.

#### **2.1.1.2 Republic of Srpska**

The new RS Law on Local Self-Government has been effective since January 1<sup>st</sup> 2005. It is the most relevant legislation in terms of direct citizen participation at the local level in the RS. The Law puts an obligation on the municipalities and cities to create mechanisms for citizens to directly participate in the conduct of public affairs. The Law goes even further to elaborate that the mechanisms are those not explicitly forbidden by any other law, and mentions some (ex. Referendum, Citizens' Initiative, Local Community (MZ), Citizens' Panels, Mayor's Days, etc). Finally, article 204 of the above mentioned Law states that the Assemblies are obliged to take into consideration initiatives submitted by citizens, if they are submitted by a sufficient number of citizens, in line with the local statutes.<sup>9</sup>

#### **2.1.1.3 Federation of Bosnia and Herzegovina**

Federation of Bosnia and Herzegovina Law on Basis of Local Self-Government was adopted by the FBiH Parliament in 1995. It has a considerably lower standard of direct citizen participation, as it only states that "the citizens can directly make decisions on local matters of the municipality, and that "the forms of citizens' direct decision-making: referendum, citizens' assembly, and others". There is no further mention or elaboration of

the forms of participation. As a response to this deficiency, as well as many others, there is an effort underway to draft and adopt a new Law on Principles of Local Self-Government.<sup>10</sup>

#### **2.1.1.3.1 Cantons in FBiH**

As all Cantons have their own Laws on Local Self-Government, they regulate direct participation of citizens at the local level. The content of the articles regulating this aspect is substantially the same in all of the Cantons, and all of them contain three separate chapters which encompass direct participation of citizens, local self-governance through the MZs, and protection of the right of citizens to local self-government. The Laws specify that the fulfillment of direct participation is ensured through referenda, citizens' initiatives, and citizens' assembly.

#### **2.1.2 Municipal level**

Municipalities in the RS were supposed to align their Statutes with the provisions of the new Law on Local Self-Government within six months of the adoption of the new Law. This process is on-going and it is expected that all will have their Statutes aligned by the end of the year. Even the old Statutes typically contain provisions guaranteeing citizens' direct participation. Besides the MZs, citizens' assembly and referenda are the most common mechanisms. The referenda can be used whenever there is a general need in a

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<sup>9</sup> Open Society Fund of Bosnia and Herzegovina sponsored: "*Analiza stanja lokalne uprave i samouprave u Bosni i Hercegovini (nacrt)*". Maj 2005.

<sup>10</sup> UNDP Bosnia and Herzegovina National Human Development Report "*Better Local Governance in Bosnia and Herzegovina*". Sarajevo, August 2005.

municipality, and a decision on a referendum is adopted by the Municipal Assembly after a proposal by the Mayor or at least a third of the Assembly. The result of a referendum is binding if a majority of registered voters vote in favor. Citizens' assembly is mostly not well elaborated and is left to the MZs for further development. In line with the tradition, all Municipal Statutes consider the MZs as a special form of direct participation. MZs can be formed when conditions set by the Municipal Statutes are fulfilled. The only body that approves the formation of new MZs is the Municipal Assembly. The rules are mostly set so widely that the Assembly can reject any request for a formation of an MZ as it pleases.

The Municipal Statutes in the FBiH mention referenda, citizen initiatives and citizens' assembly as the main mechanisms for direct participation of citizens. There are discrepancies between the municipal statutes in the Federation in terms of citizen participation, and they range from innovative solutions (for example, Centar Sarajevo) to *pro forma* mentioning of mechanisms.

Brcko District has directly incorporated provisions from the International Law, and has set up concrete mechanisms through their MZs for quick responses to citizens' requests. Furthermore, Brcko has a separate Law on the MZs, which allows them to register as legal bodies. However, under the present circumstances, whereby Brcko has an unusual legal status within BiH, it will not be taken into account as the solutions applied there can not be implemented in the rest of BiH.

### **3 COMPARISON OF THE RELEVANT BiH LEGISLATION WITH THE EU STANDARDS AND THE OBLIGATIONS UNDERTAKEN UNDER THE INTERNATIONAL HUMAN RIGHTS LAW**

In the post-war BiH, the democratic value of citizen participation has not had much coverage in the media in BiH, nor has it been regarded highly by decision-makers. It has almost never been associated with the process of European Integration in any form or shape. The most important reforms associated with Europe have been those far removed from the citizens, such as the reform of the military structures, or the police. But in fact, the issues related to the local level, such as participation, are very important in terms of accession to the European Union.

The most important European document on direct citizen participation in the conduct of public affairs is the European Convention on Human Rights (ECHR). The ECHR is especially important in BiH as it is directly applicable in the domestic legal framework because of the fact that it is mentioned in the Constitution, as the highest legal document of the country. The convention stipulates<sup>11</sup> that the direct participation of citizens is a right which has to be guaranteed. However, the mechanisms for the implementation of this right are left to the state parties. Comprehensive review and comparison of the BiH legislation is beyond the scope of this study, but the examined relevant laws do guarantee citizens' the right to directly participate in decision-making, in line with the European and international obligations<sup>12</sup>.

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<sup>11</sup> Article 3 of the ECHR guarantees this right.

<sup>12</sup> Besides the ECHR, BiH has signed and ratified the United Nations International Covenant on Civil and Political Rights, which defines the right to direct participation in Article 25 in similar manner as the ECHR. Right to participation guarantees that every citizen has the right and opportunity to take part, directly and/or indirectly through freely chosen representatives, in the conduct of public affairs and have access to public service – ICCPR article 25, UDHR article 21, ECHR article 3, Protocol 1, Convention on the Elimination

The operationalization of the right is done through the Laws on Local Self-Governance, which specify the mechanisms for citizen participation. Besides the ECHR, the European Charter on Local-Self Government is a key European standard which has to be implemented by Bosnia and Herzegovina. Despite the fact that there are expert opinions that the implementation of the Charter in local legislation is incomplete<sup>13</sup>, there is little doubt that the provisions on direct participation of citizens at the local level, which the Charter defines as the most appropriate place for direct participation, are in line with the Charter.

Citizen participation in the conduct of public affairs is a democratic value highly regarded by the EU, not only as a standard or a goal, but as a means for promotion and strengthening of democracy. The concept of citizen in the EU is based on the citizens' active participation, and has been set as one of the cornerstones of a united Europe, and its main goal. All drafts of the new European Constitution have put the value of the individual and participation in a prominent position, and this was one of the rare parts on which the views of all sides were equal and unanimous.

In line with that the EU has in its recently established "Citizens for Europe"<sup>14</sup> program clearly made the distinction between the legal guarantees and the necessity to create concrete actions with the necessary financial support. The reasoning behind the creation of this EU policy is prevention and alleviation of the effect of withdrawal of the citizens

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of All Forms of Discrimination Against Women (CEDAW) articles 12 and 14; HRC General Comment 25, State has the obligation to ensure that mechanism does exist to enable citizens' meaningful participation.

<sup>13</sup> There are valid criticisms of the BiH structure of governance which has not effectively decentralized responsibilities and sources of revenue. As result, the municipalities are sometimes responsible for the areas which they do not control, such as the utility sector which is being privatized by the entity government in the RS. The Charter specifically obliges states not to take away responsibilities from local governments..

from public life caused by detachment<sup>15</sup> from the government. Hence, the “Citizens for Europe” is based on the cooperation of local level governments who are in best position to serve as the entry point for citizens’ participation.

The municipalities in BiH are in a legal position to guarantee the enjoyment of this right, in line with the European principle of subsidiarity, and the EU trends. The choice of mechanisms for direct participation is left to the municipal officials, who can at their own discretion prefer one mechanism over the other. The findings on the most commonly used mechanisms for direct participation, and their effectiveness, will be presented in the next part of this paper. However, it is important to note that the legal foundation for participation at the local level in BiH is in line with the relevant European and international standards.

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<sup>14</sup> The program’s goal is to promote active European citizenship.

<sup>15</sup> Due to the fact that the EU has so far been the community of governments, calls for a European constitution have had a solid foundation in the citizens’ associations that call for inclusion of citizens in the process of governance of EU.

## 4 PARTICIPATION MECHANISMS

### 4.1 *MZs as a tool for development of local democracy and citizen participation in the pre-war period*

There is a misperception by those who led the processes of democratization in BiH, that the country has historically not had much experience with local democracy and that it is a characteristic of the postwar period. There are contrasting claims by experts in this area, however, it is often forgotten that the tradition of MZ development is very strongly rooted in BiH.

Notwithstanding the fact that the socialist system did not allow all political rights to be exercised, constitutional arrangement of pre-war BiH had allowed for more efficient mechanism of governance, and especially for more possibilities to put local interests at the forefront. In the 1990s post-war BiH, the constitutional arrangements are such that there is very little power concentrated at the municipal level and that power is very open to abuse. Since there are insufficient recourse mechanisms the citizens, who are apathetic, perceive that their voices were not what was bringing about the decisions. Another important factor behind the citizens' apathy is the disappearance of the middle class in BiH during the post war period. While the overwhelming percentage of citizens were what was considered as middle class, right after the war ended most citizens were living on the line of, or in poverty.

The MZs were not sufficiently utilized as a local governance mechanism or a direct participation mechanism in the last ten years. The reasons behind this neglect of MZs lie



in the fact that the IC has spent most of its resources working with the higher levels of government, and the prevailing view was that the MZs were communist structures, hence not fit for democratic governance. Only in the last two years did the international community start its “municipalization” efforts. Current drafting of the Law on Local Self Governance in FBiH, and the recent adoption of the RS Law, is an important on-going effort in this area.

During the “MZ boom” of the 1970s the driving force behind their development were the various needs that the citizens had, especially in the rural areas. In the post war BiH the MZs did not keep the importance they had in the pre-war period. Besides the sudden drop in citizens’ incomes, the fact that a large number of rural areas have been abandoned and destroyed is one of the major reasons for lack of bottom-up pressure to reinstate the MZ as an important tool of governance.

#### **4.2 *Present participation mechanisms***

MZs’ role in the governance processes in the rural areas, generally, but especially in the areas where return has occurred is much more important for the community than in the urban parts of Bosnia. Municipalities have a much harder time including the rural communities into the governance processes, and are generally unable to provide for all of their needs. Many MZs are not even attached very closely to the municipal administration, yet they are still able to provide vital services.<sup>16</sup> This is particularly prevalent in rural municipalities, or returnee communities, where by default; the

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<sup>16</sup> UNDP Bosnia and Herzegovina National Human Development Report “*Better Local Governance in Bosnia and Herzegovina*.” Sarajevo, August 2005.

municipalities are unable to provide support for citizen activities. Oftentimes these MZs are discriminated against by the municipal authorities on the basis of ethnicity.<sup>17</sup> Such communities tend to develop a sense of self-reliance and are often quite efficient in mobilizing citizens to take part in decision making and joint activities.

On the other hand, there are differing opinions about the role of the MZs as a participatory tool. There is research which shows that the MZs' leadership is frequently questionable, and is perceived as an "exclusive group of people with questionable legitimacy in their communities."<sup>18</sup> Furthermore, problems with politicized leadership in the MZ councils, and weak communication with other members of the community are cited as causes for "paralyzation" of the MZs.

Despite the criticism, out of the available participation mechanisms in BiH, citizens have rated the MZs as one of the two most commonly used and recognized participation mechanism.<sup>19</sup> This trend is followed up by the municipalities themselves of which 65% have fully established and active MZs. Hence, the MZs present themselves as the most obvious starting point for initiation of citizen participation. The worrying trend is the fact that RS is lagging far behind the FBiH in this area, as only 49% of RS municipalities have established and fully functioning municipalities, as opposed to 78% in FBiH.<sup>20</sup>

Besides the MZs, citizen assemblies and referenda are other key mechanisms of citizen participation. In the last years no municipality has used a referendum to involve citizens

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<sup>17</sup> UNDP Bosnia and Herzegovina Rights-based Municipal Assessment Project "*Derвента Municipality Human Rights Assessment Report*", April 2004.

<sup>18</sup> CCI- "*Istrazivanje stanja ucesca gradjana u procesima donosenja odluka u Bosni I Hercegovini*", October 2005. p. 4.

<sup>19</sup> CCI- "*Istrazivanje stanja ucesca gradjana u procesima donosenja odluka u Bosni I Hercegovini*", October 2005.

in decision-making on an issue and the citizens' assemblies require considerable presence of citizens', which is difficult to achieve under the present circumstances of post-war transition. In addition, the citizens have rated the public discussions as the most preferred participation mechanism.<sup>21</sup>

#### **4.2.1 Communication among governmental levels**

Lack of vertical communication between the municipal level and the higher levels of government has very negative impact on the citizens' ability to directly influence conduct of public affairs. This is especially true in the areas of privatization, exploitation of natural resources, and education, but also allocation of financial resources. Problems related to unclear competencies are especially visible in the Federation of Bosnia and Herzegovina, where the cantonal governments and municipalities have a series of misunderstandings<sup>22</sup>. As a result, there is a serious problem with the delivery of services at the level of municipalities which citizens perceive as one of the major reason for the abstinence from direct participation.<sup>23</sup>

In line with that, low level of citizen participation is very closely tied to the perception of the citizens about the local level authorities as powerless and unable to influence decisions which are important to the citizens.<sup>24</sup> In the last ten years the citizens have

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<sup>20</sup> "Strategic Planning at Municipality Level-Survey Analysis". UNDP Bosnia and Herzegovina 2005.

<sup>21</sup> CCI- "Istrazivanje stanja ucesca gradjana u procesima donosenja odluka u Bosni I Hercegovini", October 2005.

<sup>22</sup> The issue of privatization being the first one, where the municipalities did not have any say in the process. Also, the financial systems in Cantons are based on discretion and the municipalities often are unaware of the amounts collected which.

<sup>23</sup> UNDP Bosnia and Herzegovina Rights-based Municipal Assessment Project "Drvar Municipality Human Rights Assessment Report", April 2004.

<sup>24</sup> Ibid.

consistently rated unemployment and corruption as the two most important issues affecting their lives, neither of which can seriously be addressed at the local level. This is especially the case with issues related to employment (like privatization) which are completely out of the hands of the local officials. Paradoxically, in a UNDP Bosnia and Herzegovina RMAP sponsored survey, the municipal officials have rated economic issues as most important part of their strategic development plans.<sup>25</sup> Additionally 14% of the municipalities consider issues of economic development to be outside of the area of their legal framework.<sup>26</sup> This points to a general lack of clarity regarding the division of responsibility in BiH governance system, which also affects the citizens' perceptions.

#### **4.2.1.1 Monitoring**

In addition, the authorities above the municipal level very rarely monitor the situation on the local level in terms of direct citizen participation. There is little pressure from above to involve the citizens, hence participation is usually dependent on the local leaders' understanding of the importance of it, and their willingness to allow the citizens to direct the policy process<sup>27</sup>.

#### **4.2.2 Citizens' perception of participation**

A commonly held view is that BiH citizens are passive, and uninterested in participation in decision-making. However, almost 2/3 of BiH citizens would participate in decision-making if invited, and 70% said that they are interested in the functioning of their

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<sup>25</sup> "Strategic Planning at Municipality Level-Survey Analysis". UNDP Bosnia and Herzegovina 2005.

<sup>26</sup> Ibid.

<sup>27</sup> UNDP Bosnia and Herzegovina National Human Development Report "Better Local Governance in Bosnia and Herzegovina". Sarajevo, August 2005.

municipality. Furthermore, over 80% of citizens think that citizens should take part in political life and influence decision-making, and 90% think that the citizens should monitor the government.<sup>28</sup>

In light of the citizens' expressed willingness to participate it is paradoxical that less than a fifth of citizens have never heard of a participation mechanism, and only 29% consider themselves well informed about the political life at the local level. Hence, the citizens' low participation rates, to a great extent, can be attributed to lack of knowledge about the existing participation opportunities. Furthermore, less than half of citizens know that an initiative has resulted in tangible changes and they have mostly received the information through the media, municipal announcements, and the MZ councils.<sup>29</sup>

#### **4.2.3 Civil servants perception of participation**

On the other hand, in a UNDP Bosnia and Herzegovina sponsored research 1000 civil servants, 500 citizens, and 500 entrepreneurs were asked about the level of their satisfaction with the present service of the public sector, and 2/3 of them stated that they were dissatisfied with the present service delivery.<sup>30</sup> Even the majority of civil servants have expressed their distrust of the governance system. Hence, it is difficult to expect the citizens to have more trust and satisfaction than the civil servants themselves. Despite the general dissatisfaction with the governance system, one third of the municipal employees

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<sup>28</sup> CCI- *"Istrazivanje stanja ucesca gradjana u procesima donosenja odluka u Bosni I Hercegovini"*, October 2005.

<sup>29</sup> Ibid.

<sup>30</sup> Citizens, Business and Civil Servants Perceptions of Governance, Governance Perception Survey- at all levels in BiH, UNDP, Bosnia and Herzegovina, Sarajevo, May 2003

think that the citizens should not actively participate in decision-making, while only 7 % of the citizens agree with this.<sup>31</sup>

#### **4.2.4 Information dissemination**

Furthermore, the media and the government officials have not utilized potentials of a partnership between them in an attempt to increase citizen participation in decision making. It is common for municipalities in BiH to have their own information dissemination mechanisms. Most often they are in a form of a bulletin which is printed with municipal support. Poorer municipalities often cite lack of resources as the reason for not printing sufficient amount of copies to inform the public about the relevant issues, but the reasons are more closely related to prioritization of spending. Rights-based Municipal Assessment and Planning Project, a UNDP Bosnia and Herzegovina project, in its Consolidated Report, specifically points to the lack of information dissemination as one of the major obstacles to citizen participation. This is especially true in rural areas where information is not as readily available as in urban centers of municipalities. Besides the bulletins, municipalities most often use the local radio stations, which are sometimes owned by them, to inform and involve the public. In urban centers, television is also used, but having in mind the high price of advertising on television channels this is not a common practice.

Section 4 points out that the prewar participation mechanism, the MZs, have not been utilized after the war. However, none of the other newer mechanisms are utilized or

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<sup>31</sup> CCI- *“Istrazivanje stanja ucesca gradjana u procesima donosenja odluka u Bosni I Hercegovini”*, October 2005.

recognized by the citizens, as much as the traditional mechanisms such as the MZs and the public discussions. Information dissemination on the participation opportunities, and monitoring from higher levels of government are close to non-existent. However, despite being informed properly, majority of citizens are willing to participate if invited. Hence, in the next section different policy options for increase of citizen participation will be analyzed.

## 5 CASE STUDIES

In terms of effectiveness of the present mechanisms in regards to promoting, and facilitating citizen participation, there is little available qualitative data. Also, as the Law in the RS has been recently adopted, and the FBiH Law has still not been adopted, the potential impact on the municipalities is unknown.

Having in mind that the main goal of the paper is to propose participation mechanisms which best ensure and promote equal citizen participation, case studies will specifically uncover what happens with the participation mechanisms at the level of the municipality, how are they administered and why are they effective, or not. The CCI study has uncovered valuable quantitative data on the citizens' participation habits in ten Bosnian municipalities, however, it has not uncovered where the major failures lie in the choice of options that the municipalities use. Also, the CCI could not uncover which citizens most often are left out.

To answer these questions among the 20 randomly selected municipalities, four were selected on the basis of the following criteria:

1. spatial criteria: rural/urban
2. location/entity
3. willingness to participate in this study

**Case studies** for 4 municipalities have been designed. Data for the case studies have been gathered through document review (minutes from public debates, reports on MZ



activities, correspondence between MZ and municipalities etc.), observations (at meetings etc.) and interviews with/within the municipalities. The case studies describe the following:

- a. Basic data on municipality
- b. Existing mechanisms for citizens' participation as presented by municipal officials
- c. Description of relevant direct participation events
- d. Successful cases of citizen's participation indicating changes influenced by citizens' participation
- e. Analysis of reviewed documents
- f. Follow up mechanisms used to operationalize citizen requests
- g. Media usage to advertise opportunities for citizens to participate
- h. Availability of mechanism for participation to vulnerable groups

### **5.1.1 Case study of Drvar**

The Municipality of Drvar, which is situated in the northwest part of Bosnia and Herzegovina (BiH), is part of Canton 10 in the Federation of Bosnia and Herzegovina (FBiH). Besides Drvar Municipality, Canton 10 includes five other municipalities (Livno, Tomislavgrad, Kupres, Glamoc and Bosansko Grahovo) totalling 83,865 inhabitants<sup>32</sup>. According to the 1991 census, 17,126 people inhabited the municipality. Current population estimates vary from 8,000 to 13,000 people.

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<sup>32</sup> Source: The Federation Office for Statistics' estimates of the overall number of inhabitants by cantons and municipalities.

Before the recent war, the population of present-day Canton 10 was of a multi-ethnic character, with Bosnian Croats residing mostly in the south and Bosnian Serbs in the north. Drvar Municipality, along with the other two north-western municipalities (Glamoc and Bosansko Grahovo), was mostly inhabited by Serbs. According to the figures from the 1991 Census, Drvar had 17,126 inhabitants, out of whom 16,608 or 96.97% were Serbs, 384 Yugoslavs, 68 Others, 33 Croats, and 33 Muslims<sup>33</sup>. Out of 17,126 inhabitants, 8,431 (or 49.22%) were male.<sup>34</sup>

According to the estimates of the Federation Office for Statistics, Drvar Municipality currently counts 13,087 inhabitants, out of whom 8,916 are Bosnian Croats, 4,129 Bosnian Serbs, and 42 Bosniaks<sup>35</sup>. However, other estimates give a different picture. Since 1997, UNHCR has registered 5,746 Bosnian Serb returns to Drvar<sup>36</sup>. The number of Bosnian Croat displaced persons (DPs) is estimated at 1,500, while UNHCR figures include six Bosniaks. While the UNMIBH in 1998 estimated that there were 7,000 Croats in Drvar, it is very likely that the majority has now left. Finally, according to the data from OSCE's Drvar Office, which corresponds to the UNHCR figures, Drvar has approximately 8,000 inhabitants, out of whom 6,000 are Bosnian Serbs and 2,000 Bosnian Croats.<sup>37</sup>

In terms of direct participation, citizens may attend municipal assembly sessions. In addition, the Municipal Statute provides for two mechanisms that can be used by citizens

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<sup>33</sup> The term "Bosniak", the nationality designation for Bosnia's Muslims, was not used in the 1991 Census.

<sup>34</sup> RMAP Drvar human rights assessment report, UNDP Bosnia and Herzegovina, April 2004.

<sup>35</sup> Source: The Federation Office for Statistics' estimates of the overall number of inhabitants by cantons and municipalities, 31 December 2002.

<sup>36</sup> Source: UNHCR Return Statistics Database, Canton 10, 30 June 2003. The data for Drvar rely primarily on information received directly from the field, as the Municipal Return Office statistics have not been updated and reflect only the number of returnees who chose to register with this municipal department.

<sup>37</sup> RMAP Drvar human rights assessment report, UNDP Bosnia and Herzegovina, April 2004.

to submit proposals to be debated at the Municipal Assembly<sup>38</sup>. However, in practice MZs<sup>39</sup> and direct contact with the Mayor (Mayor's Days) are mechanisms utilized for direct participation of citizens. There was one attempt to utilize the Citizens' Initiative possibility which, according to the Statute can be used if 75 citizens sign it, but it was a politicized attempt to disassociate Drvar from Canton 10. As a result, the Initiative was not discussed, as it was outside of the boundaries of municipal administration.

The MZs were utilized in the several successful attempts to include the citizens in policy-making. Drvar created two municipal development plans, both of which were drafted with heavy input of the citizens. Besides the open meetings organized in the municipal building, the planning process was brought to the citizens by organizing it in the MZs. However, as all of the MZs were not active, most remote parts of the municipality were left out of the process. As Drvar is a municipality still in the phase of post-war reconstruction, it is especially surprising that they organized extensive consultations with the citizens in allocation of the donated resources through the SUTRA and GAP aid programs. The grading of the submitted proposals was done in cooperation with the representatives of NGOs and the MZs.

In order to include the priorities of these citizens, their MZ representatives were invited to participate in general gatherings in the municipal building. This measure did not fully satisfy the citizens in remote areas, since, after the selection of priorities there were

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<sup>38</sup> Source: Statute of the Municipality, Articles 10 to 16. The two mechanisms provided are a referendum process, whereby a proposal can be submitted regarding any issue within the responsibility of the Municipal Assembly as well as any other issues provided for in the law; and a citizen initiatives whereby citizens have the right to make a proposal on any issue within the responsibility of the Municipal Assembly or propose solutions on specific issue being discussed at the Municipal Assembly, providing that at least 75 people sign the proposal.

<sup>39</sup> It is the duty of the Municipality and Department of General Administration to make sure that the MZs are properly functioning, and that they receive their funds. Statute of Drvar Municipality, Article 55.

serious complains about the results. In informal interviews conducted with the returnees, they claimed that their MZ representatives did not fully lobby the true priorities of their community because they had their own agenda. The legitimacy of their leadership was, in the eyes of the citizens, questionable as they were more or less self appointed<sup>40</sup>.

Due to the specific<sup>41</sup> position of Drvar within Canton 10, in interviews the citizens expressed serious doubts about the ability of the municipal administration to address the main problems that they are facing. The issue of privatization was the most important issue for the citizens as they thought that this was the cause of their biggest problem, which is unemployment. Hence, the municipality has had to try to deal with issues outside of its area of responsibility since the citizens' demanded action in this regard.

Citizens of Drvar have difficulties accessing information about the participation events as there is limited usage of printed, or other media in inviting the citizens to specific events. Budgetary discussions are most often used for citizen participation, but not all the citizens are able to participate as they are from remote rural MZs. However, none of the interviewed officials answered the questions about the vulnerable categories in a manner which showed that they were aware of the existence of vulnerable categories, or who they were.

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However, it is interesting that the Statute does not consider the MZs only as participation mechanisms, but as tools for governance, hence, it does not list them along with the other two mechanisms.

<sup>40</sup> It is important to note that the MZ representatives claim that they are actually doing a favor for their MZ, as other citizens are unwilling to participate in leading of the MZs. Also, they claimed great success of these plans as power supply, which was destroyed during the war, was being restored in their settlements.

<sup>41</sup> Drvar is a majority Serb municipality in a Croat dominated Canton 10. Because the difference in ethnicity the Cantonal government has not treated Drvar the same way as the Croat dominated municipalities.

The available documentation in Drvar municipality was quite scarce and it was mostly related to the correspondence between the municipality and the Cantonal Government. The MZs did submit certain proposals, from time to time, however the procedure of selection of priorities within MZs was unclear, as well as the selection of the submitted proposals by various MZs. Officials interviewed for this study all claimed that there were specific records of the relevant participation events, however they have never been presented.

### **5.1.2 Case study of Srebrenica**

Srebrenica municipality is situated in the North-East of Bosnia Herzegovina – Republic of Srpska, covering 527 m<sup>2</sup> of mostly hilly and mountainous terrain. Most important natural resources of the municipality are mineral resources, wood, and thermal medicinal waters. The Srebrenica area is also rich in cultural and historical heritage. The main regional roads bypass the Srebrenica Municipality, diminishing importance of its location. Also, observed from geographical aspect, the territory of the municipality is opened only towards the Drina River at east, i.e. Serbia and Montenegro, and to the neighbouring Bratunac Municipality. According to the 1991 Census, it had population of 36,666 living in 19 local communities or 81 settlements, with ethnic composition as follows: Bosniaks 75.20%, Serbs 22.68%, and others less than 2%, and gender structure of 51.48% men and 48.52% women. Due to the war and post-war migration, the demographic picture of Srebrenica has changed drastically in the period from 1992 to 2003, and continues to change. There are no precise present population figures. The

current estimated number of inhabitants is around 9,679, out of which 4,000 Bosniak returnees.

According to the relevant official in Srebrenica the available mechanisms for direct participation of citizens in Srebrenica are: citizens' forums', referendum, panels, public discussions, round-tables, MZs, citizens' initiatives<sup>42</sup>. The Statute<sup>43</sup> of Srebrenica municipality does not recognize more than half of these mechanisms. None of the interviewed officials could successfully point out the available mechanisms.

The participation events in Srebrenica are sporadic. Besides the budgetary discussions, there is no issue which has to be discussed with the citizens according to the set rules, or practice. As Srebrenica is flooded with programs of international aid, there are several programs which presuppose participation of citizens in the process of decision-making. The officials point to such exercises as successful cases of citizen participation, such as the drafting of the municipal development plan facilitated by UNPD RMAP. Involvement of stakeholders in every part of the process, including the selection of priorities was a successful effort; however, the institutional weaknesses in Srebrenica prevent sustainability.

On the other hand, the regular events organized by the municipal administration are limited to the urban areas of the municipality. There is a select group of citizens who regularly attend such meetings, and who are quite well informed about the consultation process in the policy formulation. Nevertheless, the events are meant to be open to all of the citizens equally, but information sharing in Srebrenica is so weak that parts of the

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<sup>42</sup> Interview with Mr. Cvijetin Maksimovic, Srebrenica July 21, 2005.

municipality have never received relevant information. For example, MZ Skelani is about 50 km away from the urban part of the municipality and it does not have access to any kind of printed, or other media, from BiH. It is in a complete information blockade.

Municipal administration has attempted to address the situation by strengthening of the MZs as information sharing mechanisms. The effort has not resulted in concrete involvement of citizens as it was difficult to find proper leadership in the MZs. Complaints of the citizens were that the selected individuals were appointed by the administration on the basis of political affiliation<sup>44</sup>.

The rural population is the most vulnerable population in Srebrenica. They are mostly female head of households, and elderly, both with low level of skills. Because of inactivity of their MZs they complain of being left out of the process of allocation of funds from the municipal budget, and the international aid funds<sup>45</sup>. The most burning issue for them is the reconstruction of the road to the urban part of the municipality which has not been completed as the urban population, who directly participate, prefer investment in other priorities. As a result, even the rural inhabitants who do want to come and participate in the events, such as public discussions, are often prevented by the terrible roads in the winter, and even spring. The only information channel sometimes distributed to remote areas is the local newspaper “Srebrenicke novine” which is issued occasionally.

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<sup>43</sup>

<sup>44</sup> Selection of officials has had tremendous effect on the outcome of prioritization process for the international funds that came to Srebrenica as a part of the Srebrenica Regional Recovery Program of UNDP Bosnia and Herzegovina.

<sup>45</sup> Interview with returnees to MZ Suceška. June 29, 2005.

Municipal officials claim that the reasons for low participation are mostly caused by citizens' passiveness inherited from communism. Hence, it is no surprise that very few of the proposals collected at public discussions have resulted in concrete measures. In line with that the municipal officials claim that they do keep records of the participation mechanisms, but that they are unavailable<sup>46</sup>.

### **5.1.3 Case study of Derventa**

The municipality of Derventa<sup>47</sup> is located in Republika Srpska (RS) entity of Bosnia and Herzegovina (BiH). It is located in the Ukrina River Valley on the main road between Sarajevo and Brod on the border with Croatia, as well as on one of the major routes through Posavina leading to Banja Luka. Covering an area of 517 km<sup>2</sup>, Derventa municipality comprises 57 villages and Derventa town. According to the 1991 census, the population of Derventa was 56,489, made up of 40.6% who identified as Serb, 38.9% as Croat, 12.5% as Muslim, 5.9% as Yugoslav, and 2.1% as "Other". The post-war total population is estimated to be between 36,000 to 40,000, of which 97% are Serbs, 1% Croats, and 2% Bosniaks. Before the war, Derventa was an industrial and transit centre. Textile, manufacturing, shoemaking, and the metal and construction industries were the basis of the economy.

Derventa has amended its Statute, in line with the requirements under the newly adopted RS Law on Local Self-Governance. The municipal officials have chosen to directly copy

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<sup>46</sup> Records have been requested several times, but the answer was always that the records were too long to be sent, or that the relevant person was unavailable.

<sup>47</sup> People commonly use the term "Derventa" to refer to both the town of Derventa and the Municipality of Derventa. The phrases "Derventa Municipality" and "Derventa town" are used in this report when specifically required, while the term "Derventa", when appears on its own, refers to the municipal area.



the mechanisms specified in the Law. However, the participation mechanisms are limited to occasional Public discussions on the budget allocation, and sporadic other issues<sup>48</sup>. The MZs are not functional and the municipal officials put the blame for the inactivity of the MZs on the citizens' apathy. Instead they have an employee who is responsible for participation of citizens and cooperation with the NGOs. This employee is supposed to make periodic visits to the "relevant" areas of this big municipality in order to pick up citizen requests.

Representatives of returnees are especially dissatisfied with this solution to citizen participation, and they claim that the municipality is preventing them from forming their MZ on grounds of administrative insufficiency. Information sharing in Derventa is limited to "Derventski list", which is in the hands of members of one political party. All announcements about the participation opportunities are made in this newspaper which is only distributed in the urban parts of the municipality.

On average three public debates are held in Derventa during the process of budget allocation. Small numbers of selected individuals participate in the event, as the person responsible for citizen participation is closely involved in local politics and does not invite the potential "troublemakers"<sup>49</sup>.

#### **5.1.4 Case study of Municipality Centar Sarajevo**

##### a. Basic data on municipality

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<sup>48</sup> The municipal officials put the blame for inactivity of the MZs on

Centar municipality Sarajevo is a commercial and cultural centre of the City of Sarajevo. It covers the area of 3.313 hectares. The municipality budget for 2005 is projected to 21,820.000 KM. The Municipality Council (established in December 2 2004) has 31 councillors – SDP have got 12 mandates, 12 SDA, 4 SZBiH, 2 SDU and 1 SPU. In 1991 Centar Municipality Sarajevo had population of 79.005, with the following ethnic structure: 39.686 (50,23%) Muslims, 16.632 (21,05%) Serbs, 5.411 (6,85%) Croats, 12.960 (16,40%) Yugoslavs and 4.316 (5,47%) others. Until the end of the war about 7.000 citizens of Centar Municipality were killed or wounded.

About 27.000 citizens left the municipality during the war, but a lot of them came back after the Dayton Peace Agreement. Municipal's officials in local communities have estimated the following (daily fluctuation included): the population of 67.316 as follows: 52.221 (77,58%) Bosniaks, 4.880 (7,25%) Croats, 6.956 (10,33%) Serbs and 3.259 (4,84%) other nationalities in about 25.700 households (average 2,7 persons in household). Canton Official statistical data (approximate) for January 2005 indicated 68.067 habitants. In May 2005 average salary for employees in CMS area was about 700,00 KM, and pension about 270,00 KM.

There are 15 registered MZs in the municipality Centar. In the overall reform effort that was undertaken in 2000 and 2001, elections for members of the MZ Councils were introduced. The municipal Statute was amended and it specifically spelled out the procedure for selection of the MZ Council, and has set the MZs as the basic participation and information sharing mechanism in the municipality. The rest of the mechanisms

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<sup>49</sup> Interview Dusan Malic, officer for coordination with NGOs and citizen participation, Derventa, April 23, 2005.

identified by the FBiH Law are also there, but the Statute leaves the possibility open to other mechanisms that the citizens want to use.

Participation events are all held in the MZ premises. There are specific issues which always have to be discussed, such as the planning of the budget and the changes in the urban planning. Furthermore, each of the MZs has their own Statutes which identify clear procedures for their functioning. All of the 15 MZs have to hold regular meetings, but they can raise and discuss any of the issues which are only relevant for their MZ, as well as participate in the general efforts.

The MZs are positioned in such a way that an overwhelming number of citizens can get to the offices fairly quickly. It has to be mentioned that Centar is a very small urban municipality, which is many times smaller than an average BiH municipality. Despite that the municipal officials have “automatized” information sharing practice. The citizens are informed through the Cantonal Television, as well as the radio stations, and the newspapers. Also, they publish a monthly journal which deals with the specific events in the municipality.

Of the interviewed officials, citizens, very few made negative remarks, and the ones that were made were related to issues not connected to citizen participation<sup>50</sup>. Part of the reason is a very good record keeping system, which is done in every MZ. As a result all MZs have written records of participation events, and the correspondence with the Municipality.

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<sup>50</sup> Such as the selection of firms for infrastructural undertakings.

Feedback after the participation events has been institutionalized as part of the decision-making process. For example, the allocation of the budget is done after all of the MZ Council presidents reach a consensus on that year's budget. The officials claim that this is not an easy route to take, but that the result is a system of rotation of priorities. This year's priority MZ will allow others to put their problems at the forefront the following year. Exceptions are the vulnerable categories in the municipality which are covered by special municipal teams.

## 6 POLICY OPTIONS

The previous sections show that the legal basis for citizen participation is present and that the European legal standards are respected, but the implementation is where problems arise. The policy options considered here deal with the operational issues, which are central to the question of EU accession and meeting European standards. Based on the analyzed data, and the case studies, there are four possible policy options that will be analyzed within the developed framework of policy analysis. The chosen policy options are those which have a reasonable chance of being successfully implemented under the present circumstances.

Despite the fact that the usual practice is to select three possible policy options, the present situation in BiH municipalities where there is a lack of a developed policy option, makes it necessary to analyze and compare more options. This is especially necessary since the legal framework is relatively new and the policies used by municipalities are fairly untested.

The MZs are an obvious option for analysis as they are a very deeply rooted traditional participation mechanism which has been rejected, or only partially used, in the post-war period. Also, along with the public debates, the MZs are the most recognized, utilized, and preferred direct participation mechanism. Hence, these two policy options were analyzed separately, despite the fact that they are often used hand in hand<sup>51</sup>.

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<sup>51</sup> If a municipality uses public debates they are almost exclusively run in MZ offices/facilities, and often organized by MZ leadership, if it exists.

The citizens initiative is a new mechanism, developed in the post-war period, and it is a policy option pushed for by some experts at the expense of MZs. Basically, the critics of the MZs think that a large part of citizens' inactivity is due to the MZs' outdated nature, and propose new mechanisms, namely the citizens initiatives as the alternative. Hence, we analyze citizens initiatives as a possible policy option to address the problem.

Finally, the usage of a designated municipal official is a practice which is not recognized by the citizens as one of the mechanisms for direct participation of citizens, but it is a commonly utilized option. This mechanism has been vilified by the democracy activists at the local level as anti-democratic, and not up to European standards. However, the European Charter on Local-Self Governance does not explicitly forbid usage of such "less direct" mechanisms<sup>52</sup>.

Five overall criteria were used to evaluate the performance of the mentioned policy options. Then, for each criterion different indicators of success were developed. Below is a chart of the framework of analysis of the four policy options.

	POLICY OPTIONS			
	1	2	3	4
Goals/ criteria	MZs	Citizens initiatives	Municipal official responsible for a specific area	Public debates
<b>Effectiveness</b>				
<b>Vulnerable groups represented in</b>	Good if represent regional	Not a very utilized mechanism	not very good	because of the weak information

<sup>52</sup> The Charter specifically says that the direct participation is mandatory where it is defined by the local statute. The implicit meaning is that it is possible to not have a direct participation mechanism. In hand with that, the local law has left the decision on a modality of direct participation of citizens to the municipalities to choose, usage of a designated municipal official can fall under that discretionary power hence making it a policy option in line with the European standards.

<b>decision making</b>	interests such as rural and returnee interests. However, inclusion of women and youth is not a strength of MZs as they are reflection of administrative region which is not dominated by women and youth	because the citizens are not used to it and not informed about it.		sharing they are not extremely good
<b>Cooperation with NGOs</b>	as MZs have potential to grow into institution there is possibility for long term and strategic cooperation with NGOs	It is good for ad hoc and sporadic cooperation but not for long-term continuous approach	Not at all	Medium.
<b>Mechanism understandable to citizens</b>	MZs are the most understandable mechanisms for citizens. They are the most commonly used and identified.	Not very as it is a fairly new mechanism and the citizens have not used it frequently.	Understandable	Very understandable. Along with the MZs the most recognized.
<b>Increased awareness on direct participation</b>	Strong as it is a community driven mechanism.	Good, because it is issue based and can provide insight into the possibilities	Not very good as it does not create proactive attitude of citizens because of lack of perceived objectivity	It is good for small number of citizens. Outreach limited to ones present at debate or informed about debate
<b>Affordability/accessibility</b>				
<b>Physical and financial accessibility</b>	Their biggest advantage is that they are physically the most accessible in places where they exist	unknown	Low as in practice not all areas of municipality receive equal attention	Medium. Depending on the venue, and the frequency

<b>Efficiency</b>				
<b>Cost efficiency-value for money</b>	Medium. High maintenance costs because of the daily administrative costs.	High value as it can cost nothing	Medium. Salary and travel costs are moderate, but so are the results.	High, as it is a relatively cheap activity considering the number of citizens covered.
<b>Feed-back to citizens</b>	low	low	low	low
<b>Capacities to deliver services</b>	Varies from high to low	high	unknown	High
<b>Possibility for information dissemination</b>	high	medium`	low	low
<b>Speed of decision making process</b>	medium	high	high	high
<b>Sustainability</b>				
<b>Financial sustainability</b>	Low, as municipalities do not consistently allocate financial support	High.	High	Low as municipalities do not allocate sufficient amount
<b>Results sustainability</b>	High as there is continuity in work and possibility for follow up	Low possibility for follow up	unknown	Low possibility for follow up
<b>Responsiveness and Transparency</b>				
<b>Serving all stakeholders</b>	yes	no	no	yes
<b>Transparency of decision making processes</b>	Medium. The problem of legitimacy of leadership creates perception of low transparency	High as it is issue based, and clearly defined.	Low. Unclear decision making process, selection of priorities.	High. However, as in the case of MZs, elite capture is a real possibility.
<b>Determination of needs and</b>	High because of possibility	Low because it is issue	Low – possibility for	Medium as the topic is



<b>aspirations of citizens</b>	for constant and ongoing communication and MZ is deeply embedded in community	based	political motivation	predetermined by municipality
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The results of the framework of analysis, along with the case study results, all indicate that the usage of a municipal official as a mechanism for an increase in direct participation of citizens is not a viable option. First, it is not likely that all of the areas of the municipality will receive equal attention. This is especially true in rural areas where distances to be covered are considerable. As a result, the most disadvantaged vulnerable categories, such as the rural population and the returnees, are not fully taken into account when selection of priority policies is done. Second, this option is much more open to political influence as the municipal employees are often appointed because of a membership in a party and politically motivated decisions are a real possibility. Despite the fact that this is a relatively cheap option, lack of transparency in the decision-making process, along with the above mentioned downsides, does not lead to an increase in direct participation of citizens.

Citizens' initiative is a mechanism which is inherently issue based, and does not lead to institutionalization of cooperation. It is a new mechanism in the BiH context, and the citizens have not rated it very highly as a participation option, hence it is understandable that it has not been utilized frequently. However, citizens' initiatives virtually cost nothing for the administration, and are reliant on the citizens' taking opportunities of the democratic liberty. But, in practice, the vulnerable have not presented themselves to exploit the opportunities. Also, the potential for feedback with citizens' initiatives is not very high as there is no defined "address" for reporting. In line with that, the initiative has

to be undertaken by a group of citizens who are aware of the possibilities and the rules set under the Municipal Statute, and it presupposes access to the Municipal Assembly, which has not proven easy.

The other two mechanisms, MZs and public debates, have very similar results in terms of recognition and understanding by the citizens as participation mechanisms. However, the MZs are far better at representing vulnerable categories which are regionally determined, such as rural population and the returnees. This is a very important characteristic as these two groups represent a big percentage of BiH population. On the other hand, the costs of running the MZs are by far the highest of the available mechanisms, and the legitimacy of their leadership is often questionable.

In practice, the MZs and the public debates are closely related. Most of the public debates take place in the premises of the MZs, and are announced through the MZ boards. It is possible to say that the two are inextricably linked, and that they work very well when combined. The downside of the public debates, the representation of the vulnerable, is the strength of the MZs, while the leadership legitimacy problem of the MZs can be balanced by the openness of the public discussion. However, the MZs' institutional strength and community and social cohesion can not be provided by any of the alternative mechanisms. In terms of the European goals and standards, promotion and strengthening of social cohesion and equality through public participation is extremely relevant. This long term potential of the MZs is the key to the selection of this mechanism as the basic participation tool in BiH which can also function well with a range of other mechanisms.

## 7 CONCLUSIONS AND RECOMMENDATIONS

Ensuring direct citizen participation in decision-making is a challenging task, however if the present situation is maintained BiH's road to European Union will be more difficult. Reform and strengthening of the lower levels of government, is both a precondition and a tool for speeding up the integration processes. As a part of the overall reform process due attention has to be paid to the issue of citizen participation and the utilized mechanisms have to be those that promote participation in an equal manner. To achieve an increase in rates of direct participation, harmonization of the legal framework is a good starting point, but it is also necessary to strengthen real participation in practice, as opposed simply in law.

The MZs present themselves as the obvious solution, or a starting point for a general trust-building between government and citizens in BiH. However, in order to utilize this opportunity there are several general preconditions that have to be fulfilled, which are listed before the specific recommendations below:

- Information sharing about the participation opportunities has to be increased and made more organized. There are municipalities with objective obstacles to information sharing, where the channels are simply not available, and this should be noted by the higher levels of government. However, the majority of municipalities have the necessary tools to inform all the citizens they are willing to inform.

- Monitoring of the higher levels of government has to increase in all areas, especially in citizen participation issues. The present situation whereby the municipalities are stripped of power and left to deal with their own affairs without any monitoring has to be overcome by an increase in monitoring and taking of responsibility by the higher levels.
- Instead of encroaching on responsibilities of municipalities, the higher levels of government have to understand that the principle of subsidiarity is a key to functioning of the European Union, and that it was made a foundation of Europe because it is the meaning of democracy to allow the people to make decisions in their own name. Issues of taking away powers and giving responsibility have to be stopped as a precondition for increase in trust in government, and decrease in citizen apathy. The example of utility services in the RS, whereby local governments are responsible for a service which the RS controls and privatizes, is exactly what makes the citizens not believe that the local levels of government can not make a meaningful change in their lives. Hence, in line with the European standards, the local governments can not be responsible for services that they do not control
- The non-governmental organizations share a part of the responsibility as they are in a position to demand changes from governments at levels above the municipalities, due the fact that they still have considerably more independent sources of funding than other actors in the society. Consequently, the NGOs have the necessary time to follow through with the issues and should use this luxury to put on the agenda issues related to citizens' participation.

- Training of municipal officials on the potentials of direct citizen involvement and possibility for improvement of cooperation. Explaining the direct relationship between European integration and the increase in responsibility of local governments, which means that the municipalities will need to increase their capacities to answer to the challenge.
- Exchange of experiences among the municipalities can be achieved by utilizing the Associations of Municipalities of the RS and the FBiH. These associations have the potential to promote the importance of citizen participation in regards to the European integration processes, as they are very much involved in sharing of experiences with other countries who have already addressed this issue (like Bulgaria).

The specific recommendations on the MZs are:

1. Funding of MZs as a mechanism of participation should be predictable and constant. A serious capacity problem of the MZs is caused by irregular and improper funding by the municipalities. Favoritism of certain MZs based on political affiliation has to be diminished by introduction of fixed funding for MZs costs.
2. Conditions for utilization of MZs' capacity are closely related to the mentioned legitimacy of leadership. To minimize this problem, it is necessary for municipalities to take as an example Centar municipality which has organized elections for representatives in the MZ Council.

3. The definition of issues that have to be discussed/consulted with the public. The present practice of discussing the budget plans with MZs on a selective basis should not continue.
4. Information dissemination channels need to be governed by clear guidelines and need to provide space to issues that are related to community needs nor issues of general political importance.
5. There should be coverage of the equal parts of municipal territories with MZs. Decrease of discretionary powers of the Municipal Assembly regarding the registration of the MZs. Liberalization, or setting clear standards which are not subject to decisions by the Assembly, are key to allow the citizens to exercise their liberty/rights in a way that is well known to them.
6. MZs should be used in combination with other mechanisms. The establishment and strengthening of the MZs should not mean the abolition of other mechanisms for participation. This is especially true with citizens' initiatives which can not shoulder the responsibility of being the main mechanism for citizen participation, but have the potential as they are a kind of mechanism which relies on citizens taking advantage of the freedom of democracy.
7. Record keeping on the correspondence with the MZs and other direct participation events needs to be maintained and improved. This will enable the citizens' and the NGOs to demand accountability for their initiatives and create a foundation for receiving feed back from the officials.

## 8 Bibliography

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