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**Suggested Amendments to the Draft ("Prijedlog")
Law on Humanitarian Activities and Humanitarian Organizations
Federation of Bosnia and Herzegovina**

Introduction

The following suggested amendments to the draft ("prijedlog") Law on Humanitarian Activities and Humanitarian Organizations (the "Draft Law") of the Federation of Bosnia and Herzegovina (the "Federation") are offered by Attorney Timothy R. Lyman, in consultation with Attorneys Dominique de Crombrughe and Douglas B. Rutzen. Mr. Lyman serves as legal issues consultant to the World Bank's Local Initiatives Project and chairs the Foreign Legal Advisor Team of the Bosnian NGO Law, Education and Advocacy ("LEA") Project. Mr. de Crombrughe and Mr. Rutzen are the other Members of the LEA Project Foreign Legal Advisor Team, participating under the auspices of the European Union and United States Agency for International Development, respectively. All three attorneys have considerable experience consulting to governments and nongovernmental organizations in Central and Eastern Europe on the development of laws affecting the nonprofit, nongovernmental sector. The suggested amendments are offered under the auspices of both the Local Initiatives Project and the LEA Project.

Background

Mr. Lyman and Mr. Rutzen previously prepared comments on an earlier version of the Draft Law under the auspices of the International Center for Not-for-Profit Law. Copies of the earlier comments are available from Ms. Sarah Forster, at the World Bank Resident Mission. The suggested amendments set forth below are shorter and more narrowly targeted than the earlier comments, because the Draft Law has reached a more advanced stage of parliamentary consideration.

The suggested amendments were prepared from an English translation of the Draft Law from August of 1996 and a separate English translation of all changes to the Draft Law approved through December of 1997. An attempt has been made to suggest amendments that are consistent with the language used in these English translations, except for the correction of translation errors. These English translations are attached. Mr. Lyman also compared the English translations with a copy of the local language version reflecting all changes approved through December of 1997, which was supplied by the Federation Ministry of Social Welfare, Displaced Persons and Refugees (the "Ministry"). The few differences that Mr. Lyman noted between the English translations and the local language version supplied by the Ministry are mentioned in the suggested amendments, as relevant.

Humanitarian Organizations as a Separate Type of Legal Entity

**Annex to Suggested Amendments to the Draft ("Prijedlog")
Law on Humanitarian Activities and Humanitarian Organizations
Federation of Bosnia and Herzegovina**

**Proposed Amendments to Eliminate the Concept of
Humanitarian Organizations as a Separate Type of Legal Entity**

Section 1: Delete the word "*for the constitution,*" and "*and dissolution*".

Section 3: Delete the existing text, and substitute the following:

A humanitarian organization is any legal person engaged in one or more humanitarian activities within the sense of this law (hereafter in the text: "humanitarian organization") if it has as one of its organizational purposes engaging in humanitarian activities.

Section 4: Delete this section.

Section 6: Delete the words "*are constituted as non-governmental organizations that*".

Section 7: Delete the first two paragraphs of this section.

Section 12: Delete this section.

Sections 13 through 15:

Delete these sections.

Section 16: Delete the words "*legal person status*" from the second paragraph and substitute the words "*authority to operate as a humanitarian organization.*"

Section 31: Delete this section.

Section 32: Delete the last paragraph of this section.

Section 41: Add the following new sentence at the end of this section:

A humanitarian organization formed under the previous Law on Humanitarian Activities and Humanitarian Organizations shall be governed by the Law on Citizens' Associations unless otherwise specified by this law.

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A final decision by the Ministry in charge may be appealed to a court of competent jurisdiction.

Section 34: Change the word "gains" to the word "*distributes*".

Section 35: Add the following new paragraph at the end of this section:

A final decision from an administrative procedure may be appealed to a court of competent jurisdiction.

Section 38: Add the following words "*and from time to time thereafter*" at the end of the sentence.