



## **This document has been provided by the International Center for Not-for-Profit Law (ICNL).**

ICNL is the leading source for information on the legal environment for civil society and public participation. Since 1992, ICNL has served as a resource to civil society leaders, government officials, and the donor community in over 90 countries.

Visit ICNL's **Online Library** at  
<http://www.icnl.org/knowledge/library/index.php>  
for further resources and research from countries all over the world.

### Disclaimers

**Content.** The information provided herein is for general informational and educational purposes only. It is not intended and should not be construed to constitute legal advice. The information contained herein may not be applicable in all situations and may not, after the date of its presentation, even reflect the most current authority. Nothing contained herein should be relied or acted upon without the benefit of legal advice based upon the particular facts and circumstances presented, and nothing herein should be construed otherwise.

**Translations.** Translations by ICNL of any materials into other languages are intended solely as a convenience. Translation accuracy is not guaranteed nor implied. If any questions arise related to the accuracy of a translation, please refer to the original language official version of the document. Any discrepancies or differences created in the translation are not binding and have no legal effect for compliance or enforcement purposes.

**Warranty and Limitation of Liability.** Although ICNL uses reasonable efforts to include accurate and up-to-date information herein, ICNL makes no warranties or representations of any kind as to its accuracy, currency or completeness. You agree that access to and use of this document and the content thereof is at your own risk. ICNL disclaims all warranties of any kind, express or implied. Neither ICNL nor any party involved in creating, producing or delivering this document shall be liable for any damages whatsoever arising out of access to, use of or inability to use this document, or any errors or omissions in the content thereof.

# GENESIS PROJECT


---

Filipa Macure 1, Banja Luka  
Tel/Fax: 381 78 14 751  
E-mail: genesis@inecco.net

---

**From:** Darko Paranos  
**For:** Dianne Cullinane, OSF-BiH

**REPORT ON SUGGESTIONS AND COMMENTS MADE BY NON-  
GOVERNMENTAL ORGANIZATIONS THAT ARE COVERED BY  
THE LEA/LINK OFFICE IN BANJA LUKA**

- 
- ◆ Article 1. Paragraph 2. - delete as superfluous;
  - ◆ In Article 2. - delete Paragraph 2.;
  - ◆ In Article 2. In Paragraph 1. - after the word health care add word invalid;
  - ◆ Article 4. Paragraph 2. - add as a possibility of establishing stores, offices and similar;
  - ◆ In Article 7. - delete Paragraph 2.;
  - ◆ Article 2. - alternative is acceptable (without Paragraph 2.);
  - ◆ Article 7. - delete the alternative;
  - ◆ Article 7. Paragraph 8. - after the word registration add at the authorized court;
  - ◆ Article 8. - after the word entity add regions;
  - ◆ Article 8. Paragraph 2. - after the word relative add /direct descendent/;
  - ◆ Article 10. Paragraph 1. - after the word with add word /this/, and at the end of that Paragraph add: They compulsory associate from the field of invalid activities (list which other activities);
  - ◆ Alternative of Paragraph 1. Article 12. is not acceptable;
  - ◆ At the end of Article 14. Alternative 3. add /field of activities/;
  - ◆ Article 15. - from the second line add two more /stamp and representation and presentation/;
  - ◆ Article 16. - association of public interest should be replaced by special social interest;
  - ◆ Article 16. - alternative 2. is most realistic;
  - ◆ Article 17. - alternative accepted;
  - ◆ Article 17. - delete alternative;
  - ◆ Article 18. - delete alternative;
  - ◆ Alternative of Paragraph 1. Article 18 is not acceptable;
  - ◆ Article 19 - add a third line /Supervisory board and in a special article give the Terms of Reference of this control organ;
  - ◆ Article 20. - add a new paragraph that if an Association is made up of 3-5 citizens then the General Assembly is made up of all of them;
  - ◆ Article 20. - delete /and other acts determined in the statute;
  - ◆ Article 21. - after Item 2 add a new item /bring new (general) acts, (except the statute);

- ◆ Article 21. - in Item 4. add /ascertains periodical and annual accounts/;
- ◆ Article 21. - Management Board and the Supervisory Board are chosen if an Association has more than 10 members;
- ◆ Article 23. - delete the word /can/;
- ◆ Article 25. - delete the alternative;
- ◆ Article 34. - delete Paragraph 2 and 3;
- ◆ Article 42. Paragraph 1. - after the word registry book, add /that is maintained by the authorized court/. Second sentence should be deleted.;
- ◆ Article 57. - Activities from Paragraph 1 and 2 of this Law on settling will be free for the existing associations;

Regards,  
Darko Paranos

---

**S T O P E N A D E**  
**M O S T A R**

---

**Law on Associations and Foundations**  
**COMMENTS and Questions**

1. Article 4. is not precise enough and more work should be done on it;
2. If an NGO receives a donation from a company, will that company be free from paying tax for the amount given as a donation?
3. Where does the Law on humanitarian organizations stand at this point?
4. Why is the Law called "Law on Associations and Foundations" and not Law on NGO's like in other countries?
5. Can members for instance, of a Local Community establish an NGO?
6. If three citizens establish an NGO do they have to have organs (General Assembly...)?
7. If three citizens establish an NGO, can they perform a double function?
8. A number of people stated that it is good that for some articles an alternative is offered, which leaves a possibility of a choice;
9. How long does the process of registration take by this law (considering that at this point sometimes it is being dragged out)?

---

## C I P

**Hakije Kulenovi}a 26/1, Tel. (+387 71) 204.384;  
206.905**

**E-mail: lea@soros.org.ba**

---

Working version of the law was distributed on the Sarajevo Cantonal area, Canton Gorazde, Foca, Visegrad, Sokolac, Rudo, Cajnice.

Until now, we have received 12 comments and suggestions from Sarajevo organizations, as well as general paragraph of forum of NGOs from Bosansko Podrinje canton.

### **General comments**

From the organization "Be my friend", "Ambrosia" and "Narodna tehnik" we received the support to suggestion of new law. Organization "be my friend" and narodna tehnik are suggesting that the expression NGO be added to the law alongside the foundations and associations. Organization narodna tehnik is suggesting that in the part that talks about registration of association NGOs and foundations take out monitoring of present authorities/ministries/ and to leave only monitoring court.

Organization SUBNOR is suggesting that the law should be about associating the citizens and foundations. By their opinion if we leave the word "associations" we should then add "clubs", "societies", "unions" and other shapes of associating.

They are also suggesting that behind the article 59 add one or two articles for characterizing the relationship of this law toward existing laws that are opposite with orders of this law.

Foundation "Education builds BIH" expressed the opinion that working version of the law is not very different from the existing law, and ask the question is there a purpose for bringing out this law. They are also suggesting that before trying with this suggestion of the law that discussions with authorized bodies of Government, Parliament from Federation of BIH be held. They also expressed the doubt that, with the consideration on

practice and different obstructions in bringing out the law that is obligated by the Dayton agreement, can get some results and solutions. This is very important for bringing out the law in all BiH. They consider that "from the work from which you can see possibilities of any solution, we should give up on time, and start to deal with important and present questions from the area of NGO work. There is no need to deal with activities for which we can not see the resolution.

Other comments are concrete and related to the articles of suggested law.

## **I PART**

### **Article 2**

- Paragraph 2 -- Membership does not need to be obligation but voluntary.
- In the part where is talk about reason's of associating of citizens and that they do it because expressing, achieving, protection and progress of joint ....needs and interests" should input recognizable nature and character of large number of present association of refugees and DPs.
- it is suggested to delete it completely
- 

### **Article 3**

- it is suggested that, if article 2 is taken in consideration that article 3 should be deleted

### **Article 4**

- Paragraph 4 -- it is suggested to add "They can decide for any shape of activity that is allowed by law i.e. DJL. DOO. DD".

### **Article 5**

- Paragraph 2 -- add words- "and international conventions that BiH has ratified and is related on the area in which the association is active".

- Paragraph 2- suggestion is to say "Program and action of associations and foundations can not be against the Constitution ," and the rest of text to delete.

#### **Article 6**

- Paragraph 2- it is suggested to say "The way of making the work public is determined by statute of association and foundation" and the rest of text to be deleted.

#### **Article 7**

- decision for alternative (2 votes for)
- To delete the alternative because it is in coalition with paragraph 7 article 7. Article 7 is too wide and needs to be divided in a few parts: the name and place, sign, use of the language, request for registration, paragraph of authorized bodies for registration.
- paragraph 2- it is suggested that in the last line the word "only" should be deleted, then article 2 would be "Associations and foundations can use their registration sign in their work, but they have to inform, within 15 days from the day of gaining the sign and name, authorized bodies for registration for registering into the register".

#### **Article 8**

- Paragraph 2- where the words are for foundation, union, association we should not allow that word state and state authorities to be used in the name of association. Therefore, we have problem only for unions but not for associations, foundations, club's etc.
- it is suggested to delete it completely

#### **Article 9**

- How the general achievement of our NGO integration of BIH, we are very sensitive on formulation that can put something like that under the question. It is not clear what is the difference between "free action" of NGOs from Federation on territory of RS and vice versa comparing it with action of the same NGO on territory of Germany: both have to be in accordance with the law. And what it means "action". In the magazine that we publish are written by writers from Holland and our magazine is being



distributed there. Are we acting in Holland? And if there is a difference between (legal possibilities) of "acting" in Holland and RS- why it is existing then?

- it is suggested to add this article behind the word federation and republika srpska put the point, and to delete everything else.

#### **Article 10**

- By the practice until now associating in unions and other shapes is not allowed basing it on the contract, therefore we are asking the same provider for associations. We are suggesting to associate basing on free will/ contract.
- Paragraph2- behind the word "associations" put point, and to delete the rest of it.
- to accept alternative from articles:12 paragraph1:18 paragraph 1: therefore to delete article 10 and 29.

### **II PART**

#### **ASSOCIATIONS**

##### **1. Founding the association**

#### **Article 12**

- to accept the alternative (5 organizations voted for)
- it is suggested to add that founders can not be political organizations or political parties. By that we would provide for associations to defend themselves by the law from politicization that is being inputted in the work of different associations of citizens.
- it is suggested to delete paragraph 4.

#### **Article 13, 14 and 15**

- the question for who is the member of working bodies of associations is pointed out, in the case if the association can be founded by three members, this should be defined

#### **Article 16**

- to confirm the criteria's by which the NGOs will gain the statue of institution for public interest. The subjectivity of ministries/ministers should be avoided. Open the possibility that association can be for the public interest for the area of: municipality, canton, federation.
- delete it completely

- to accept the alternative 2 3X
- paragraph 2- it is suggested that in the pre last part of this paragraph instead of coma behind the word associations put point, and to delete the rest of text.

#### **Article 17**

- to accept the alternative , because the general solution is minimizing the role of bodies for registration
- related with the article 10 after the article 17 we should add new article 17 and by that to direct it on the need that unions and associations have their statute and questions that need to be arrange by statute. Also to have parliament and executive body for associating - membership in international associations.
- Paragraph 1- it is suggested that behind the word- "this law" put point, and to delete the rest of it.
- to accept the alternative.

## **2. Membership**

#### **Article 18**

- question that ask which is the difference between founders and membership that you can gain by accessing after the founding
- to accept the alternative
- to delete the alternative
- Paragraph 3- it is commented that this paragraph is not clear, in particular what anonymous membership means.

#### **Article 19**

- Line 3- it is suggested that instead of word "management board" put "executive board" because the works that they deal with are mentioned in article 21 of executive board but not management board.

## **3 Association bodies**

#### **Article 23**

- the question for do they consider 10 founders is pointed out. Comments are that the solutions is not good, that everyone can be member of parliament, and that is obligation to elect the board.
- after the article 23 it should be determined by new article for which bodies the unions are having.

## FONDATIONS

### 1. Establishment of Foundations

#### Article 24

- paragraph 2- to add the words "protection of human rights and freedom"

#### Article 25

- to accept the alternative for paragraph 1 2X
- to delete the alternative
- Paragraph 1- it is suggested that in second part of this paragraph after the word "founder" put point, and to delete the rest of it.
- paragraph 1- it is suggested to take out this paragraph by the comments that no agreement from the minister is necessary.

#### Article 26

- paragraph 2- to add words "only in the case if the foundation is founded by will or legacy". The main question is why the foundation can not be inhabited if is founded by will or legacy?

### 2 Organs of a foundation

#### Article 31

- paragraph 2- if the alternative for paragraph 1 become accepted then the paragraph 2 of this article should be deleted.

## III PART

### REGISTRATION OF ASSOCIATIONS AND FOUNDATIONS

#### Article 34

- after the word foundation it should be added unions of associations and unions of foundations.
- "it is practice now to use cantonal body of justice, but no court. For associations whose acting will be on Federation or state, who is doing the registration? This question is important because of the participation in distribution of funds of supervisory ministries of canton or Federation.

#### Article 35

- it is suggested to delete paragraph 7

#### Article 36

- structure of article: article should have three paragraphs:
- paragraph: first sentence to add after the word "applying" add word "Clear"
- paragraph 2: second sentence from paragraph 1 to delete the words "counting from the day of submitting the clear request" as a pleonasm.
- paragraph 3 to be existing paragraph 2 but pre formulated to say: "In the case from the previous paragraph the body that is in charge for registration obliged to issue for three days certificate about completed registration of association of foundation that is replacing the certificate about registration."
- it is suggested that in this article precise the question of registration of association that is not done on time from a side of court.

#### **Article 38**

- the question is the deadline of thirty day too long was pointed out?

### **IV PART**

#### **PROPERTY OF ASSOCIATIONS AND FOUNDATIONS**

#### **Article 43**

- "property is made from personal property that are recorded soon or later, and conditions of inputs and use are regulated by contract. It is necessary to clear up the word of founding funds that can be from different sources".

### **V PART**

#### **CLOSING THE ASSOCIATIONS AND FOUNDATIONS**

#### **Article 47**

- to accept alternative and to leave the paragraph 2 by deleting the word "ministry in charge for foundation".

#### **Article 49**

- to accept the alternative 2X

#### **Article 50**

- to accept alternative 3X

## **Article 51**

- to delete alternative because it would be in coalition with article 5. With consideration that associations and foundations can act opposite to statute and program goals, and by that not destroy protection object from article 5.
- paragraph 3- it is suggested to delete if the orders from article 5 of this law are taken in consideration.
- to accept the alternative

## **Article 55**

- to accept the alternative 2X
- it is suggested to define more precisely who is the body in charge for social protection that would get assets, also to suggest alternative - depending on the goals for which the foundation was advocating.

### **CUSTOM AND TAXES TREATMENT OF NGOS -LAW FOR TAXES POLITIC-**

It is suggested to highlight more clearly tax incentives that would encourage individuals (rich individuals), to take provide funds for the community. This would, enable NGOs begin collecting donations from local Bosnian sources instead of looking only at international donators.

With respect,

Amra Pand`o-\uri}  
And Anela ^avdar

NGO Support and Information Center

**LEA/LINK Representative Office**  
**Human Rights Office Tuzla**  
**Tel/Fax 075 250 504**

For Legal Task Force of LEA/LINK Project

and

Open Society Fond of BIH Sarajevo

- Information on the discussions and comments of first draft version of law for association and foundation

In the period since the first draft version of law about association and foundation was finished, Bureau for Human rights Tuzla, as RRO of LEA/LINK made several presentations of pre draft.

- Pre draft of the Law came was made public on 08.06.1998, for the first time. On that day, a one day seminar was held in Tuzla. Topic of this seminar was "Role and importance of NGOs in democratic society". Present were members of fifteen organizations that received the copy of the pre draft law. This pre draft Law was orally presented by Azra Miletic, member of Legal Task Force.

- After this, two meetings were organized by the Bureau for human rights, Tuzla. These meetings were actually discussion about pre draft Law. Therefore, some of the specific orders that are important for whole sector and further work and development of NGOs were explained.

- With consideration that in this Bureau, in the period from 10,12.07. 1998, seminar for reps of NGOs was organized. All participants are members on "Network 10". We used this occasion to introduce all present with LEA-LINK Project and also with pre draft version of Law. At this seminar, we discussed the first draft version of law.

After summarizing all discussions and suggestions we made a list of suggested resolutions in the following order:

Article 4 -- why they can establish only mentioned enterprise subject, it is necessary to add and association

where only one man is in charge as the simplest shape of enterprise

Article 7 -- what it means "without paragraph 2"-- this alternative is not understandable

- the question of letters is not resolved, latinic or/and Cyrillic

- this article is too wide and it needs to be explained in more articles

Article 9 -- to add "that is not contrary with the law in the entity where association is not registered"

Article 10 -- foreseen is "union and other shapes of associating" therefore it is necessary to precise which other shapes

- it is not clear what alternative linked for article 12 and 18 means

Article 12- general suggestion of article for citizens of BiH, that are in able to business, to associate

- Lot of discussions was made from participants for determination about the number of people necessary for establishing the association. Large number considers that such a small number is very acceptable for illegal use, that there is no control over it. They also pointed out that this can cause the establishing of small "family" associations for which will be very hard to control.

- All agreed that the number of 30 people was just the form that was filled out with difficulties. Still, they are expressing the doubt in such a radical change of numbers that are necessary for establishing the association. Therefore, they consider that number of 10 people would be more acceptable.

Article 16 -- it should define more specific in the law what is the association of public interest

-The most acceptable solution is offer in Alternative 2. In this alternative it is foreseen about the statute for organizations of public interest that it should be decided by registration body by registration itself or later, especially if that will be court so that organization that is near the politic can be avoided. This also includes Ministries and ministers.

Article 17 -- delete the part "with received agreement from Ministry of justice"

Article 18- to leave "citizen of BiH" and to include that underage children and foreign citizens can be members of associations

Article 19-23 -- most of the people consider that Supervisory body, that is obligated by the law, was not addition and it should not left only for statutory regulations

Article 24 Paragraph 2- part that says "for religious goals" caused reactions because it was misunderstood

Article 25 -- we accept as better Alternative that says the part "with agreement of Ministry for the area where it is established" should be deleted

Article 35- to delete align 6 --agreement of ministry

Article 38- part "deadline for compliance can not be shorter that 30 days" evoked a lot of discussion. This provision that might lead to misuse and postponement of the registration by authorized person. Which is contrary to article 36 that guarantees a short period of registration by authorized organ. In addition there is no deadline for corrections and compliance. This can lead to confusion in the practical application of this article.

Article 48 -- there is no resolution of the issues of cessation by force of law.

Article 50 -- to accept Alternative from pre draft

Article 51 -- to accept alternative; - Other opinion is to accept it without the alternative

Article 53 -- deadline in which prosecutor can start the proceedings should be determined. Therefore we can avoid possible abuse.

Article 57 -- re registration -- will that cause an extra expenditures for organizations, especially for those that are in bad financial situation



Special interests in discussions were caused by other parts of the law that regulate the questions of financial business, taxes, incomes, customs and specially the possibility of different for non governmental, non profit sector.

It has been pointed out that associations pay their phone bills and electricity by the prices that are higher comparing with those that are dealing with producing and for which we believe that they got the profit.

A lot of people consider that this part is important at the moment and deserves a lot of attention. Therefore this influence directly on the position of non governmental sector, and now in this situation, when is really hard to find the money is damaging surviving of lot small organizations, those activities should be directed also in that direction.

Written attachment are delivered to us only from Independent Bureau for development Modrica, Independent Bureau for refugees Modrica, Women from Modrica municipality and independent bureau for development and refugees Odzak. All of these organizations are based in Gradacac, where they had their joint meeting and defined the attitude regarding the pre draft law, and also participate in oral discussion of the meeting in Tuzla.

It is notable that a large and important organization that is acting in this area did not answer on the invitation to participate in the public discussion. In the beginning they were showing a lot of interest for LEA/LINK Project and for pre draft law that was still in the procedure of making. Those organizations were included from the beginning with the work on the pre draft law through The Referent group, had discussions about the need. Therefore, their passive action was un expected and surprising for us.

The special edition of NGO News with pre draft law was distributed to a large number of organizations. All 100 received copies were distributed, including 30 more copies. Therefore, we expect in the future that other organizations will answer and give their contribution to better legislation of non governmental organizations in our country.

With respect

Mirjana Terzic

**LAW****for associations and foundations**

In the first place, this law should resolve survival and development of non governmental organizations and citizens' associations that are formatted with the goal of articulation of relationship in finding out the resolutions for rapid and adequate resolutions of the questions that are related for life interest of citizens.

Until now, we made an analyze of social relationships among peoples and nations, condition in the country, goals and obstructions of parties in charge, work on all levels of social community, human rights... Therefore, it is needed to have social structure developed that can help on one side to The legal elected bodies and on the other side would start the initiative for protection of citizens' interests. The independent developed social structure as this can be satisfied by non governmental organizations so called terminological independent opposition.

Work of non governmental organizations need to be set up by the Law so that work can be independent, free and public in accordance with Constitution and Laws.

The working version of law connects work of NGOs in dependent position of local authorities. Therefore, token terminology is confusing and repeated UN necessary. The associations of public interest are mentioned, therefore is the question what the country should do. The chapter of pre draft version of law that talks about foundations needs to be accessible for foundations that are formatted for giving the financial support for NGOs in realization of their goals.

Offered version of law talks about foundations in general, therefore the questions for regulation of budget through country.

The law should regulate the source of incomes of foundations and criteria's of distribution.

The law should regulate working relationships in associations that are founded with the goal of gaining the profit, like in foundations.

Associations and foundations, in their names, should not carry any entity sign, Cantons, cities, municipalities and their symbols (seal and flag), because those symbols can stress out ideological and party determination. Taking in consideration that associations and foundations are not state institutions, therefore those remarks can not be for free use (article 16).

For the article 45 of pre draft law we suggest, "Association that are on volunteer base and associations that are dealing with non profit work or achieved profit can not cover 50 % of work expenditures, should have the books of evidential for property and inventor, and associations that are formatted with the goal of gaining profit and foundations are obliged to run records and to make financial reports in accordance with the law".

Working group did not discuss complains for the law by articles except article 16. and 45, because there was no purpose for it.

Working group suggested what this law should regulate, gave explanations about the reasons that directed working group.

In Doboј,

2.7.1998

Working group  
Mikerevic Milutin  
Miljanovic Ljilja

**BOSNIA AND HERZEGOVINA**  
**CENTER FOR LEGAL ASSISTANCE TO WOMEN**  
**Zenica, Kulina Bana 9, ph./fax ++387 72 22.204**  
**E-mail: CPP\_Z@ZAMIR\_TZztn.apc.org**

---

OPEN SOCIETY FUND  
BOSNIA AND HERZEGOVINA  
D`eneti}a ^ikma 2  
SARAJEVO

Center for Legal Assistance to Women, as a Regional representative office of the LEA/LINK project, within its activities conducted discussions on the working version of the Law on Associations and Foundations. Discussions were held on June 25<sup>th</sup> and July 7<sup>th</sup> and 25 representatives of NGO's were present at each discussion. A certain number (smaller number) of the organizations sent there comments in a written form, which we had worked on and are delivering it to you in the text bellow.

The general conclusion is that after the conducted discussion all representatives of the organizations that attended from the Central Bosnia region gave support to the working version of the Law. The presentation of the working version of the Law, as well as the way of solving the problems in the financial treatment of the association of citizens, were marked positive.

General comment that had been given unanimously by all of the NGO representatives present at the discussion relates to the name of the Law, and by that to the definition of Article 2 of the Law. The sense is that the Law should be called "Law on Non-governmental Organizations", and in that sense a correction should be made to the above-mentioned article of the Law.

The discussion was also aroused by the provision of Article 5 Paragraph 2. The opinion of the Forum is that the same should be expanded by clearer definition of possible forms of discrimination. During the discussion and by determining that the mentioned article is in accordance with the European Convention, it had been accepted as a valid explanation of the proposed way of defining.

Discussing Article 7 (which had an alternative) an opinion was accepted that the solution defined in the alternative should be accepted.

After discussing Article 9 of the Law it was decided that a task should be given to the Legal Task Force to discuss the formulation of Article 9. That is because a certain number of organizations consider that the permutation of the term RS/FBiH is not explained enough. Standpoint is that a new entry should be made or in some other way formulate Article 9 of the Law.

Article 10 - standpoint of the Forum is that as a valid provision that the first variant should stay and not apply the alternative.

Article 12 - a lot of discussion went on about this provision of the Law because different opinions were brought out that were given in a written form as well. General standpoint is that Article 12 should be accepted without an alternative out of a reason that only citizens can associate while under the term "association of entities" also means legal entities.

Article 16 - after the discussion a standpoint was taken that Article 16 should be deleted because the proposed formulation leaves a string of dilemmas. Inter alia the dilemmas are:

- ◆ Who establishes public interest;
- ◆ Why;
- ◆ Who establishes the loss of public interest and other;

The standpoint of the NGO Forum is that a possibility of establishing public interest for certain projects should left open.

Article 17 - standpoint is that the alternative should not be accepted;

Article 41 - the provision: "costs of publishing shall be borne by the association, that is, the foundation", should be deleted.

Article 42 - after a long discussion the variant that the Article should not change and to stay the way it was defined was accepted.

Article 45 - general standpoint is that imposing the responsibility to bookkeeping and keeping the financial reports is a great burden for associations and foundations because regulations from that field are numerous and impractical.

Article 47 - general comment related to the issue on how the interests of one third of the members be protected if they want to continue work with the affirmed name of the association. After a given explanation of a Legal Task

Force member a standpoint was taken that the proposed formulation of the article should be kept.

Article 49 - alternative not accepted;

Article 50 - alternative not accepted;

Article 51 - alternative not accepted;

A special discussion was aroused by a question on distribution of property after cessation of an association or a foundation. Prevalent opinion of the NGO representatives is that influence of authorities should be lowered in the process of deciding on the property of an association - foundation after its cessation.

Attachments:

1. Written comments of an Association of women "MEDICA" Zenica
2. Written comments of an Association of mixed marriages
3. Written opinions on the working version of the Law by the Federal Ministry of Justice, Sarajevo dated 06-07-1998

With respect

Amira Krehi}

**BOSNIA AND HERZEGOVINA**  
**CENTER FOR LEGAL ASSISTANCE TO WOMEN**  
**Zenica, Kulina Bana 9, ph./fax ++387 72 22.204**  
**E-mail: CPP\_Z@ZAMIR\_TZztn.apc.org**

---

OPEN SOCIETY FUND  
BOSNIA AND HERZEGOVINA  
D`eneti}a ^ikma 2  
SARAJEVO

Center for Legal Assistance to Women, as a Regional representative office of the LEA/LINK project, within its activities conducted discussions on the working version of the Law on Associations and Foundations. Discussions were held on June 25<sup>th</sup> and July 7<sup>th</sup> and 25 representatives of NGO's were present at each discussion. A certain number (smaller number) of the organizations sent their comments in a written form, which we had worked on and are delivering it to you in the text below.

The general conclusion is that after the conducted discussion all representatives of the organizations that attended from the Central Bosnia region gave support to the working version of the Law. The presentation of the working version of the Law, as well as the way of solving the problems in the financial treatment of the association of citizens, were marked positive.

General comment that had been given unanimously by all of the NGO representatives present at the discussion relates to the name of the Law, and by that to the definition of Article 2 of the Law. The sense is that the Law should be called "Law on Non-governmental Organizations", and in that sense a correction should be made to the above-mentioned article of the Law.

The discussion was also aroused by the provision of Article 5 Paragraph 2. The opinion of the Forum is that the same should be expanded by clearer definition of possible forms of discrimination. During the discussion and by determining that the mentioned article is in accordance with the European Convention, it had been accepted as a valid explanation of the proposed way of defining.

Discussing Article 7 (which had an alternative) an opinion was accepted that the solution defined in the alternative should be accepted.

After discussing Article 9 of the Law it was decided that a task should be given to the Legal Task Force to discuss the formulation of Article 9. That is because a certain number of organizations consider that the permutation of the term RS/FBiH is not explained enough. Standpoint is that a new entry should be made or in some other way formulate Article 9 of the Law.

Article 10 - standpoint of the Forum is that as a valid provision that the first variant should stay and not apply the alternative.

Article 12 - a lot of discussion went on about this provision of the Law because different opinions were brought out that were given in a written form as well. General standpoint is that Article 12 should be accepted without an alternative out of a reason that only citizens can associate while under the term "association of entities" also means legal entities.

Article 16 - after the discussion a standpoint was taken that Article 16 should be deleted because the proposed formulation leaves a string of dilemmas. Inter alia the dilemmas are:

- ◆ Who establishes public interest;
- ◆ Why;
- ◆ Who establishes the loss of public interest and other;

The standpoint of the NGO Forum is that a possibility of establishing public interest for certain projects should left open.

Article 17 - standpoint is that the alternative should not be accepted;

Article 41 - the provision: "costs of publishing shall be borne by the association, that is, the foundation", should be deleted.

Article 42 - after a long discussion the variant that the Article should not change and to stay the way it was defined was accepted.

Article 45 - general standpoint is that imposing the responsibility to bookkeeping and keeping the financial reports is a great burden for associations and foundations because regulations from that field are numerous and impractical.

Article 47 - general comment related to the issue on how the interests of one third of the members be protected if they want to continue work with the affirmed name of the association. After a given explanation of a Legal Task



Force member a standpoint was taken that the proposed formulation of the article should be kept.

Article 49 - alternative not accepted;

Article 50 - alternative not accepted;

Article 51 - alternative not accepted;

A special discussion was aroused by a question on distribution of property after cessation of an association or a foundation. Prevalent opinion of the NGO representatives is that influence of authorities should be lowered in the process of deciding on the property of an association - foundation after its cessation.

Attachments:

1. Written comments of an Association of women "MEDICA" Zenica
2. Written comments of an Association of mixed marriages
3. Written opinions on the working version of the Law by the Federal Ministry of Justice, Sarajevo dated 06-07-1998

With respect

Amira Krehi}