

## **Narrowing the space for the work of non-governmental organizations in Serbia**

December 10<sup>th</sup>, 2018.

*On the gathering celebrating Human Rights Day, the NGO representatives commented the findings of research on narrowing the space for the work of non-governmental organizations in Serbia in period 2014-2018, where numerous materials from the Transparency Serbia organization were used, especially related to the public debates and adopting the Law on Lobbying. In his short presentation, Nemanja Nenadic pointed out on the problems which TS faced in this period.*

The first problem is decreasing the possibilities that NGO get the data that are important for their work, at all. Transparency Serbia was in many situations faced with the impossibility to get to the data based on the request for access to information of public importance, which was especially visible in connection with the contracts for the disposal of public property. Typical examples in that view is non-providing the contracts on managing of Smederevo ironworks plant, beside the obligatory decision of the Commissioner for information. Ministry of economy did not deliver the copy of this contract, even after its validity has expired, and in public were information that private partner did not fulfill his own obligations, while on the other side, the company that operated with the state of Serbia filed a claim and a lawsuit to the contractual arbitration. The second example is failure to submit the “feasibility study” on entering the concession arrangement for Belgrade’s airport. Although that request was rejected due to alleged needs to maintain absolute secrecy for the duration of the procedure for awarding concession, the documents were not delivered even after completion of the contract with selected concessioner.

Another group of problems is related to reduced possibility to influence the decisions of the authorities. Public debates are an instrument to influence the improvement of regulations in the areas that are important for the work of NGO. However, in Serbia, public debates are not organized for more important Laws, and when they are, the proposals are not considered properly. This problem is not new, but it is constant for the decades. However, the trends are worrying. While in the past there was a realistic possibility to influence the text of the regulations during their drafting, at least minimum, so Transparency noted situations where our proposals were accepted even in lesser extent (about 10% to 20%), now this is extremely rare. It is notable extreme deterioration over recent years, even in relation to initial years since the current political setup became an authority. Therefore, Transparency Serbia have had the significant possibility to influence the anti-corruption strategic acts adopted in 2013, while almost no proposal we gave was found in the draft of current Law on the prevention of corruption..

The situation is even worse regarding the initiatives that non-governmental organizations submitted outside of public debates, willing to improve practice or to influence the authorities to independently initiate changes to regulations. Consideration of these initiatives is not currently regulated by any single legal act, regardless of their usefulness. The last chance to do something was passing of the Law on Lobbying which, however, had a narrower grip and focus on lobbying done by professional lobbyists and legal persons that have an indirect interest related to passing the regulations, but not the organizations that are advocating public interest in some area.

The third area where the problems arise is narrowing the possibilities for NGOs that follow critical work of the authorities to reach the citizens through media. This issue is especially important in a situation when the area of immediate influence to the authorities is lower. Transparency Serbia in that view was faced with obvious decreasing number of media that regularly report to the citizens the information about activities of TS. This was especially notable on the TV stations with national frequency, including RTS, as well as in daily newspapers that have benevolence relation to the authorities. More often, this phenomenon is connected with the decision of news agency TANJUG to deliver or not deliver news about some events, initiatives or press release which TS sent, and it is obvious difference in transmitting the information that could be interpreted positively or neutral for the current authorities and those contain unequivocal critical opinion on work of state bodies or the quality of the laws.

Generally, the problem of Serbia is wider than the narrowing the space for work of civil society organizations. Namely, the problem is narrowing the space for public debate on the moves of the authorities in general. In this sense, it is significantly reduced the possibility of citizens, no matter if they are organized or not, to discuss these topics with the authorities. The practice of the majority of MPs to have meaningless amendments and to incorporate discussion in order to “lose some time” prevented such discussion among members of opposition and authorities regarding amendments on texts of the proposals to laws in the National Assembly. The desire to make the decision makers irresponsible for their own actions and promoting the elections as the single criteria for the accuracy of all moves of the authorities, seriously make the debate impossible in every specific issue. In that sense the ability of NGOs that pleading for “ideal goals”, achieving the public interest in certain areas, but not for the interests of a certain group of people, influence the changes. In this sense we can remember the quote of Deputy Minister of Justice Cedomir Backovic, who is responsible for the activities related to negotiations chapter 23 on the Rule of Law in the Serbian Government, that non-governmental organization are groups of “vegetarians and butchers”, that they represent particular interests of certain groups, and that they are, on the other hand, representatives of the authorities and the only ones that obtained the legitimacy to represent the interests of citizens, as bearers of sovereignty.

Bearing those circumstances in mind, the growing number of so-called GONGO could be explained, formally non-governmental organizations organized by the state and they have a great support of state bodies and pro-government media for their activities. Very often the organizations with similar names and similar fields of work as the active NGOs that have a critical attitude to the authorities are being founded or promoted. The goal of these activities in one hand, is to make a confusion in the public or to show that there are different opinions in a professional and interested public, but not almost unique opposition and criticism of proposal and decisions of the authorities. It seems that in this respect is no less important that such a show is created at the representatives of international organizations that less carefully follow happenings in Serbia and especially progress on the road to the EU. Then, in the absence of a realistic debate among the representatives and critical public representatives, creates the situation where pro-governmental organizations of civil society are polemic with the views of those who are criticizing the government.

One of the situations where this debate was not possible and was important, was the decision of the authorities on the project “Belgrade Waterfront”. Political leadership of Belgrade and Serbia, with the great support of tabloids, but also serious media, as well as organizations that are generally critical to "pro-West organizations" or were formed for one-time use, reacted aggressively on each attempt to review decisions or debates on the key issues. Such a debate was, however, more than necessary, exactly on some issues that Transparency Serbia raised. The first question is whether the decision to conclude the contract without tendering for the use of state land in Belgrade's Sava amphitheater was in the best public interest and whether through tendering could gain a greater interest for Serbia and Belgrade. Another question is the need for the adoption of so-called "lex specialis" for only one private investment project and the consequences that the legal system of the state will have and the decision of another potential investor.