

## LOCAL COMMUNITIES IN BOSNIA AND HERZEGOVINA: THE POTENTIAL OF NEGLECTED INSTITUTIONS

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Results of research on local communities (LCs) in Bosnia and Herzegovina (BiH) presented in this policy brief indicate that their participation in various local issues is of direct importance to community needs. The research also points to a variety of possible roles that LCs could undertake depending on community needs. However, most LCs in BiH have been left *de facto* without tasks, capacities and resources, with their role reduced to representative bodies without the institutional memory necessary for continuity of their work. This policy brief features a number of recommendations for the improvement of the institutional development of LCs, as well as their various functions.

**SUMMARY**

### 1. INTRODUCTION

Over the past two decades, little attention has been paid to LCs in BiH. These institutions were perceived as relics of the Yugoslav past, without a meaningful purpose in the new political system. Previous studies have shown that citizens still recognize LCs as important mechanisms of participation in local activities, but certain obstacles to LC functioning have also been noted, including a lack of formal competences, lack of financial resources and the influence of political parties on the election of LC organs. Having recognized their potential in bringing citizens together on important community matters, international and non-government organizations in BiH have, particularly in recent times, made efforts to strengthen the role of LCs through various projects and initiatives which have been, *inter alia*, aimed at changing the legal status of LCs, defining the minimum of standards for their operations through local acts and strengthening local community capac-

ities. However, such initiatives can only partially compensate for a lack of a clear vision of LCs' purposes and their institutional development.

Given that the understanding of the functioning of LCs in BiH and the context in which they work is hindered by a lack of comprehensive empirical research on this topic, in 2014, Analitika conducted research with the aim to gain systematic insight into the practices of LCs across BiH. The main research findings are presented in this policy brief,<sup>1</sup> as well as general recommendations for the improvement of LCs' activities aimed at decision-makers at various levels of government.

### 2. CONCEPTS OF SUB-MUNICIPAL GOVERNANCE, YUGOSLAV LEGACY AND REGIONAL EXPERIENCES

Sub-municipal or neighborhood-level governance is widespread in Europe and may

<sup>1</sup> The brief has been created on the basis of the study *Local Communities in Bosnia and Herzegovina: Challenges and Prospects for Institutional Development*, which is the result of a project implemented during 2014 with the financial support of the Swiss Embassy in Sarajevo.

have various forms and purposes.<sup>2</sup> It relates to “the engagement of neighborhood-level mechanisms and processes to guide civic participation, planning, decision-making, coordination, and implementation of activities within the neighborhood, to represent neighborhood interests to actors beyond it, and to identify and organize accountability and responsibility for action undertaken.”<sup>3</sup> Arguments for establishing these institutions are mostly based on the notion that civic participation in local decision-making processes improves such processes and that neighborhood-based institutions may develop and mobilize civic skills, may serve as access points to local government or “opportunity structures” which may shape policies in the interests of the community.<sup>4</sup>

What such institutions may look like in practice depends on the rationale behind their establishment. Lowndes and Sullivan (2008) identify four rationales for neighborhood governance in policies of the UK – civic, social, political and economic.<sup>5</sup> With respect to the civic rationale, institutions enable participation in decision-making processes with the purpose of creating active citizens and a cohesive community. The social rationale is based on the idea of citizens as partners, which usually implies the cooperation of different stakeholders within the community through various service providers, local strategic partnerships and similar bodies whose aim is to improve the citizens’ quality of life. The political rationale is based on the principles of representative democracy, whereby institutions (councils/ boards) represent citizens (voters) with the aim of responsive and responsible decision-making. Institutions with a primarily economic purpose manage the neighborhood with the aim of efficient local service delivery, while various agreements and charters may define the level and

standards of services which citizens demand and expect of service providers.<sup>6</sup>

The Council of Europe *Recommendation Rec (2001) 19 of the Committee of Ministers to member states on the participation of citizens in local public life* advises local authorities to “develop, both in the most populated urban centres and in rural areas, a form of neighborhood democracy, so as to give citizens more influence over their local environment and municipal activities in the various areas of the municipality.” Local authorities may establish sub-municipal bodies with elected or appointed representatives, which may be given advisory and information roles and may be delegated certain executive powers. Moreover, it is recommended that administrative offices are set up at the sub-municipal level to facilitate the contact between citizens and local authorities. The principle of subsidiarity in the context of sub-municipal governance is promoted by the recommendation that local authorities adopt integrated approaches to public service organization and provision, centered on the willingness to listen to citizens’ needs, as well as to encourage local residents to engage – either directly or through neighborhood associations – “in the design and implementation of projects which have a direct bearing on their environment, such as the creation and maintenance of green areas and playgrounds, the fight against crime, the introduction of support/self-help facilities (childcare, care for the elderly, etc.).”<sup>7</sup>

Regardless of the different possible forms and goals of sub-municipal governance units, important principles which should guide such institutions in their actions are legitimacy, or the “extent to which an organization justly and properly speaks for and acts on behalf of the neighborhood it takes as its constituency” and accountability, or “the extent

<sup>2</sup> E.g. see: Paweł Swianiewitz, “Intra-Municipal Units in Urban Political Systems in Poland: Vicious Round-About of Marginalization or Dead-End Street?” (Draft article presented at the annual EURA conference, Enschede, June 3–6, 2013).

<sup>3</sup> Robert J. Chaskin, “Fostering Neighborhood Democracy: Legitimacy and Accountability within Loosely Coupled Systems,” *Nonprofit and Voluntary Sector Quarterly* 32, no. 2 (2003), p. 162.

<sup>4</sup> Ibid., p. 163; Horak and Blokland, “Neighborhoods and Civic Practice,” p. 255.

<sup>5</sup> Although based on British policies, the typology offers useful analytical categories which may be applicable elsewhere.

<sup>6</sup> Vivian Lowndes and Hellen Sullivan, “How low can you go? Rationales and challenges for neighbourhood governance,” *Public Administration* 86, no. 1 (2008), pp. 54–67.

<sup>7</sup> Council of Europe, *Recommendation Rec (2001) 19 of the Committee of Ministers to member states on the participation of citizens in local public life* (Strasbourg: Council of Europe, 2001), Annex II, Articles 7i–iv.

to which organizations that speak for or act on behalf of a community are fulfilling their stated goals and can be held responsible for their actions". The possibility of resident participation through these institutions primarily contributes to their legitimacy, together with a track record of accomplishment combined with the ability to mobilize the community around any given issue. Accountability is best ensured by elections for membership in these bodies, while procedures guaranteeing that institutions spend the available funds on the real needs of the community (e.g. through community decision-making on the allocation of funds) are also important. The principle of effectiveness in performing various tasks is also important and this implies adequate capacity – in terms of employees, technical and other resources, sophistication of work, access to networks of local stakeholders, etc.<sup>8</sup>

If we look at the Yugoslav experience, LCs were territorially defined venues for community self-government where local residents gathered around communal, housing, infrastructure and other issues. Prescribed by the Yugoslav Constitution of 1974 as an obligatory form of communal self-government, they had the status of a legal entity, their own premises and staff and they could raise their own revenue and own property. They were made up of the LC assembly as their representative body, and the LC council as their executive body, other facultative bodies (such as the peace council or the consumer and service user council), and they participated in the local communities' council as part of the local government assembly.<sup>9</sup> Local government reforms significantly impacted LCs: According to Pusić (1975), the continuous increase in the size of local self-government units (LSU), coupled with a decrease in their number, rested on the "desire to build a firm groundwork for local autonomy" and the assumption that larger units would generate

more own-source income. In that context, LCs had been "conceived as forms of direct popular association, not local government, and not having their own budget or professional administration," initially established "more or less as political field offices of the commune councils". With the increase in commune size, powers of the LCs were also increased, including revenue-raising ones.<sup>10</sup> In other words, it seems that the LC initially had the function of political representation, while it later took on other tasks as the powers of the LSUs grew.

After the break-up of Yugoslavia, each country chose their own path of reform with respect to local and sub-municipal governance: In the early 1990s, countries mainly experienced centralization, followed by a wave of decentralization, primarily because of obligations to the European Union and the Council of Europe. Such reforms inevitably impacted LCs: Usually, their competencies were weakened and their property transferred to LSUs. However, they continue to exist, with certain differences between countries with respect to their form and legal status, purpose and type of election, functions they perform, bodies they comprise of, sources of income and means of citizen engagement.<sup>11</sup>

Self-government laws in all countries leave it up to the LSUs to regulate important aspects of sub-municipal functioning, which allows a variety in form and function, but may also lead to key aspects of their work being left unregulated, thus hindering their activities in practice. In most countries, sub-municipal units are established with the declarative purpose of fulfilling or representing citizens' interests, but laws generally do not precisely state how this is to be achieved. Previous research has offered a partial overview of LCs' activities in all countries and it is difficult to generalize based on such research or to sublimate the results. However, many authors point to the significant structural challenges



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<sup>8</sup> Chaskin, "Fostering Neighborhood Democracy," pp. 174–182.

<sup>9</sup> Eugen Pusic, "Intentions and Realities: Local Government in Yugoslavia," *Public Administration* 53, no. 2 (1975), pp. 133–138; Shandana Khan Mohmand and Snezana Misic Mihajlovic, *Connecting Citizens to the State: Informal Local Governance Institutions in the Western Balkans – Work in Progress Paper* (IDS and SDC, 2013), pp. 11–12.

<sup>10</sup> Pusic, "Intentions and Realities: Local Government in Yugoslavia," pp. 135–138.

<sup>11</sup> See the overview of the legal framework in the countries of the former Yugoslavia, Mirna Jusić, *Mjesne zajednice u Bosni i Hercegovini: Izazovi i perspektive institucionalnog razvoja* [Local Communities in Bosnia and Herzegovina: Challenges and Prospects for Institutional Development], (Sarajevo: Analitika – Center for Social Research, 2014), pp. 22 and 23.

faced by these bodies, such as the lack of institutionalization and the definition of tasks, as well as the lack of resources and capacity, which may undermine the declarative ideas about representing residents' interests. It seems that these bodies have mostly inherited the political field office model from the previous political system, albeit without the authority that was inherent to their functioning at the time. Simultaneously, most authors point out numerous examples of positive contribution of these bodies to the community and the potential for increase of such contribution. Generally, higher levels of government take only marginal notice of these bodies and there is a lack of policies that would give them a particular role in the political and economic life of local communities, as is the case in many European countries (e.g. neighborhood renewal and development or citizen empowerment programs, better targeting of services).

### 3. LOCAL COMMUNITIES IN BIH: A VISION OF THE COMMUNITY'S PAST OR FUTURE?

The research process<sup>12</sup> combined a number of data gathering methods: In addition to a review of literature and relevant legal framework, general information about LCs was gathered from municipalities/cities, 129 telephone surveys with LSU representatives and 83 semi-structured interviews with LCs' representatives in BiH were conducted, along with 12 case studies (in 12 LCs in different municipalities/cities) featuring 56 interviews with representatives of local institutions and organizations as well as 13 interviews with LC and local government experts in BiH.<sup>13</sup> The results are presented in the following text.

#### 3.1. Establishment, Legal Status, Organs and Elections

LCs constitute units formed on spatial grounds, although laws in Republika Srpska (RS) and District Brčko (DB) foresee other grounds of their establishment (social, economic, etc.) Relevant laws regulate the matter of establishment and legal status of LCs in BiH in different ways and the main difference is that, unlike in the Federation of BiH (FBiH), their establishment is not mandatory in RS and DB, while in RS, unlike in FBiH and DB, they do not have the status of a legal entity.<sup>14</sup> The status of a legal entity has implications on the ability of LCs to sign contracts, own property and open bank accounts, and the loss of such status is generally seen as seriously undermining the functioning of LCs and significantly limiting their independence. Case studies and survey results point to the differences in status of LCs within the same administrative and legal framework, as in FBiH, where LCs in some LSUs may have the status of a legal entity by statute, but not in practice. In RS some local statutes have still not taken into account the loss of legal entity status, which has become explicit by amendments to the RS Law on Local Self-Government of 2013, but in practice, LCs do not have such a status.

By gathering basic information from municipalities/cities in BiH about LCs, research showed that in April, 2014 there were 2587 formally established LCs in BiH, of which 1451 in FBiH, 1058 in RS and 78 in DB. At that time, almost all LSUs in BiH had established LCs.<sup>15</sup> However, formally established LCs don't necessarily function in practice: research showed that as of May 2014, in 24 LSUs, 71 LCs were without established organs. In some cases, they were dissolved and LSUs designated LC

<sup>12</sup> The research covered the following aspects of LCs' activities: Establishment, legal status and elections; functioning of LC organs; resources and capacities; cooperation and coordination with other local stakeholders; service provision and citizen engagement processes.

<sup>13</sup> For a detailed overview of the research methodology, see *Ibid.*, pp. 31-35.

<sup>14</sup> For more information on establishment procedures, see *Ibid.*, p. 37. In Republika Srpska (RS), following the adoption of changes and amendments to the Law on Local Self-Government in 2013, the establishment of LCs is more certain than it was under the earlier version of the law: The territory of a local self-government unit (LSU) is now *divided* (instead of "*may be divided*") into LCs if this is in line with spatial, historical, economic or cultural reasons and is in the interests of citizens. "Zakon o lokalnoj samoupravi" [Law on Local Self-Government], *Official Gazette of Republika Srpska*, 101/14, 42/05, 118/05 and 98/13, Article 106.

<sup>15</sup> The exemptions are: Stolac in FBiH, Berkovići, Istočni Drvar, Istočni Mostar, Jezero, Kostajnica, Kupres and Petrovac in RS.

commissioners; in others, elections were not held or presidents had resigned.

There are also differences in organs which constitute LCs: in RS, the LC organ is a council directly elected by citizens, while in FBiH organs may be made up of a council and a president or a council and a citizens' assembly. In some LSUs in FBiH, LCs still have an assembly as an organ elected by citizens and a council as the executive body. In DB, where LCs are registered as citizen associations, an assembly, comprised of all citizens who have become members of the LC, a steering board and president are formally recognized organs. Research showed that in practice, LC councils make most decisions relevant to the community, while it is less frequent that LCs make decisions in consultation with citizens or at a citizens' assembly or meeting.

Modalities of elections for LC organs also vary. In RS, special instructions on the election of LC councils and the Election Law of RS prescribe elections, administered by municipal/city electoral commissions and electoral boards, in which citizens vote by ballot at citizens' assemblies.<sup>16</sup> In FBiH, by statute, LSUs may adopt their own electoral procedures for LC organs,<sup>17</sup> which may mean secret voting by ballot or secret or public voting at citizens' assemblies. In some cases, elections are not held at all and the LSU council directly names LC representatives, as is the case in Tuzla. In others, LC assemblies must proportionally reflect the representation of political parties in the LSU council, as is the case in Tešanj. In DB, the LC assembly, made up of LC residents who have become its members, may elect or dissolve members of the steering board and president; and the relevant LC law does not contain specific provisions on election procedures, but leaves the LC the possibility to determine them.<sup>18</sup>

In practice, municipalities in FBiH are increasingly opting for secret ballot at elections – more than half have instituted such electoral practices, which is also the case in RS. In RS, most municipalities are currently harmonizing their statutes with new election rules, while many municipalities are yet to follow these rules. LC elections in RS are to be held 90 days after the constitution of the LSU assembly, which calls elections.<sup>19</sup> Given that the last local elections were held in 2012, that would mean that LC organs were elected during 2013. In FBiH, municipal statutes prescribe elections, but they should generally be held every four years. Research conducted in May, 2014 showed that elections were held in a little more than half of LSUs after the local elections of 2012. In RS, where many LSUs are yet to hold elections in line with new regulations, some local administration respondents said that this would require planning the allocation of funds in the municipal budgets. Cases in which elections were held earlier (in as many as 33 LSUs, they were held in or before 2010), signalize either the non-existence of LC organs, or, in places where they are active, lack of their formal legitimacy of representing a community.

Many case study respondents, as well as LC representatives who participated in telephone interviews, preferred the ballot voting procedure at LC elections. Respondents generally viewed this as more transparent and democratic as well as reducing the possibility of electoral abuse. However, they pointed out that secret voting was logically more demanding and certainly more expensive. Some respondents thought that procedures which allowed political parties and citizens to stand for election did not allow for equal opportunity. Many LC representatives also expressed concern that explicitly allowing political influence in elections might lead to a complete takeover of the LC council, given that parties

<sup>16</sup> "Uputstvo o organizovanju i sprovođenju izbora za članove savjeta mjesne zajednice" [Instructions on Organizing and Implementing Elections for Local Community Council Members], *Official Gazette of Republika Srpska* 122/12; and "Izborni zakon Republike Srpske" [Election Law of Republika Srpska], *Official Gazette of Republika Srpska* 34/02, 35/03, 24/04, 19/05, 24/12 and 109/12, Articles 53 b) – v).

<sup>17</sup> "Zakon o principima lokalne samouprave u Federaciji BiH" [Law on the Principles of Local Self-Government in Federation BiH], *Official Gazette of Federation BiH* 49/06, Article 28.

<sup>18</sup> "Zakon o mjesnim zajednicama u Brčko Distriktu BiH" [Law on Local Communities in the District of Brčko of BiH], *Official Gazette of the District of Brčko of BiH* 3/03 and 19/07, Articles 13 and 16.

<sup>19</sup> "Election Law of Republika Srpska," Article 53 b).

have greater resources for mobilizing voters. Case studies showed that the influence of political parties was present everywhere, but it was more transparent in places where clear election rules existed.

The existence of procedures also influences the level of representativeness of LC organs. Instructions on LC elections in RS<sup>20</sup> stipulate that when nominating candidates for the council, gender and territorial representation should be taken into account. Case studies also point to examples of regulating different types of representation (territorial, gender, ethnic) in local acts, which is being implemented in practice. However, even when procedures have been established, low interest in participating in elections also means that representativeness may not necessarily be met, which respondents from various LCs pointed out. Low turnout undermines the legitimacy of elected candidates to act on behalf of the community. The research did not show a clear link between the mode of elections for LC organs and voter turnout. However, centrally organized elections usually mean that citizens will have more information on elections being held.<sup>21</sup> Certainly, turnout also depends on the perception of relevance of LCs.

### **3.2. Municipal Oversight of LC Operations**

Both entity local government laws essentially leave it up to LSUs to regulate the modalities of LC operations, including their decision-making. Oversight usually relates to the legality of LCs' work and is prescribed in a very general manner. According to the Law on the Principles of Local Self-Government in FBiH, the municipal council, according to statute, is responsible for oversight of LC organs.<sup>22</sup> On the other hand, local statutes and acts which regulate the operations of LCs in FBiH sometimes prescribe that the mayor is responsible for oversight, which is not in harmony with the entity law. In the RS, recent changes and amendments to the Law on Local Self-Government include a regulation that the re-

sponsible body of the assembly oversees the operations of LCs.<sup>23</sup> According to some local acts in FBiH, the LSU council may dissolve the LC organs if they do not perform certain obligations (e.g. reporting). Generally, the way in which oversight is currently prescribed gives local authorities a great deal of discretion to define what constitutes an acceptable minimum standard in LC operations. While it is important to ensure the accountability of LC representatives to the community, there is no guarantee that oversight, as currently envisaged, will not violate the principle of autonomy of LC organs. In case studies, LC representatives did not point to instances where local authorities may have overstepped the line with respect to control and oversight.

In research conducted, oversight was considered within case studies: in most cases, the council/assembly of LSUs was responsible for oversight and LCs were obliged to file annual reports to this body. In RS, special commissions of the assembly responsible for overseeing the operations of the LCs were formed in two municipalities, in line with the entity law. Supervision of LC operations was usually undertaken through procedures of reporting on the operations and planning of annual funding priorities. Moreover, LSUs have the practice of visiting or meeting LCs, along with *ad hoc* communication between LCs and local government departments. In several municipalities, mostly in FBiH, local government representatives complained that all LC councils did not meet regularly and that local administration could not force them to do so. Moreover, a number of local administration representatives spoke of the importance of the oversight of the LCs' accountability to citizens, e.g. through adopting information on LC operations at citizen assemblies, which was the case in only one municipality visited. Local governments did not have a way of verifying whether or not funding priorities adopted by the LC council had been based on community needs. Hence it is not surprising that a number of local government representatives

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<sup>20</sup> "Instructions on Organizing and Implementing Elections for Local Community Council Members," Article 19.

<sup>21</sup> In RS, it is prescribed that the assembly must inform citizens on the date and place of elections for LCs. Ibid., Article 3.2.

<sup>22</sup> "Law on the Principles of Local Self-Government in Federation BiH," Article 32.

<sup>23</sup> "Law on Local Self-Government," Article 109.

were skeptical towards the ability of LC councils to make decisions in the interests of the community.

### 3.3. Financing and Resources

The financing of LCs is prescribed in very general terms: In RS, local government is to determine “special funds” for LCs in its budget, which is more closely regulated by municipal statute, while in FBiH local government needs to ensure commensurate financial resources for the execution of competences it has delegated to LCs.<sup>24</sup> Both entity laws, as well as the law in DB, list the possible sources of financing LCs. The way of sourcing funds for financing LCs generally depends on local government,<sup>25</sup> while research to date points to a low level of financial independence of LCs. According to the survey conducted with local government representatives, most LCs are financed from the municipal budget, while sources of additional income are more diverse for LCs in FBiH than those in RS, which was also confirmed in interviews with representatives of 83 LCs. That is not surprising given that in the RS, operational costs of the LCs are usually “covered” by the municipal budget because LCs do not have their own accounts. Case studies also showed that LCs have modest resources available for operational costs, which are allocated to them by local governments. Although some LCs actively raised funds from various sources, many were not only financially dependent but they did not even have their own bank accounts (in RS and in FBiH). Only one LC received fees for water supply and management of the local water utility in its ownership. When premises are concerned, semi-structured interviews with representatives of 83 municipalities showed that most had either own or rented premises or premises given to them to use, while 19 had no premises at all.

In practice, LCs rarely employ staff and council members work on a volunteer basis. A

municipal survey showed that in only 11 LSUs in FBiH and only 2 LSUs in RS one or more LCs employed their own staff. In some 17 LSUs in both entities, local government employed staff (usually secretaries) in one or more LCs, especially in urban areas. In as many as 89 of 129 surveyed LSUs, LCs did not have employees. Interviews with LC representatives from 83 municipalities showed similar results. In case studies, in urban areas of FBiH (Tuzla, Sarajevo), LCs had the support of a local government-employed secretary, while in RS the case of Prijedor stood out – the city had set up 10 regional coordination offices, where coordinators – local government employees – organized meetings, took minutes and filed requests to local government or other institutions on behalf of the LC councils.

Many respondents, LC representatives, pointed out the need for capacity building by providing premises, technical equipment and databases but also educating LC representatives. Research showed that LSUs generally did not implement LC capacity building programs. The types of resources and skills required certainly also depend on what is expected of LCs, or the functions they are to perform in the community.

### 3.4. The Service Function of LCs

Although relevant laws list areas in which LCs could be active and thus leave the possibility for LCs to perform a wide range of tasks, they do not give LCs executive powers for delivering specific services. Local acts that were analyzed usually did not go a step further in terms of specifying service functions; even when certain tasks were mentioned, the distinction between initiating and performing them in an independent manner was not always clear. A survey of local government representatives shows that LCs deliver some services in most parts of the country: in 62 of 129 surveyed LSUs, LCs deliver some type of services (mostly administrative or communal services).<sup>26</sup> In

<sup>24</sup> Ibid., Article 109; “Law on the Principles of Local Self-Government in Federation BiH,” Articles 30–31; “Law on Local Communities in the District of Brčko of BiH,” Article 24.

<sup>25</sup> Municipal statutes in FBiH usually prescribe that the municipal council should, as part of its budget, adopt a decision on the criteria and choice of financing LC operations, criteria for the distribution of those funds and the way in which they should be used.

<sup>26</sup> Here the notion of services relates to continual activity, not *ad hoc* activities and on basic coordination, initiating participatory processes in the LC, giving recommendations to local government on priorities for financing, etc.

54 LSUs, LCs do not deliver services, while in 13 LSUs it was not clear whether they delivered services or not. However, the aforementioned services were often basic and in many cases, it was difficult to draw a line between information provision, coordination and service delivery. It seems that administrative tasks (issuing various certificates and household lists) are the most represented type of LC services. The most frequently mentioned communal services are the maintenance of the water supply, maintenance of roads and cleaning of local graveyards. Interviews with LC representatives showed that more than 50 % of them did not have a service function and that those that did usually provided some type of administrative service. In case studies, services were rare: four LCs issued certain certificates or confirmations while only one LC maintained and ran its own water utility.

Although entity-level laws provide for the possibility of entrusting certain activities to LCs,<sup>27</sup> research shows that in practice, delegating tasks to LCs (which may or may not imply service provision) is very rare. In some case studies, it seems that the issuing of various confirmations and certificates is an informal task, which is not foreseen by local acts, or, as one local government representative said, an “inherited practice” that both “the municipality and the LCs had gotten citizens used to.” In other words, it seems that in some areas, the LC continued to do what it had done before, often without the capacity to do so or procedures to prescribe such activity.

Whether or not LCs should deliver services is an open question: According to some interviewed experts, the delegation of tasks to the LC could make it an extended arm of local government, which could undermine its role in fostering the participation of citizens in the community. A majority of LC representatives interviewed responded that if LCs had com-

mensurate resources to do so, they should perform other tasks, such as administrative tasks and tasks in the communal, infrastructure and social protection realm. In any case, service delivery depends on the needs of residents, and it is thus necessary to consider the feasibility of such arrangements and their justification in terms of the availability and efficiency of services, while ensuring that sufficient capacities and attention are directed towards participatory processes in the community.

### 3.5. Coordination and Cooperation

While local government laws do not envisage a strong service delivery function for the LCs, the initiation and participation in hearings that pertain to spatial and urban planning, economic development or social matters, the initiation, advising or participation in the construction of communal objects and objects of common use is in their realm. Similarly, in DB, LCs should initiate organized communication between residents and the District’s institutions and deliver recommendations to institutions concerning issues related to the quality of life, especially in the areas of infrastructure, urban planning, economic development and assistance to citizens in social need.<sup>28</sup> In RS, LCs submit to local government organs, public enterprises and institutions, petitions, complaints, initiatives and proposals of citizens for solving questions of common interest. In FBiH, the law also prescribes that LCs are to initiate cooperation with organs in the area of social protection, while in RS their tasks include cooperating with citizen associations on issues of interest to LC residents. In other words, the LCs are consulted in the decision-making process and should serve as a venue for filing the input of citizens to the local government and other institutions.

Surveys and telephone interviews with local government and LC representatives showed

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<sup>27</sup> In FBiH proportional resources for their performance are allocated (“Law on the Principles of Local Self-Government in Federation BiH,” Article 30). Law on Local Self-Government of the Una-Sana Canton specifies that “certain expert tasks” within the local government jurisdiction may include delivering data on payment of communal fees and other local government revenues, keeping different records, performing tasks in the area of civil law and other tasks of relevance for the local administration. Such tasks are to be financed from the municipal budget. “Zakon o lokalnoj samoupravi Unsko-sanskog kantona” [Law on Local Self-Government of the Una-Sana Canton], *Official Gazette of the Una-Sana Canton* 8/11, Article 45.

<sup>28</sup> See “Law on Local Self-Government,” Article 109. a); “Law on the Principles of Local Self-Government in Federation BiH,” Article 25; “Law on Local Communities in the District of Brčko of BiH,” Article 5.

that cooperation between LCs and municipalities did exist. LC representatives mostly cited good cooperation. In case studies, significant differences with respect to coordination and cooperation between LCs and local government depended, *inter alia*, on the level of institutionalization. For example, where local governments had assigned coordinators who were in charge of LC affairs, the communication and cooperation was generally evaluated as positive and continuous. There were significant differences in the ways in which local government received and considered citizen requests forwarded to it by the LC, so some LC representatives complained that they had waited for months for feedback from the municipality, while others boasted quick responses. Research also showed that coordination and cooperation between LCs and other local institutions, such as communal enterprises, civic protection and centers for social work (CSW) was very frequent. Cooperation with the centers was described as particularly significant, given that LCs provide centers important field information. In the municipalities visited, CSWs representatives spoke positively pf their relationship with LCs.

When asked what the purpose of the LC was, case study respondents generally emphasized their coordination role: the LC is the coordinator of requests that points citizens in the right direction, a “link”, a “counter between the local government and the citizens” and “the first address” citizens turned to in order to report their needs. However, their ability to sublime citizens’ needs and direct them further depends, as many respondents stressed, on their own capacity to do so, including the assumption of being knowledgeable enough to inform residents of their rights and relevant procedures. An absence of institutional memory, coupled with the fact LCs usually do not have their own employees, premises or archives, may hamper the continuity of LCs’ core activities and may have a negative effect on their legitimacy among residents.

### 3.6. Citizen Engagement in the LC

Citizen engagement in local affairs – at least *de jure* – is the main purpose of LCs in BiH. In RS, LCs are considered one of the means of direct citizen participation in local self-government,<sup>29</sup> while in DB their aim is to “enable citizen engagement in the work of institutions” through “advisory activity”.<sup>30</sup> In FBiH, some local government or LC acts also define LCs in terms of the right of citizens to directly participate in making decisions concerning local affairs. The law in FBiH prescribes the obligation of consulting LC organs on issues that local government council decides on with a two-third majority, local government plans and other matters that the council or mayor may seek consultations on.<sup>31</sup> In the RS, such an obligation does not exist, but there is a provision on mandatory organizing of public hearings on local acts, such as draft budgets.

One of the key means of citizen engagement through the LC is the citizen assembly.<sup>32</sup> In 28 municipalities in FBiH, they also represent formal LC organs. Local acts usually prescribe the minimum number of citizens that have to be present for the decisions of assembly participants to be valid, and a deadline by which the municipal assembly should reply to the requests made by the citizen assembly. Some local acts prescribe in detail the procedures of organizing citizen assemblies, but this is not the case everywhere, leaving much uncertainty about how they are organized in practice. Research results suggest that citizen assemblies may often be sidelined in practice. According to the responses of surveyed local government representatives, it seems assemblies take place on a regular basis in some 30 % of LSUs, and more regularly in FBiH than in RS. A little more than half of the LC representatives interviewed claim that citizen assemblies are held regularly (usually every two months to a year). Case studies confirm that citizen assemblies, as venues for participation, are underused. Representatives of only two LCs said that assemblies were held on a regular basis, while a

<sup>29</sup> “Law on Local Self-Government,” Article 99.

<sup>30</sup> “Law on Local Communities in the District of Brčko of BiH,” Article 2.

<sup>31</sup> “Law on the Principles of Local Self-Government in Federation BiH,” Article 29.

<sup>32</sup> Ibid., Article 43; “Law on Local Self-Government,” Article 102.

third LC had just initiated such practice after recently held elections. The practice of not organizing citizen assemblies or similar gatherings is, in fact, highly problematic. As a couple of respondents pointed out, only a small group of individuals could be defining priorities that were not in the community's interest. Moreover, LC case studies show that LCs are mostly not accountable to their citizens in terms of reporting to them on their work on a regular basis. A potential loss in legitimacy and accountability could lead to a decrease in trust among the residents in the LC, as well as willingness to co-finance local projects or becoming alienated from these institutions.

There is a general perception among case study respondents that citizens are not actively involved or interested to take part in participatory venues such as assemblies or hearings. However, it is questionable whether or not LCs and local governments have created meaningful venues for participation, as multiple respondents pointed to challenges in organizing such events; in many instances, the promotion of such events, as described by respondents, was informal and sporadic. Moreover, even if the notion that citizens don't participate because they "have been lied to so many times" or have "great mistrust" in the LC's ability to solve their problems conforms with the reality, this may signal a lack of LCs' ability to substantially influence local decision-making processes. In fact, many LC representatives were skeptical of their ability to influence local decisions, despite having many formal and informal means at their disposal to interact with local government bodies.

Despite what seems to be weak participation of citizens through formally defined participatory mechanisms, case studies show that citizens use the LC as a site of collective action: In eight of the LCs visited, usually those in rural areas, citizens mobilized their workforce and funds around basic needs that were not met by local government despite its responsibility to do so (e.g. water, road maintenance, waste collection). Case studies showed a pattern of collective action: Once "things got started" and smaller projects were completed, the community mobilized to solve other issues. According to one respondent, it was about recognizing that "something can only change with one's own work and some form of en-

gagement". While this research included a limited number of cases, selected on the basis of the perception of their active character, and the results thus may not be generalized to other vicinities in BiH, this does not preclude the possibility that there are hundreds of other LCs that are also facilitating collective action in the community. Case studies also show that community engagement processes could be more operationalized (and made mandatory for particular issues) and that the capacity of LC representatives to organize different participatory processes and mobilize different groups in the community could be strengthened. In those places where an LC's "portfolio" includes a number of important projects, its representatives may not need to build legitimacy among their residents. However, LCs in BiH generally need to work on improving their legitimacy, as they are no longer the only venues for citizen engagement, although they still represent important spaces for articulating the general public interest, especially in rural areas.

#### 4. TOWARDS A NEW ROLE OF THE LOCAL COMMUNITY: A CONCLUSION AND RECOMMENDATIONS

Research findings point to a range of significant activities that LCs perform to satisfy the needs of the local community, and point to different potential roles of LCs in a given socio-economic context. Although it is difficult to generalize their purpose, it seems that LCs are still primarily bodies for political representation, as was the case in the previous political system, while their social, economic or participatory roles are less evident. Engagement of residents in the LC is primarily seen through the prism of satisfying direct (service and infrastructure) needs.

In that sense, if one of the main functions of the LCs is representing community interests, then such representation needs to be more strongly prescribed and implemented in practice. That requires better operationalization of election procedures; determining how different parts or groups of the community are best represented; providing equal opportunity to various candidates to participate in

elections; stronger oversight mechanisms to prevent possible abuses; but also meaningful avenues through which citizens can communicate their needs and receive feedback. Accountability needs to be achieved through regular reporting to the community and local government on the activities that LC representatives conduct.

If, however, the LC's primary role is to meet basic needs concerning living conditions, then it is crucial to identify priorities in infrastructure and agree on the standard and level of services with local service providers, especially in rural areas, where they are not provided on the same level as in urban areas. That implies active and constant involvement of citizens, so that information on needs and priorities is collected. In cases where LCs decide to provide own services, their capacity to do so needs to be strengthened, and such tasks should be clearly prescribed and brought in line with standards in respective areas of service delivery.

Where LCs primarily perform a social function – especially in areas with a high number of residents in a state of social need – building partnerships with stakeholders, such as centers for social work, may become a core LC activity. Although such cooperation exists in most LCs covered by the research, it is often *ad hoc* and informal. Taking on a stronger role in this realm implies formally delegating certain tasks to LCs, and administrative and financial capacity to be able to keep evidence, provide information and provide support to the local population, such as informing citizens of their rights.

If their role is to encourage citizen engagement in decision-making, it is necessary to strengthen local structures for citizen participation. Research shows that, generally speaking, organizing different types of participatory events in the LC and creating arenas where citizens could deliberate on issues is not the norm. On the other hand, where residents seek to satisfy basic infrastructure and service needs, LCs have a potential for collective action. It is necessary to determine how much resident participation (and of what kind) is needed and possible, how citizens perceive mechanisms of citizen participation in a given context and what barriers

and incentives to participation exist. Given a reluctance of many LCs to organize citizen assemblies, it is important to introduce an obligation that LCs should consult with residents on a regular basis.

It is important to note there are no universal formulas, as experiences and needs of LCs across BiH have proven to be diverse. Such diversity of practice signals that LCs in each vicinity do not necessarily have to perform the same tasks, but rather to cater to the needs of the neighborhoods, as homogeneity in functions may lead to misplaced expectations. However, there should be a minimum of standards set in terms of LC operations to ensure their legitimacy, accountability and efficiency. These, *inter alia*, pertain to organizing transparent elections; ensuring meaningful and regular citizen involvement in decision-making processes within the LC; clearly delineating between LC and local government tasks to ensure greater accountability for such tasks and, in case of service provision, finding feasible models of financing LC work and equipping them with the capacity to perform effectively.

Despite many examples that point to the importance of LCs in the community, it is important to recognize that LCs in BiH face significant structural obstacles, given that they have *de facto* been stripped of competences, capacities and means of funding and are reduced to representative bodies without the institutional memory to ensure continuity of work. Any policies that may seek to strengthen particular LC function should recognize such obstacles. Moreover, LCs are in many instances managed by hierarchical, top-down means, which is in contradiction to the principle of self-government. The starker example of this is the lack of legal status and financial autonomy of LCs in RS and some municipalities in FBiH, as well as the complete reliance in many instances on the administrative support of the municipality in light of LCs' own lack of administrative capacity. In order to foster the development of true neighborhood-level institutions which may perform a variety (and multitude) of functions, creating the preconditions and the space for horizontal relationships of LCs with various stakeholders and institutions is crucial. Otherwise, citizens may continue to view the LC with the

“deep mistrust” which is often cited as the reason for the disengagement between the LC and citizens.

The following recommendations for improving LC work target different levels of government in BiH, but can also be of relevance to the activities of different donors and non-governmental organizations working in community development.

*For higher levels of government (entity and canton):*

- Articulate more clearly perspectives for local community development through policies that would more explicitly and substantially define the various purposes of local communities in local governance;
- In order to ensure the legitimacy of LC organs, introduce, where missing, rules for LC elections that promote inclusiveness and representativeness, as to operationalize and make LC elections more transparent and accessible to residents;
- Having in mind their potential for collective action, coordination and execution of important tasks, consider – where this is not the case – granting all LCs the status of a legal person, while introducing provisions that guarantee accountability of their work;
- Consider program-based financing schemes that would encourage local governments and other local institutions to cooperate more closely with LCs in sectoral community projects (e.g. local development planning; environmental protection and communal maintenance; social welfare; culture, etc.), in order to raise LC capacity.

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*For local governments:*

- In local acts, introduce provisions on regular financial and activity reporting obligations of LCs to residents and to local government;
- In local acts, delineate more clearly local community functions in relation to local government functions, taking into account the needs of particular localities and the capacity of LCs. Where LCs provide administrative and other tasks, formally delegate and standardize such tasks, in line with commensurate funds for their performance;
- Where LCs are in some ways involved in service provision, define quality standards and aims. Moreover, establish coordination mechanisms between service providers and LCs to ensure feedback on service planning and delivery;
- Operationalize citizen engagement processes (e.g. procedures on citizen assembly, public hearings) for accessible and meaningful participation of residents in local communities. Moreover, operationalize obligatory feedback mechanisms between residents, LCs and other local institutions;
- Where not adopted, introduce transparent financing criteria for LC work, but also for priority projects delegated by LCs, which are to be financed from the municipal budget;
- Create preconditions for the diversification of LC funding and foster basic administrative capacity of LCs for meaningful engagement in the community.

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