

The politics of NGO registration in international protectorates: the cases of Bosnia and Iraq

Matthew Bolton PhD Researcher, London School of Economics and Political Science, United Kingdom, and **Dr Alex Jeffrey** Lecturer in Human Geography, Newcastle University, United Kingdom

Following international interventions in Bosnia-Herzegovina¹ and Iraq, non-governmental organisations (NGOs) have played a central role in delivering humanitarian relief, encouraging participation in new systems of government, and advocating on behalf of marginalised groups. Although intervening agencies have framed such autonomous organisations as unquestionably virtuous, scholars have increasingly questioned the agency of NGOs, pointing to the constraining effects of funding and regulatory mechanisms. This paper contributes to this body of work by offering a detailed examination of legislation requiring NGOs to register with nascent state institutions. Drawing on case study material from Bosnia and Iraq, it argues that NGO registration should not be dismissed as a technical or legal matter, but that it should be embraced as a significant political practice embedded in relations of power. Registration legislation has increased the transparency of NGO funding origins and institutional practices, yet it has simultaneously acted as a barrier to smaller organisations and led to the transmission of international objectives through civil society entities.

Keywords: Bosnia-Herzegovina, Brčko District, international intervention, international protectorates, Iraq, non-governmental organisations (NGOs)

Introduction

On a cold February evening in 2003, a cramped meeting room on the outskirts of the northern Bosnian town of Brčko filled with representatives of local non-governmental organisations (NGOs). Behind a table in the corner of the room sat an official from the Office of the High Representative (OHR), the international organisation responsible for implementing the peace agreement in the country, and the head of the local office of the Organization for Security and Co-operation in Europe (OSCE). This scene had manifested itself many times in the eight years since the end of the conflict in Bosnia, another example of the unending series of ‘coordination meetings’. In this instance, however, the OHR had summoned local organisations to discuss growing concerns over the expense and complexity of new legislation requiring NGOs to register with the government. During two hours of heated exchanges, NGO representatives argued about how to change the registration process. Many suggested modifications that gave particular advantage to their organisation, and disadvantaged others. Ironically, since it had drafted the law in the first place, the OHR urged

the NGOs to construct a joint letter of protest to the local government. The evening's proceeding illustrated graphically the complexity of relationships among NGOs, international agencies, and local government bodies in post-conflict Bosnia.

Less than one year later, in a makeshift conference room above a dentist's office in Amman, Jordan (a rearguard city for aid agencies working in Iraq), a fierce debate raged between NGOs on whether to obey a registration Order handed down by the Coalition's occupational authority in Iraq. Contrary to notions of a transnational 'civil society', the argument divided actors into factions based on nationality. United States NGOs tended to emphasise pragmatic collaboration with the Coalition, contending that there was no other option. In contrast, a French NGO expressed hostility to what it called 'the Occupation', refusing to register with an authority that it felt was illegal and illegitimate. The one British NGO occupied the middle ground, often mediating between the French and US agencies. It seemed that the macro-geopolitics of the United Nations (UN) Security Council were being re-enacted at the micro-level of an NGO coordination meeting. Again, the politics of an international protectorate's interaction with, and internal conflicts within, a global civil society, seemed to infuse every moment of the meeting.

Drawing on the conflicts and allegiances that materialised in these two meetings, this paper explores the processes through which NGOs register with nascent state institutions following conflict and instability. In recent years, there has been significant scholarly interest in the capacity of NGOs to foster democratisation in both developmental and post-conflict settings (Fagan, 2005; Mercer, 2002; Mohan, 2002). This work is a reaction to the neo-liberal tendency, especially since the end of the Cold War in the early 1990s, to embrace NGOs as independent organisations capable of stimulating communal participation and overcoming sectarian interests (Hulme and Edwards, 1997). On account of these attributes, a number of governmental and intergovernmental agencies have begun to conflate NGOs with an emerging 'civil society', roughly defined as a realm of institutions and movements 'between' the state and the market capable of 'holding the state to account' (OSCE, 2003; UNDP, 2002). Such connections between NGOs and civil society have been subjected to sustained critique, especially when confronting 'actually existing' NGOs operating in humanitarian, developmental, or post-conflict arenas. In numerous empirical studies, in a variety of geographical contexts, the ability of NGOs to operate autonomously from either the state or the market appears disputed (Belloni, 2001; Bieber, 2002; Harvey, 1998; Howell, 2000; Smillie and Todorović, 2001). Rather than acting as independent organisations coalescing around particular social needs, the pressures of gaining (and retaining) donor funding, of conforming to regulatory norms, and of remaining relevant to global media concerns have seen commentators question the agency of NGOs. Instead of celebrating the existence of NGOs as evidence of democratisation, these studies draw our attention to the networks of power and authority within which these nominally independent organisations are located.

Building on this research, this paper draws on case study material from international interventions in Bosnia and Iraq to assert that NGO registration should not be dismissed as a technical or legal matter, but embraced as a significant political practice embedded in relations of power. This discussion is stimulated by our experience of working within NGOs in Bosnia (1999–2003) and in Iraq (2003), where concerns over the process of registering with new state institutions regularly preoccupied NGO volunteers and staff. The financial and bureaucratic obligations of registration were onerous and frequently shaped the scope and scale of NGO activities. Perhaps the centrality of NGO registration to the concerns of NGO staff should come as no surprise, since registration constitutes a precursor to conducting projects, applying for funding, and employing personnel. To register, then, is to gain legal personality and to exist as an independent organisation recognisable within a wider society. The importance of registration is reflected in academic analyses of the placement of NGOs within discourses of civil society, where ‘official existence’ is often documented as a fundamental aspect of defining an NGO (see Desai, 2002; Mercer, 2002). In addition, recent cases of stringent policies on NGO registration have been used in media accounts to highlight the assertion of sovereignty in post-conflict environments, for example in Kosovo (see The Advocacy Network, 2000) and in Afghanistan (see IRIN News, 2006). Yet, despite the centrality of registration to practitioners within NGOs and to scholars of development, the process and politics of NGO registration have received little attention.

This paper will serve as a partial corrective, presenting initial findings of research into the process of NGO registration in Bosnia and Iraq. These examples were chosen because they represent key instances of international state building, where ‘democratisation’ has been a central policy objective of intervening agencies. Rather than presenting them as a comparative frame, we draw on evidence from Bosnia to reflect on the process of internationally led democratisation in occupied Iraq. It is important to note at the outset that our intention is not to erase the significant local differences between the two cases or to make explicit comments on the morality or legal legitimacy of the international actions from which the processes we discuss are derived. Instead, we look to the processes of negotiation through which NGOs struggled to register in Bosnia and Iraq to examine the means via which NGOs subvert and contest new state practices and establish a humanitarian or democratic space outside or beyond the state. Thus, in illustrating the politics of NGO registration we are making two observations, one at a policy level and another at an institutional level.

In policy terms, we draw on the work of Clay and Shaffer (1984) to argue that there is a considerable divergence between the aims and outcomes of the policies of international administrations and, for that reason, it is only through examining implementation that we can understand policy effects. In Bosnia and Iraq, the partial and crisis-ridden implementation of new registration laws suggests a significant ‘compromise’ between new state legislators and fledgling NGOs. This leads to a

second observation emerging from empirical material relating to the institutional autonomy of NGOs. In setting registration as a legal requirement, new sovereign bodies in Bosnia and Iraq have played a significant role in deciding which organisations are recognised as legitimate NGOs. In addition, in both contexts, legal registration was a funding requirement for international donors, such as the United Kingdom Department for International Development (DFID), the European Union (EU), and the United States Agency for International Development (USAID) (see Howell, 2000; Mawdsley et al., 2002). Thus, while we understand the importance of constitutionally enshrining the legal status of NGOs, we contend that the process of registration acts to set uniform criteria on what is a varied set of organisations and movements. The evidence from Bosnia and Iraq also suggests that new legislation acts as a barrier to smaller organisations and serves to project international political objectives into the sphere of civil society.

These arguments are made using qualitative fieldwork carried out as part of larger investigations into the role of NGOs in the governance of post-conflict Bosnia and Iraq. In the case of Bosnia, we conducted a series of open-ended interviews with NGO workers, government officials, and members of the international community in the towns of Brčko and Sarajevo between August 2002 and June 2003. As will be discussed below, Brčko was chosen as the site for research because of its strategic significance within the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP)—also known as the Dayton Peace Accords—and its associated status as a focus for international assistance. The qualitative research exploring NGO registration in Iraq took a less conventional methodological path. After working within a field office of a US NGO in Erbil between October and December 2003, we interviewed officials from five NGOs in January 2005.² The findings of these encounters were substantiated through semi-structured interviews with key NGO and Coalition officials in Iraq, the UK, and the US, conducted by telephone or e-mail. Secondary sources, such as institutional literature, policy documentation, and other academic studies, corroborated the interview material from Bosnia and Iraq.

The paper is divided into two sections. The first explores the background to intervention in Bosnia and Iraq, charting the role of NGOs within the prosecution of international intervention and subsequent efforts to build 'stability' and 'democracy' in the post-conflict periods. In both cases, discourses of humanitarianism and, later, democratisation centred on the necessity of a plural and active NGO sector. These narratives expose a key paradox of international intervention. While the policy rhetoric of international administrations embraces the autonomy of NGOs as 'civil society' agents, the NGOs themselves are subjected to close scrutiny and surveillance. The second section examines this paradox through a discussion of NGO registration in the two settings, focusing in particular on the diverse strategies employed by individual NGOs as they attempted to resist or, alternatively, collude with new requirements to register with state institutions. We conclude by reflecting on the implications of our analysis for understanding the practice of NGOs in complex political emergencies.

NGOs and international intervention in Bosnia and Iraq

In this first section, we investigate the historical antecedents to the emergence of NGOs as key developmental institutions in the context of international involvement in Bosnia and Iraq. Our historical narratives demonstrate the stark contrasts between these two areas, one a former socialist region struggling after a bitterly fought territorial conflict, and the other a former British colony and the recent object of a US-led military intervention. Despite these differences, though, both have recently witnessed the rise to prominence of international and local NGOs assisted by a supportive policy environment and the availability of international funds. In addition to illustrating these shared experiences, the historical narratives from Bosnia and Iraq demonstrate the wide range of organisations gathered under the banner of ‘NGO’. While typologies of NGOs exist (see Lewis, 1998; Mercer, 2002), we will not rehearse these discussions here, since the processes of registration in Bosnia and Iraq did not discern between organisations on the grounds of their scale, activities, or membership. Rather, we will confront issues of NGO classification where appropriate in the empirical context of the two countries.

The case of Bosnia

The current supervisory arrangements in Bosnia are the latest incarnation of international authority over this mountainous territory on the Balkan Peninsular, from Ottoman rule in the eighteenth century, through Austro-Hungarian stewardship in the nineteenth century, to government by Belgrade during twentieth century Yugoslavism. Tracing the development of civil society throughout these three historical periods is beyond the scope of this paper, although the implications of centralised power in socialist Yugoslavia require examination.

Yugoslavia emerged as a unified state in 1914, yet political stagnation and ethno-national competition regularly threatened the political and social coherence of this polity. Between 1945 and 1980, these frailties were obscured by the charismatic socialist leadership of Josip Broz Tito under the banner of ‘*bratsvo i jedinstvo*’ (‘brotherhood and unity’). Tito found, however, that balancing inter-ethnic concerns required increasingly convoluted constitutional arrangements, culminating in the nominally decentralising 1974 Yugoslav constitution. While this constitution created the conditions for the emergence of local community groups (*mjesne zajednice*), these organisations were closely articulated with the socialist state, performing government competences such as identifying infrastructural needs (see Pusić, 1975). Despite the emergence of youth groups, musical societies, and women’s associations, the centralised characteristics of the socialist Yugoslav state precluded the appearance of independent NGOs and other civil society actors (see Andjelić, 2003, pp. 80–83).

Following the death of Tito on 4 May 1980, nationalist politicians exploited growing economic concerns and existing social cleavages to incite internecine warfare in Croatia, Slovenia, and, in particular, the ethnically heterogeneous Bosnia. The declaration of Bosnian independence in March 1992 was strongly resisted by the nationalist *Srpska Demokratska Stranka* (Serb Democratic Party or SDS) headed by

Radovan Karadžić. In an attempt to avoid assuming minority status in Bosnia, forces loyal to the SDS began to demarcate an ethnically homogenous Serb territory within the Bosnian state: the Republika Srpska (RS). The Bosnian Government, supported largely but not exclusively by Bosnian Muslims or Bosniaks, attempted to defend a territory in the centre of Bosnia, especially around the besieged capital city of Sarajevo.

The fighting across Bosnia had a significant demographic impact. Of a pre-war Bosnian population of 4.4 million, 1.5 million people became refugees in a total of 25 countries and around one million were internally displaced over the period of the conflict (Dahlman and Ó Tuathail, 2005; UNHCR, 1997). Such displacement was particularly evident in the case of Brčko, a Bosniak-majority town in the north of Bosnia on the Sava River. The town formed the link point between the two halves of the RS, and thus was a particular target of Serb military forces early in the conflict. According to witness testimonies, between April and June 1992, the majority of the Bosniak and Croat population were expelled, with women and children taking refuge in villages to the south of the town or abroad, while men of fighting age were held in 'collection centres' such as the *Džedid* Mosque, the police station, or the port (*luka*) (see Human Rights Watch, 1992; Kadrić, 1998).

The violence of the Bosnian conflict met with international consternation and regret, but little decisive action beyond the imposition of an arms embargo on all former Yugoslav states in July 1991 (Ó Tuathail, 2002; Simms, 2001). In spite of policy differences between the US and Western Europe on the appropriate form of international intervention, there was broad international consensus that the Bosnian war was a consequence of 'ethnic hatreds' or 'primordial evil', that the population of Bosnia was somehow disposed to fight on account of historical enmity (see Strangfeld, 2002). This compromise position had direct implications for the response of the broader international community. Since no clear aggressor could be easily identified (the lens of ancient hatreds granting moral equivalency to the conduct of all of the 'warring factions'), the course chosen by international agencies and governments was to address the main ramification of the violence: human suffering.

We are not the first to draw attention to this political narrative, but it bears repeating, since the consequence of understanding the conflict in these terms was the foregrounding of NGOs as the primary institutional response of international agencies to the Bosnian war. The relief effort, centring on the Sarajevo airlift, was coordinated by the United Nations High Commissioner for Refugees (UNHCR) in partnership with 250 NGOs, increasing to more than 500 by the end of the conflict in December 1995 (Young, 2001). The centrality of NGOs in the international response to the Bosnian war was consistent with the rise of non-state organisations within development discourses and practices from the early 1980s (Salamon, 1994). This neo-liberal shift away from the state-led development of the 1950s and 1960s saw donors embrace NGOs as alternative mechanisms for delivering humanitarian relief while also fostering participation and community-led development (Lewis, 1998). As Stiles (2002, p. 836) suggests, NGOs offered donors and foreign governments

‘a relatively safe and convenient means of avoiding both public and private sector dangers’.

The importance of NGOs to the international presence in Bosnia did not diminish following the end of military hostilities and the conclusion of the GFAP at the Wright–Patterson Air Force Base, near Dayton, Ohio, in November 1995. The GFAP, negotiated by former US Ambassador Richard Holbrooke, and signed in Paris, France, on 14 December 1995, retained the territorial integrity of the former Bosnian republic, although internally it was divided into two ‘entities’: the Muslim Croat Federation and the RS. A 60,000-strong North Atlantic Treaty Organization (NATO) Implementation Force carried out policing of the agreements, while the multilateral OHR oversaw the civilian aspects of the Dayton Peace Accords. Even though the GFAP set out a ‘coordinating’ role for the OHR (see GFAP Annex 10 in Office of the High Representative, 2000a), the Peace Implementation Council increased this mandate at the Bonn Peace Implementation Conference on 9–10 December 1997 following two years of political stagnation and intransigence by local political parties. As detailed by Chesterman (2005), the Bonn Peace Implementation Conference granted the OHR executive and legislative power over the Bosnian state, allowing the High Representative (the Head of the OHR) to appoint government officials and pass legislation in the name of GFAP implementation.

The role of the OHR was especially vital in relation to Brčko. Resolving Brčko had been the ‘toughest of all issues at Dayton’ (Holbrooke, 1999, p. 296) because of the town’s strategic location within the geography of the Dayton-designed state. Negotiators from all sides laid claim to the town: Bosniak and Croat delegates made the moral argument that granting the town to the RS would reward ethnic cleansing, while Serb negotiators suggested that the RS would not be viable in two parts, asserting that a continuous and defensible Serb territory was a condition of their signature (International Crisis Group, 2003).

This stalemate was finally broken with agreement at Dayton to place Brčko Municipality under international arbitration, an acrimonious four-year process culminating in a ‘Final Award’ in March 1999 (see Jeffrey, 2006). This solution assigned Brčko neither to the Muslim Croat Federation nor to the RS, instead declaring Brčko Municipality a multi-ethnic ‘District of Bosnia’ where the territories of the entities overlapped. In contrast to the ethnic orientation of the entities, Brčko District was to establish a multi-ethnic government, a judiciary, and education and policing systems. These institutional reforms were to be overseen by a newly formed OHR office (OHR–North) with a US Department of State-appointed ‘District Supervisor’ at its head. Similar to the state-level OHR in Sarajevo, the District Supervisor was granted executive and legislative powers to create a ‘single, unitary multi-ethnic democratic government’ (Office of the High Representative, 2001, p. 14) across the former Brčko Municipality.

In the absence of a functioning state architecture, NGOs remained in Bosnia to provide welfare and relief to the victims of war. In Brčko, international NGOs such as Counterpart International, the International Rescue Committee (IRC), Mercy

Corps, and World Vision were present in the post-conflict period, in addition to intergovernmental agencies such as the OSCE and UNHCR. In the years following the conflict, many humanitarian concerns eased, although NGOs maintained a visible presence in Brčko: 18 local and international organisations were working in the town in October 2002 (see Jeffrey, 2007). Many of the organisations slowly shifted their focus from the provision of relief to meeting the more social welfare objectives of advocacy and minority rights. This change in approach mirrored the broader policy trajectory of international agencies in Bosnia as a whole, which began to conflate NGOs less with immediate humanitarian relief and more with an emergent Bosnian civil society (see OSCE, 2003; Office of the High Representative, 2000b). The then District Supervisor of Brčko, Ambassador Henry Clarke, said in April 2003 that ‘it is very hard to visualize a modern democracy without NGOs . . . [I]deally they should be formulating many of the agendas of the democratic institutions’.³ The cumulative effect of the policy rhetoric and individual statements was the normative placement of NGOs in post-conflict Brčko as explicitly ‘non-state’ organisations, capable of holding the state to account through improving communication between the government and the governed.

Despite Ambassador Clarke’s comments framing NGOs as autonomous agencies, the OHR in Brčko was responsible for a new ‘Law of Associations and Foundations’, requiring all NGOs to register with the Brčko District Government. This new legislation was passed in early 2003, regardless of opposition from many Brčko NGOs, which felt that the registration charges were too high and the bureaucratic demands too onerous. The new legislation was closely related to corporate fiscal reform in the District and required each organisation to register a business address and the total floor space of offices, as well as to submit a copy of their organisation’s constitution to the local court.

This legislation could be dismissed as a simple bureaucratic requirement to confer legal personality on nascent NGOs, but the policy also introduced certain criteria with respect to ‘NGO existence’: for instance, that they will be professional organisations and that they will require funding. While such features may be assumed, the legislation also erased certain organisations, including those with no fixed address or those that do not recognise the institutions created by the GFAP. While these inclusions and exclusions gesture at the sovereignty of the OHR, it is in an examination of their implementation that the complex nature of power relations between (and among) NGOs and state institutions is revealed.

Prior to such an appraisal, the paper explores the case of the NGO presence in Iraq, an example that similarly illustrates the paradoxical simultaneity of perceived autonomy and enacted authority between international organisations and NGOs.

The case of Iraq

The emergence of international NGOs as key actors in Iraq comprises the latest manifestation of external influence on Iraqi territory. Taking over from the Ottoman pashas (military governors) who had ruled Iraq as three separate provinces (Mosul,

Baghdad, and Basra) since the 1500s, Great Britain reneged on promises of Arab independence following the First World War and, brutally crushing popular resistance, melded together the League of Nations' Mandate of Iraq, ruled by their proxy, King Faisal (Tripp, 2002; Marr, 2004). By the time Iraq was granted independence in October 1932, the authoritarian and decentralised nature of state–society relations and low educational levels meant that 'only a few modern civil society organisations existed, and none had a trans-ethnic reach' (Wimmer, 2003, p. 113).

Following the overthrow of the monarchy in a military coup in July 1958 and a decade of instability, Iraq finally came under the full control of the Ba'ath Party, an authoritarian political party that emphasised pan-Arab nationalism, secularism, and state-controlled socialist economic policy, in July 1968. Eleven years later, Saddam Hussein rose to power following a bloody purge of his opponents and political dissenters, consolidating Iraq into a totalitarian, one-party state.

While Saddam's regime faced occasional subversion from ethnic and religious minorities, and from 1980–88, was embroiled in a war with Iran, he was considered a regional counterweight to Iran's Islamist regime. He was able to attract, therefore, significant military and economic assistance from both superpowers (the Union of Soviet Socialist Republics and the US), enabling him to suppress political challenges. In this context, there was little room for an Iraqi civil society independent of the state. Women's associations, business organisations, sports clubs, and trade unions were extensions of the party and state, rather than being non-governmental organisations. Thus, one could argue that associations were designed as mechanisms of indoctrination and surveillance rather than tools for advocacy or the free exchange of ideas.⁴

Broad international support for the Ba'athist government in Iraq reversed precipitously following its invasion of Kuwait in August 1990. Following UN condemnation and the US-led rout of Iraqi forces in 1991, Iraq became a pariah state, under a rigid sanctions regime, linked to the declaration and destruction of nuclear, biological, and chemical weapons ('weapons of mass destruction').

Expecting international support that did not materialise, Kurdish and Shia groups rebelled against the Ba'athist government but were quickly overwhelmed. Media coverage of the 1.5 million displaced Kurds trapped in the border regions of Iran and Turkey put political pressure on the international community to intervene (Livingston, 1997). The UN Security Council condemned Iraq's treatment of the Kurds, insisting aid agencies have 'immediate access . . . to all those in need' (UNSC, 1991), and a US-led coalition of 20,000 troops imposed a de-militarised safe haven in northern Iraq, becoming directly involved in the relief effort. Calling it a 'watershed' moment, Davidson, Hayes and Landon (1996, p. 14) said that '[i]t marked the first time that government agencies, NGOs and the military [. . .] worked so closely together in pursuit of a common goal'.

In October 1991, the Iraqi Government withdrew from the north, leaving it without a clear system of governance or social services. Eventually, Kurdish political parties set up a de facto government, but it was crippled by sanctions, isolated by

its neighbours which feared Kurdish nationalism, and wracked by internal conflict. Consequently, in contrast with their near complete absence from the rest of the country,³ international and local NGOs were to play a significant role in providing public services in the newly quasi-independent northern Iraq, creating 'a kind of double rule' shared between a 'weak' local government and relief agencies (Offeringer and Bäcker, 1994, p. 41).

While there was more 'humanitarian space' in the north than in regions under Iraqi Government control, NGOs still operated in a risky and highly politicised environment. Flush with international funds, many NGOs had bigger budgets than the Kurdish Government itself and local people often turned first to NGOs rather than the nascent administration for assistance (Offeringer and Bäcker, 1994, pp. 42–43). Seeing the political opportunity this posed, local Kurdish political parties set up or established control over many local NGOs acting as subcontractors of international relief agencies, and used them as 'lucrative sources of income, and as powerful instruments of clientelisation' (Leezenberg, 2000, p. 10). This caused some observers to argue that NGOs were undermining the authority of the new regional administration. By taking resource distribution out of an accountable democratic process, said Leezenberg (2000), the NGOs and political parties had created 'a parallel government' (Leezenberg, 2000; cf. Offeringer and Bäcker, 1994).

Moreover, while legitimated by UN Resolution 668, the presence of most international NGOs was still illegal under Iraqi Government law. US and European donors continued to fund them because it provided a way to undermine Baghdad and to assist the north without having to address the diplomatically tricky issue of recognising the Kurdish authorities. In this fraught political context 'it was difficult if not impossible for foreign humanitarian organisations to remain politically neutral', as even their mere presence in the north 'amounted to taking a political stance against the Iraqi regime' (Leezenberg, 2000, p. 8). Hence, NGOs faced considerable security risks: Ba'athist agents allegedly made 'numerous assassination attempts' against NGO personnel (Leezenberg, 2000, p. 6). They came under further threat when violent clashes broke out between the two main Kurdish political parties—the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK)—from 1994–97, causing several agencies to pull out.

Humanitarian assistance was further politicised in 1998, when then US President Bill Clinton made 'regime change' in Iraq official US policy by signing the 'Iraq Liberation Act'. Expanded funding for 'the Iraqi democratic opposition' (including the Kurdish parties) was to be used to set up opposition media and provide 'humanitarian assistance to individuals living in areas of Iraq controlled by organisations' opposed to the Ba'athist regime (that is, Iraqi Kurdistan). However, the Act also allowed the administration to provide '[d]efense articles, defense services, and military education and training' to these same opposition organisations (US Congress, 1998). The US thus saw encouraging 'civil society' in northern Iraq as a means to further its national security objectives. It sought to use organisations opposed to the Ba'athist regime to undermine the Iraqi state.

The legacies of the historical development of the ‘civil society’ sector in Iraq influenced the politicisation of the NGO registration process following the US-led Coalition’s invasion of March 2003. Among the multiple layers of overlapping and transitioning sovereignty, there was no adequate legal framework for dealing with NGOs. International and local NGOs operating in the north were technically illegal according to Iraqi Government law, but many had registered with the local Kurdish authorities, making them legal in one system and illegal in another. Newcomers to the country also had no formal legal mandate as the Iraqi regime had collapsed and was not registering NGOs. Finally, the Coalition did not trust the only civil society organisations with a relatively straightforward legal situation: the quasi-Ba’athist institutions.⁶

In the chaos that followed the initial invasion, this Byzantine legal situation for NGOs was considered a threat to the Coalition’s interests. The Coalition Provisional Authority (CPA), the occupational authority that ruled Iraq from April 2003 to June 2004, was desperate to jump-start the reconstruction process and gain from the political capital won from successful relief and development work done by NGOs. It appears that it wanted NGOs’ programmes to function as a kind of privatised ‘winning of hearts and minds’. Therefore, the CPA tried to solve the legal problems of NGO registration by issuing new laws of its own. On 25 November 2003, it issued Order 45, requiring all ‘NGOs wishing to operate programs in Iraq’ to register with the Ministry of Planning and Development Cooperation within 90 days (Coalition Provisional Authority, 2003).

This law did not solely intend to simplify the complex legal process of registration. Facing growing insecurity, the CPA also wanted to survey and control Iraqi civil society, afraid that insurgent groups might use local NGOs as fronts for subversion.⁷ Consequently, the Order declared that the registration process would ‘ensure the security of the Iraqi people and prevent the misuse of non-governmental organisations for fraudulent or illegal purposes’. As with the Law of Associations and Foundations in Brêko, the Order required extensive information on the articles of incorporation, the addresses, names, and contact details of principals, sources of funding, activities, and detailed financial information for the past three years. Moreover, NGOs were obliged to provide quarterly activity reports to the NGO Assistance Office within the Ministry of Planning and Development Cooperation (a highly unusual requirement) and could be subject to surprise audits or visits (Coalition Provisional Authority, 2003). According to one NGO, it seemed a major objective of the Order was to ‘[m]onitor the activity of NGOs . . . whose purposes and missions’ were counter or ‘hostile’ to the CPA.⁸

The Order also claimed to be a means to coordinate NGOs’ disparate activities. By doing so, the CPA in effect claimed the authority to organise and direct the way in which NGOs operate as a sector—an imposition of its sovereignty over them. In this, the CPA reflected the politicisation of aid and civil society by the Kurdish political parties and located itself in a broader trend of US ‘securitisation’ of humanitarian aid seen in the Iraq Liberation Act.⁹ A US Civil Affairs soldier stationed in Kirkuk

said: '[i]t seems [the] CPA wanted to avoid duplication of efforts, which is good, and to exert more control, which is not so good'.¹⁰

The example of Iraq demonstrates once more the paradoxical relationship between NGOs and international supervisory regimes. Where NGOs provide the positive sheen of legitimacy, a 'force multiplier' and demonstration of popular humanitarian action, the 'non-state' nature of their activities is also perceived to pose a threat to the stability and security of emerging state institutions. Therefore, the need to monitor the activities and personnel of NGOs, while also incorporating the organisations into new fiscal structures, has led international regimes to prioritise NGO registration policies in Bosnia and Iraq.

The following section explores the implementation of this legislation, highlighting how the performance of policy confusingly views the narrative of the state and NGOs as two 'sides' of a binary power relation, suggesting instead a more blurred and networked institutional field.

The implementation of registration

In the complex political landscapes of post-conflict Bosnia and post-Saddam Iraq, it is perhaps not surprising that there is a divergence between policy aims and outcomes. In this section, we use this empirical material to explore this discrepancy, in doing so highlighting two aspects of state–NGO relationships:

- first, the enactment of legal registration requirements provoked practices of resistance and collusion by individual NGOs; and
- second, the fraught process of implementing this legislation led interim international regimes either to change the nature of the requirements or simply to fail to enforce the most unpopular features of the policy.

These two aspects of our empirical material allow us to draw tentative conclusions regarding the normative placement of NGOs within international interventions.

Over the course of the interviews with the Brčko NGOs, it became clear that the new Law of Associations and Foundations was not a popular piece of legislation. This did not mean that the NGOs resented the process of legally declaring their organisation. On the contrary, the majority of the NGOs consulted understood the importance of bureaucratic processes for the professionalisation of the local state authorities and their own institutions. Suspicions of NGO involvement in the embezzlement in 2001 of the funds of an international donor concerned many NGO activists in the town. After the alleged crime, the donor involved suspended funding to Brčko, causing financial hardship for a number of related organisations. Thus, the majority of the NGOs consulted for this research understood the need for accountability, legal representation, and transparency.

However, the chaotic and financially punitive nature of the registration process provoked most criticism. Numerous NGOs described the process of registering as

‘expensive’¹¹ and ‘a mess’.¹² There appeared to be a lack of clear information on the cost of the process, as a number of different agencies (such as the Court, District Government, and solicitors) all demanded a range of taxes and payments from the NGOs. ‘It is like we are setting up a shop’, remarked the project manager of the Firefly Youth Project, a small youth organisation, referring to the cost of registering a fixed office space and drafting contracts for each member of staff. The founder of a new ‘anti-terror’ NGO, Baza, illustrated the ‘double-bind’ of the legislation for new NGOs: ‘I need money to register, but who is going to give money to an unregistered organisation?’¹³ This was a sentiment articulated on many occasions throughout the research: without official registration, small NGOs would be ruled out of international funding opportunities. The Programme Manager of the local United Nations Development Programme (UNDP) project felt that this confusion was a consequence of the timing of the legislation, remarking: ‘I don’t think the government passed the legislation ever thinking they would have to implement it, they thought that there would be elections first’.¹⁴

The barriers to registration led individual NGOs to look to their social connections for financial and bureaucratic assistance. These connections point to the broader power bases existent in post-conflict Bosnia: some organisations utilised their international linkages while others exploited their ethno-national credentials. Consequently, a number of internationally funded organisations used contacts in the OHR and local government to gain assistance from the EU-funded Brčko Development Agency. This organisation, established to assist businesses in the process of registration and thereby to attract foreign direct investment, saved the NGOs money in legal costs by helping to compile the necessary documentation for registration. In contrast, two youth organisations with strong Serbian affiliations—the St Sava’s Youth Association and the Serbian Youth Association—had their registration fees paid by the RS Ministry for Sport and Youth. The latter justified the economic expense in terms of the legitimacy afforded by being seen to be working alongside and supporting youth NGOs in Brčko District. In reproducing the social capital of international and nationalist contacts, therefore, the legislation served to entrench existing power relations in Brčko, while disadvantaging those organisations that failed to accrue such lucrative ties.

As mentioned in the introduction to this paper, the OHR organised a meeting in February 2003 to discuss the registration process, sensing the frustrations of the NGOs in the town during its monthly NGO coordination meetings. According to the OHR Political Officer, who also chaired the meeting, the event was a chance for the NGOs to demonstrate ‘what they could achieve together’. The intention voiced by the OHR official was for the NGOs to write a letter to the District Mayor expressing their complaints about the registration costs. Hence, the OHR, whose legal department had written the legislation, was now attempting to organise the NGOs to help them shape and question its implementation. This scene suggested stage management of grassroots activism, where political contestation is itself a practice monitored by international agencies and directed at new local state agencies rather than the international agencies that hold legislative and executive power. In many

ways this illustrates Richard Caplan's (2005) notion of the 'accountability deficit' of international interventions, where democratic norms (including lobbying and freedom of association) are projected on to local state institutions that do not have the legislative and executive capabilities of international agencies.

More than the fragmented nature of state capacity in Brčko, the meeting and follow-up interviews also highlighted the ability of individual NGOs to exploit the legislation to secure their institutional survival. Sensing that the registration requirements enshrined certain criteria of what it was to 'be an NGO', a number of organisations attempted to use the legislation to query the suitability of competitor organisations. For example, the relatively well-resourced Women's Roundtable, a multi-ethnic collaboration of women's groups in Brčko, saw the dropping of the registration fee as an invitation to nationalist groups: '[i]f the cost of registration is dropped . . . some organisations that were multi-ethnic would divide and register on their own . . . NGOs shouldn't have a political stance'.¹⁵ These remarks were clearly targeted at the Serb Sister's Association and the Bosniak Women's Association, the Women's Roundtable's 'rivals', while containing a veiled threat to the OHR that the Women's Roundtable could split if registration were free. The representative of the Women's Roundtable was suggesting that being recognised as an NGO should involve surrendering the benefits of nationalist affiliation (which had been so lucrative in the case of the St. Sava's Youth Association and the Serbian Youth Association). There seems to be an innate exclusivity behind this sentiment: either benefit from legal legitimacy or continue to profit from nationalist political patronage.

In a similar way, the representative of the Scouts' Union suggested that only 'local' organisations should gain from a reduction in the registration fee, since 'international organisations could afford it'.¹⁶ Again, the registration fee was being utilised as a tactic to ensure that NGOs were a community of 'local' organisations, as opposed to including those that benefit already from international linkages.

While these two examples suggest an underlying economic motivation for support of the registration fee, there were also comments concerning the cultural make-up of prospective NGOs. The Programme Manager of Proni, an international youth organisation working in Brčko, related her experience of attending a follow-up gathering where an NGO representative told her: 'the next thing that happens [after the registration fee had been reduced in Serbia] is that you have people setting up gay and lesbian groups'.¹⁷ In this example, normative understandings of what it is to be 'civil' and thus a legitimate representative of emerging Bosnian civil society, is being projected by the NGOs themselves through the (minority) desire to retain the registration fees.

The localised example of contestation over NGO registration in Brčko could be interpreted as a policy failure, since the uniform legislative instrument of the new Law of Associations and Foundations failed to discern small social movements from well-funded and internationally connected NGOs. We also need, though, to recognise two further political implications illustrated by this example:

- First, the example of the implementation of NGO registration demonstrates that, what appears initially to be a linear disciplinary event between powerful state actors and powerless NGOs, is, in reality, more plural and nuanced. The costly and chaotic implementation of the legislation suited certain NGOs, as it acted as a barrier to the formation of further ‘competitor’ organisations, while others viewed the policy as a means via which social, political, or cultural criteria could be included in ‘becoming an NGO’. Through the lens of registration, therefore, we see the adoption of neo-liberal traits of competition and professionalism within nascent civil society organisations.
- Second, the nature of state authority in Brčko remains fragmented between the new local state architecture and the international administrative agencies tasked with implementing the Dayton Peace Accords. This sovereignty complex was illustrated in the meeting between NGOs and international agencies, where the OHR monitored the implementation of a law drawn up by its own legal department.

These tentative conclusions help us to reflect on the emerging relationship among NGOs, international organisations, and the new state institutions in post-conflict Iraq.

The CPA’s NGO registration Order elicited a wide range of responses from the NGO community. Some NGOs saw no problem at all with it and immediately complied. The evidence from the interviews and correspondence suggests that many of these NGOs were US-based and heavily dependent on US Government funds, or were small and felt unable to stand up to the CPA. For instance, Richard Harman of US-based International Relief and Development (IRD) said ‘aid groups have to register in any country, and Iraq should be no different . . . The rule is pretty straight forward’ (IRIN News, 2004). However, most NGOs were not enthusiastic about registering, raising a number of objections ranging from logistical and technical issues with the law’s implementation to direct ethical and political opposition to the law itself.

First, many NGOs, even those who complied with the law, felt that the registration process involved an ‘an unnecessary level of scrutiny by [the] CPA’.¹⁸ Claudia Rodriguez, the former Coordinator of the NGO Coordination Committee in Iraq (NCCI), a group dominated by European NGOs, said that ‘[t]he requirements were extremely burdensome and unusual’. NGOs described the procedures as ‘micro-management’,¹⁹ ‘much more detailed than they need to be’ (IRIN News, 2004) and ‘unequivocally the most cumbersome registration process [our organisation] has ever seen, including those found in the former communist countries’.²⁰ As Mathieu Ebbesen of the French NGO Enfants du Monde stated, ‘[t]he situation is messy enough here, we have enough to do already’ (IRIN News, 2004).

Second, the NCCI suggested that the Order interfered with both NGOs’ freedom to associate (as protected by the International Covenant on Civil and Political Rights) and their right to deliver relief uninhibited (as protected by the IV Geneva Convention). Specifically, the NCCI objected to a provision that gave the Ministry of Planning and Development Cooperation the power to deny registration if the

NGO might ‘constitute a threat to the public order, safety, stability or security of Iraq’ (Coalition Provisional Authority, 2003) as well as to requirements that all NGOs be ‘non-political’. NCCI members felt that these provisions were ‘very broad and vague’ and were open to ‘arbitrary interpretation’,²¹ putting too much power in the hands of the Ministry to refuse registration to groups it did not like. One NGO pointed out, for instance, that any advocacy group is political and therefore, technically, would not be able to register, possibly putting ‘a stranglehold on free speech and political pluralism’.²² Moreover, many were disturbed that decisions about whether an NGO represented a threat to security would be made in a ministry and not a court of law, and that the Order lacked any right of appeal. One commentator said that the Order was ‘perhaps surprisingly, comparable to the more restrictive NGO laws of the Middle East’ (Elbayar, 2005).

Third, the NCCI argued that the Order’s security and surveillance objectives represented a dangerous militarisation of humanitarian space:

*The security provisions included in the Order have little to do with NGO registration . . . The NGO community acknowledges the CPA’s security concerns but considers that the security function of monitoring NGOs should not be part of the NGO registration process and is better left to the security and police forces and addressed by criminal law.*²³

Many NGOs were deeply troubled by the concept of coordinating or collaborating with an agency so closely linked to the armed forces. One NGO worker said that his organisation objected to registering with the CPA ‘for the single main reason that . . . it reported ultimately to the Secretary of Defense’.²⁴ Indeed, according to a former NCCI worker, many were struggling with the general ethical ‘dilemmas of operating . . . under an occupation that many did not recognise as legitimate’.²⁵

An employee of another NGO felt that the Order was an illustration of the ‘obvious lack of operating room’ between NGOs and the Coalition.²⁶ Such concerns have led commentators to complain that there has been ‘a blurring of the line between political and military activity and genuine humanitarian action’ in Iraq (IRIN News, 2005). NGOs were concerned that they would become identified with the Coalition—rather than be seen as neutral third parties—and targets of the insurgency.²⁷ Indeed, the nascent insurgency did seem to perceive the humanitarian community, including NGOs, as an arm of the Coalition occupation, just as associations had been extensions of the Ba’athist state, and many local Kurdish NGOs had been extensions of Kurdish political parties.

By late 2003, NGO workers in Iraq were affected by a profound sense of insecurity. The UN headquarters in Baghdad had been attacked in August and the International Committee of the Red Cross (ICRC), the most highly respected agency in the humanitarian movement, was bombed in late October. As a result, ‘NGOs did not want to highlight their presence in the country’ (IRIN News, 2004)—that autumn signs and flags outside offices were taken down, cars were stripped of logo decals, and NGO workers moved into low-profile private houses. NGOs were afraid of giving any particulars even to the CPA or to the Iraqi Government, for fear they

would be leaked to insurgents. Lists of foreign staff, addresses of offices, and details of activities required for registration, for instance, would have been a valuable source of information for insurgents looking to target an NGO. Claudia Rodriguez said that ‘we did not trust giving *anyone* our physical addresses (please note that various NGOs had received grenades in their gardens, suicide bombers in their offices, and got staff shot)’.²⁸

Because of all of the objections to the Order, some NGOs, mainly European ones, refused to cooperate, preferring to work unregistered in the country ‘until an internationally recognized Iraqi Government, decides on a new law for NGOs’.²⁹ In between the ‘refuseniks’ and those who registered immediately was a large group of European NGOs, and some large US ones with some independent sources of funding, which made their compliance conditional on amendments to the Order. This was the public position advocated by the NCCI. In this we see similarities with the Brêko experience: the source of funding for an NGO was a key determinant of their stance towards the nascent state institutions and international regimes.

Due to NGO resistance, the CPA began to make some concessions, accommodating NGO demands to a certain degree. ‘The CPA definitely listened’, said one NGO worker. ‘They changed many of the initial requirements as a result of [NGOs] sticking together and negotiating’. Because of complaints, the CPA made the ‘registration process easier, less problematic, more transparent particularly with regard to . . . certain security elements if the information got into the wrong hands’.³⁰ The Order itself was amended in June 2004 to give NGOs more time to register (Coalition Provisional Authority, 2004). This split the unity of the NGOs holding the NCCI middle ground, as some put aside their initial objections and registered. A worker from a large international NGO said, for example, that, ‘[d]espite some early issues regarding the possibility of control or being seen to be too close, in the end we registered, as without it you couldn’t do business and the Iraqis were gradually assuming control of these sorts of functions’.³¹ However, other NGOs felt that the CPA never met their demands and refused to register until it handed over power to the Interim Iraqi Government.³²

Interestingly, an implicit compromise arose even between the CPA and those NGOs that refused to register. The CPA was ‘desperate for projects to get going. They didn’t really care that much whether or not you were registered’.³³ In effect, the CPA had made an implicit bargain over the registration issue: ‘there really was no mechanism for enforcement and DoD [the US Department of Defense] was balancing the need for progress with the need for people adhering to its rules’.³⁴ The unspoken deal was that NGOs would continue reconstruction work and the CPA would not enforce the registration law. This is an example of how reading the letter of a law will not necessarily tell one about the real functions of policy—policy is the implementation of law, not the words (cf. Clay and Shaffer, 1984, pp. 142–190).

The CPA response to NGO objections—accommodating technical changes to implementation and enforcing the Order with a soft hand—seems to have functioned as a means to dissipate much deeper political objections to the Order, and to

the CPA itself. The CPA basically constructed the conflict between state and civil society as simply a technical debate on how long one might need to register, and who would have access to the addresses. No amendments were made in response to fears of a threat to the freedom of association and the right to distribute relief during war. The CPA issued no Order protecting NGOs from the militarisation of the humanitarian space, and it did not entertain a debate about the legitimacy of the US-led invasion itself. In effect, the CPA's accommodations served as a means to channel objections away from the broader structural conflict among it, the state, and NGOs as representatives of civil society. They were, in the words of James Ferguson (1994), an 'anti-politics machine' that dissipated political threats into debates about technical minutiae.

In the cases of Bosnia and Iraq, we have detailed how NGOs assumed a variety of positions on the new registration requirements. As we have illustrated, contestation over registration served as a lightning rod for much broader political debates and struggles among NGOs over the legitimacy of the international regime. The evidence we have provided suggests an underlying economy to the reaction of NGOs to new legislation in Bosnia and Iraq, where their sources of funding often shaped compliance or resistance to the law. Moreover, international regimes were frequently able to channel resistance in a way that depoliticised it and emptied it of any threat to their legitimacy. For instance, the OHR in Brčko actually guided and manufactured the opposition to a law its very own lawyers had drafted, creating a stage-managed 'performance' of the democratic process that was always under its control and supervision. In Iraq, the CPA constructed the debate about registration as simply a technical one, avoiding discussion of the very legitimacy of the occupation.

Conclusion

This paper has examined the processes of NGO registration in two key international protectorates: a micro-scale assessment of Brčko District under the OHR and a state-level discussion of Iraq under the CPA. While recognising the problems inherent to establishing an explicit comparative frame between the two empirical contexts, our analysis has shown the prevalence of similar struggles between international sovereign authorities and NGOs in two historically and geographically divergent settings. In both cases, we found that the NGO registration process was a political matter, not just a technical and legal issue. As we stated at the outset, this has implications for our understanding of the institutional landscape within international protectorates and for the study of policy.

At an institutional level, the evidence from these two distinct localities demonstrates the importance of viewing NGO registration not merely as a bureaucratic requirement but also as a political practice, where individual organisations seek to utilise the legislation to secure institutional survival. As such, we believe that it is important to understand registration as a process that legitimises certain organisations, places legal obstacles in front of others, and projects the interests of international

agencies into the arena of civil society. By requiring registration as a necessary first step to accessing funding, such processes can be seen as an assertion of the sovereignty and hegemony of state institutions over civil society.

At the policy level, it was not the intention of this paper to argue that NGO registration laws are unnecessary or inherently negative. Indeed, we acknowledge that state registration, surveillance, and regulation of NGOs can assist in establishing greater accountability and transparency in associational life, ensure financial propriety, and give citizens greater confidence in the operation of civil society actors. However, the empirical experiences narrated in this paper show that registration policy can generate political externalities—unexpected or unacknowledged consequences.

As a result, the examples of Brčko and Iraq suggest two key policy lessons. First, in both cases, the conflict between international authorities and NGOs (and among NGOs themselves) arose partly from the bluntness of the registration instrument. By imposing ‘one-size-fits-all’ legislation, the registration process in the two contexts afforded no flexibility to organisations of a different size or purpose. Therefore, multi-million dollar transnational NGOs were treated as juridically equivalent to small associations of local citizens, and NGOs engaged in humanitarian operations were considered, in legal terms, the same as groups engaged in advocacy work. The legislation in Bosnia and Iraq thus acted as a barrier to entry to organisations that were small, underfunded, or had significant political differences with the international authorities. We suggest, therefore, that states or protectorates engaged in drafting future registration laws consider incorporating flexibility into the legal instrument, taking into account the array of different funding levels, sizes, and purposes of NGOs.

Second, the cases demonstrate the importance of focusing policy analysis on the actual process of implementation, in addition to the text of legislation. In Brčko and Iraq, the international administrations presented the policies of registration as requirements grounded in fiscal and security considerations. However, in Brčko, the OHR used the legislation to simulate democratic practice, where political resistance was directed away from international agencies and towards local state authorities. In Iraq, the CPA seemingly subverted its own Order by turning a blind eye to some unregistered NGOs, since expediency dictated that it needed to keep the process of reconstruction moving. Perhaps most crucially, the implementation of registration in both geographical contexts occasionally contradicted the originally stated purposes underpinning registration policy. The OHR and the CPA presented registration as a means of establishing institutional autonomy for the individual NGOs, but our evidence in both examples suggests that the process of attempting to register required NGOs to form closer ties with these international organisations. Consequently, drawing from Clay and Shaffer (1984), we would say that policy is what policy does, in addition to what it claims to be.

Finally, we wish to highlight that there is considerable room for more empirical and theoretical work on this issue. In the process of writing this paper we had conversations with NGO workers and reviewed literature that suggested that political struggles over NGO registration laws have occurred in many other contexts, including

other international protectorates (such as Kosovo), emerging new regimes (such as Afghanistan), and more established states (such as Russia). By writing this paper, we wish to raise an issue that we feel is understudied and launch a conversation with scholars who have expertise in other global areas.

Correspondence

Matthew Bolton, PhD Researcher, Centre for the Study of Global Governance, London School of Economics and Political Science, Houghton Street, London WC2A 2AE, UK. E-mail: m.b.bolton@lse.ac.uk.

Dr Alex Jeffrey, Lecturer in Human Geography, School of Geography, Politics and Sociology, Newcastle University, The Daysh Building, Newcastle-upon-Tyne NE1 7RU, UK. E-mail: alex.jeffrey@ncl.ac.uk.

Endnotes

- ¹ Hereafter referred to as Bosnia.
- ² Where permission was provided we have included the names of informants. In many cases, this has not been possible as the respondents continue to work within NGOs or international organisations in Bosnia or Iraq.
- ³ Interview with the Brčko District Supervisor, Brčko, 24 April 2003.
- ⁴ Interview with former Coalition Provisional Authority (CPA) Advisor, Basra, 8 March 2006. This interviewee asked to remain anonymous due to security considerations.
- ⁵ The International Committee of the Red Cross (ICRC) remained active throughout Iraq during this period. Islamic Relief also had some projects in Iraqi government-controlled regions.
- ⁶ Interview with former CPA Advisor, Basra, 8 March 2006.
- ⁷ Interview with former CPA Advisor, Basra, 8 March 2006.
- ⁸ Letter to the NGO Coordination Committee in Iraq (NCCI) from an unnamed NGO, 15 December 2003, given to the authors by Claudia Rodriguez.
- ⁹ This is part of a much broader trend towards the militarisation of US aid. For instance, in October 2001, then US Secretary of State Colin Powell called international NGOs 'a force multiplier' and 'an important part of our combat team' in Afghanistan (Powell, 2001).
- ¹⁰ E-mail interview with former US Army Civil Affairs Sergeant, Kirkuk, 12 January 2006. This interviewee asked to remain anonymous due to security considerations.
- ¹¹ Interview with a representative from the Serbian Youth Association, Brčko, 11 September 2002.
- ¹² Interview with the Director of the local United Nations Development Programme (UNDP) project, Brčko, 18 February 2003.
- ¹³ Interview with a representative of the Baza youth organisation, Brčko, 22 November 2002.
- ¹⁴ Interview with the Programme Manager of the UNDP Brčko Local Action Programme, Brčko, 26 February 2003.
- ¹⁵ Representative of the Women's Roundtable, NGO Registration Meeting, Brčko, 18 February 2003.
- ¹⁶ Comment made by a representative of the Scouts' Union, NGO Registration Meeting, Brčko, 18 February 2003.
- ¹⁷ Interview with the Programme Manager of Proni, Brčko, 7 May 2004.
- ¹⁸ Interview with the Programme Manager of a US NGO, Washington, DC, 11 January 2006. This interviewee asked to remain anonymous due to security considerations.

- ¹⁹ Interview with the Programme Manager of a US NGO, Washington, DC, 11 January 2006. This interviewee asked to remain anonymous due to security considerations.
- ²⁰ Letter to the NCCI from an unnamed NGO, 15 December 2003, given to the authors by Claudia Rodriguez.
- ²¹ Undated and unpublished NCCI document entitled 'CPA Order 45 & NGO registration: NCCI Recommendations'.
- ²² Letter to the NCCI from an unnamed NGO, 15 December 2003, given to the authors by Claudia Rodriguez.
- ²³ Undated and unpublished NCCI document entitled 'CPA Order 45 & NGO registration: NCCI Recommendations'.
- ²⁴ E-mail interview with a former Iraq Country Director of a major US NGO, 26 January 2006. This interviewee will remain anonymous for considerations of security and reputation.
- ²⁵ E-mail interview with Claudia Rodriguez, former Coordinator, NCCI, 6 February 2006.
- ²⁶ Interview with the Programme Manager of a US NGO, Washington, DC, 11 January 2006. This interviewee asked to remain anonymous due to security considerations.
- ²⁷ Interview with the Programme Manager of a US NGO, Washington, DC, 11 January 2006. This interviewee asked to remain anonymous due to security considerations.
- ²⁸ E-mail interview with Claudia Rodriguez, former coordinator, NCCI, 6 February 2006.
- ²⁹ Undated letter from the NCCI to the CPA in the possession of the authors.
- ³⁰ E-mail interview with a former Iraq National Director of a major US NGO, 14 January 2006. This interviewee will remain anonymous for considerations of security and reputation.
- ³¹ E-mail interview with a former Iraq National Director of a major US NGO, 14 January 2006. This interviewee will remain anonymous for considerations of security and reputation.
- ³² E-mail interview with a former Iraq Country Director of a major US NGO, 26 January 2006. This interviewee will remain anonymous for considerations of security and reputation.
- ³³ Interview with the Programme Manager of a US NGO, Washington, DC, 11 January 2006. This interviewee asked to remain anonymous due to security considerations.
- ³⁴ Interview with the Programme Manager of a US NGO, Washington, DC, 11 January 2006. This interviewee asked to remain anonymous due to security considerations.

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