



**CENTRI CIVILNIH INICIJATIVA  
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

**Monitoring performance of the RS Government and  
the RS NA**

**01.01 – 31.12.2015**



## INTRODUCTION

The intention of this report is to show and to point out the principal results of monitoring performance of the Government and the National Assembly of Republika Srpska. Having in mind personal attendance of the members of the CCI's monitoring team, as well as accessibility of all available documents from the sessions (minutes, stenographs, reports), given *Report* was generated after careful analysis whilst observing past practices of fair and correct reporting.

The year 2015 has been quite turbulent in the political life of Republika Srpska.

The RS is the only administrative-territorial unit in BiH that after the last General Elections established its legislative and executive authority on time, in line with the deadlines defined by the Law. Both the National Assembly and the RS Council of Peoples held their constituting sessions and the Government was confirmed at the beginning of 2015.

However, the constituting process in the RS was tarnished by the affaire of alleged “buy-off of MPs”, namely by the suspicion in the way in which the majority in the Assembly was established. Due to the lack of a prompt and efficient reaction of the competent bodies, which should have investigated authenticity of the data that have suggested corruption at the highest level of the government, the affair has continued to burden political relations throughout the year and it was the topic of a special RS NA's session.

The work of the government institutions of RS in the reporting period was characterized by gradual radicalization of conflicts between the government and the opposition to a degree where it seems to have reached its maximum at the verbal level – the opposition questioned legitimacy of the current government, accusing it of crime, abuse of authority and economic destruction of Republika Srpska and requesting administration of extraordinary elections, whilst the government accused the opposition of betraying national interests.

As a reaction to the behavior of ruling majority the opposition repeatedly resorted to boycotting the work of the RS NA sessions, and it even threatened to leave the Assembly and to start extra-parliamentary battle against the “regime”.

The process of jeopardizing achieved degree of the democracy, civil liberties and human rights had its systemic dimension in RS during 2015. This dimension reflected in enactment or the intention to enact some utterly controversial legal regulations that instead of institutional protection and support to independence of the media and the civil society organizations, protection of workers and endangered groups, and development of a social framework to influence government's decisions, represented, at the least, creation of an opportunity to reduce human rights and freedom of expression, to exert pressure on the commentators of negative social phenomena and to reduce workers' rights.

Instead of working to prevent social conflicts, one gets impression that there are continuous efforts put forward to produce and to deepen these conflicts.

The inability to reach social consensus on necessary reforms is quite disturbing, as are the attempts to cause instability in the country, which are at the very least contrary to the need for foreign investments with the aim of economic recovery and creation of new jobs, but also to the need for approximation to the EU, which is in the interest of both RS and BiH citizens and which should be governments' focal point. The ultimate goal should be to improve quality of life of all citizens, and not only the quality of life of the privileged groups and individuals.

**THE RS NA HAD LOW PERFORMANCE INTENSITY FOR THE GREATER PART OF 2015, AND IN THREE MONTHS (JANUARY, AUGUST AND NOVEMBER) IT DID NOT HELD A SINGLE SESSION.** More than 70% of what the Assembly did in 2015 was realized in only four months (February, September, October and December) – 71% of the measures were adopted and 76% of the laws enacted. This indicates that the RS NA has potential for much better results.

**THE INCREASE OF PERFORMANCE INTENSITY AFTER THE AUGUST BREAK AND ESPECIALLY IN THE LAST MONTH, WHEN THE BEST RESULTS IN 2015 WERE ACHIEVED BY ALL PARAMETERS, MADE THE WORK OF THE RS NATIONAL ASSEMBLY IN 2015 THE BEST ONE IN THE LAST 5 YEARS IN TERMS OF NUMBER OF THE SESSIONS (57) AND NUMBER OF CONSIDERED MEASURES (258).** It remained at the last place only by number of enacted laws (51), achieving the result that only supersedes the one achieved in 2014 election year (45), but which is in fact surpassingly worse than the result in 2011, as the first post-election year of the previous tenure, when 82 laws were enacted, which is for 60% more than in 2015.

**ONE OF THE POOREST SEGMENTS OF THE RS NA'S PERFORMANCE IS REALIZATION OF PLANNED OBLIGATIONS.** Only 49% of the total number of planned measures and only 52.4% of planned laws were completely realized in 2015. Only 92 out of 187 measures that should have been realized in 2015 were realized. A total of 38 out of 93 planned laws were adopted.

**THE LAWS INDICATE THE BEST THAT THE RESPONSIBILITY FOR POOR RESULTS OF THE ASSEMBLY ACTUALLY LARGELY RESTS ON THE GOVERNMENT.** As the Government of Republika Srpska proposes most of the measures found on the agenda of the RS NA, and as the RS NA mostly very efficiently, without major delay, realizes all the measures it receives, it means that the reason for relatively poor results of the RS NA, especially in the legislative aspect, is the poor efficiency of the Government. Namely, there were 29 laws in procedure at the end of 2015 – whereof 20 waited for the Assembly's decision and the remaining 9, after being confirmed as a draft by the Assembly, waited to be confirmed by the Government as a proposal and again forwarded to the Assembly for decision. Out of 20 laws that were waiting for the Assembly's decision, 18 were confirmed by the Government in the last two months of 2015, whereof 8 were confirmed in the last week. It means that the Government forwarded the laws to the Assembly a bit late to be enacted in 2015. Amongst the laws that are waiting to be fine-tuned and confirmed by the Government after being accepted by the Assembly are also the ones that have been waiting since February, adding to this number 40 laws in the Work Plan that the Government did not confirmed in any form. It is quite evident that the RS NA, besides its proven capacity, has problems in meeting its obligations due to unsatisfactory and untimely delivery of the materials by the Government.

**REALIZATION OF THE STRATEGIES IS ALSO VERY POOR – ONLY TWO OUT OF 14 PLANNED STRATEGIES WERE ADOPTED.** Three more strategies were confirmed as drafts by the RS NA and are currently in the procedure. By the end of the year the RS NA did not discuss the two strategies that the Government confirmed in the 4<sup>th</sup> quarter. The Government did not confirm seven strategies during 2015 even though it was an obligation set forth by the Work Plan and even though it is of outmost importance for improvement of citizens' quality of life in the areas covered by the strategies.

**NEGATIVE MUTUAL INFLUENCE OF THE GOVERNMENT AND THE ASSEMBLY IS RECIPROCAL.** Same as the poor Government's efficiency leads to poor Assembly's efficiency, so the irresponsible attitude of the RS NA towards planning of its obligations leads to the delays in enactment of the Government's Work plan

and thus to violation of the Rules of Procedures. It then turns into a bedazzled circle causing poor realization of the RS Government's and Assembly's Work plans. It is exactly what happened in 2015.

**THE WORK PLAN OF THE RS NA WAS ADOPTED WITH THE LONGEST DELAY SINCE 2008.** The Work Plan of the RS NA for 2015 was adopted on April 17, 2015. It means that the RS NA had worked the entire first quarter of 2015 without a Work Plan, ignoring the fact that the delay in adoption of the Work plan is one of the reasons for poor efficiency of the government in RS. At the same time, the delay in adoption of the Assembly's Work plan caused the longest delay in adoption of the Government's Work plan so far. The negative practice has continued. The 2016 Work plan was not adopted by the end of 2015.

**CONTINUOUS DISREGARD OF THE NEED TO ADOPT THE WORK PLAN BEFORE THE YEAR TO WHICH IT RELATES AND IGNORING THE FACT THAT THE DELAY PRODUCES CONTENT RELATED ILLOGICALITY OF THE WORK PLAN THAT COMPROMISES STATISTICAL INFORMATION ON INSTITUTION'S EFFICIENCY IN REALIZATION OF PLANNED OBLIGATIONS.** Even though it was adopted in mid-April, the RS NA Work Plan for 2015 envisages realization of measures in the 1<sup>st</sup> quarter (which is of course quite absurd). Moreover, the program that was adopted in mid-April also contains measures that were realized at time the program did not even exist or was not adopted – 16% of the measures that can be found in 2015 Work Plan were adopted before the Work plan even existed as an official document.

**THE 2016 BUDGET WAS ADOPTED ON TIME, AS IT WAS THE PREVIOUS ONE. NAMELY IT WAS ADOPTED IN ACCORDANCE WITH THE LEGAL DEADLINES, BUT BUDGET'S STRUCTURE AND MORE EVIDENT CONSEQUENCES OF UNREASONABLE BORROWING ARE QUITE DISTURBING.** The RS budget for 2016 was adopted at the RS NA session held on December 22, 2015 in the total amount of 3 billion and 127 million KM. The reason for enormous increase of the budget in 2016 is the fact that RS Treasury is to take over payment of the pensions from the Pension and Disability Insurance Fund of RS. It is very important to stress that the obligations are increasing, so the RS Government has planned 667.952.200 KM for debt repayment. This amount has been increased for more than 140 million in relation to the last year. The opposition made comments about the Budget, concluding: "We now have situation that more than a half of this year's revenues will be used to service debts in the next year. In line with the Government's projection a total of 826 million KM from the Budget of Republika Srpska will be used to pay the debt in 2017, and in 2018 – 967 million KM." But the loans are still being taken.

**THE TRANSPARENCY OF THE RS NA IS AT AN ENVIABLE LEVEL.** The RS NA had worked for two years on designing a new web site together with the OSCE. The web site is functional, has a respectable level of information and it is expected to be regularly updated with the new information. However, one cannot but notice that the authorities in RS do not mind foreign financial and expert assistance when it is directed to them, but only when it is directed to their critics.

**THE PROBLEM OF THE RS NA'S PRESIDENCY NOT BEING COMPLETE HAS BEEN REMOVED AT THE END OF THE YEAR.** After the Assembly functioned more than a year without a representative of Croat people, having no women in its composition and also, since May, without a representative of the largest opposition party, the Assembly's management is now complete and its gender structure has improved.

**INDIVIDUAL ACTIVITY OF SOME MPs IS STILL VERY LOW.** A total of 57 sessions of the RS NA were held in the reporting period and all members of the parliament were present at only 15 sessions. A total of 230 questions and initiatives were asked and launched at regular sessions. 20 MPs (whereof 15 are currently active) did not ask a single question or launched an initiative for a year. A total of 154 measures were discussed at the

RS NA's session in the reporting period. Six members of the RS NA did not discuss any of the measures that were on the agenda of the RS NA during 2015.

## **RS GOVERNMENT I-XII 2015**

**GOVERNMENT OF REPUBLIKA SRPSKA HAD SIGNIFICANT OSCILLATIONS IN ITS WORK THROUGHOUT 2015.** With 20 sessions held in the first quarter, the work intensity in the second quarter raised to 27 sessions, just to drop back to the starting level with 21 sessions held in the third quarter. In the fourth quarter the work intensity reached its maximum with 30 sessions held.

**PRODUCTIVITY FOLLOWED WORK INTENSITY.** So with 652 measures that were considered in the first quarter, the productivity soared to 917 measures in the second quarter. In the third quarter the productivity fell to 674 measures, and in the fourth quarter it again soared to 981 measures. The same trend occurred in realization of the laws.

**THE RS GOVERNMENT HAS CONTINUOUS GROWTH OF PRODUCTIVITY SINCE 2011.** The growth is so significant that the number of measures considered in 2015 is almost two times higher than the number of measures the RS Government had considered in 2011, as the first post-election year of the past tenure. (3224 against 1644 measures considered in 2014)

**BUT QUANTITY DOES NOT NECESSARY BRING QUALITY.** If, amongst the enormous number of measures, which the RS Government realized in 2015, we single out the measures that can positively affect citizens' quality of life, we see that the number of such measures is not too high. The CCI registered 151 such measures or 4.7% of all considered measures. Additionally, measures that should be of exceptional significance to the RS citizens were really rare, and we registered only 28 such measures or only 0.9 of all considered measures.

**ONE OF THE MOST MODEST RESULTS IN THE LAST 5 YEARS HAS BEEN ACHIEVED IN THE LEGISLATIVE SEGMENT OF THE WORK.** There were far fewer laws confirmed in the 2014 election year than in the 2015, while 25% more laws were confirmed in the first post-election year of the previous tenure than in 2015 (94 against 75 in 2015).

**INSUFFICIENT WORK ON THE MOST SIGNIFICANT DOCUMENTS – HERE WE ACCENTUATE THE LAWS AND THE STRATEGIES – AND LACK OF FOCUS ON THE PROJECTED GOALS, LED TO AN ENORMOUS NUMBER OF MEASURES THAT SHOULD HAVE BEEN PASSED IN 2015, BUT WERE NOT REALIZED BY THE END OF THE YEAR.** A total of 40 laws listed in the Work Plan of the Government for 2015 were not confirmed, and the work has not been completed on 10 more laws. Out of 15 planned strategies, the Government completed its work on only four. Seven of the strategies were not confirmed in any form. These are all very important documents that can strongly influence citizens' quality of life. The documents are: Development Strategy of Republika Srpska 2016-2020, Employment Strategy of the RS, Industry Development Strategy and Policy of Republika Srpska, Small and medium-sized enterprise development strategy in RS (confirmed a few days ago, as a draft), Local Self-government development Strategy in RS, Cyber Safety Strategy and Culture Development Strategy of RS for the period 2016-2020.

**WE HAVE TO ONCE MORE UNDERLINE THAT INADEQUATE EFFICIENCY OF THE GOVERNMENT IN SOME SEGMENTS PREVENTS THE ASSEMBLY OF REALIZING ITS PLANS.** In this context one of the

imperatives before the Government is higher productivity in creation of the laws and faster deciding on proposals of the laws after they pass the public discussion stage.

**WHILE SOME EXCEPTIONALLY IMPORTANT LAWS WERE NOT ADOPTED IN THE OBSERVED PERIOD, SOME OTHER LAWS SHOULD HAVE NEVER BEEN PUT ON THE AGENDAS OF THE GOVERNMENT AND THE ASSEMBLY.** The best example is the Law on changes and addenda to the Law on public order and peace that the RS NA adopted in the first quarter of 2015 even besides protests of the domestic public and international organizations for protection of human rights. (The OSCE found this law to be devastating for free expression and free media on the Internet in RS, and the Human Rights Watch requested the law to be declared null and void. The opposition rejected to even participate in enactment of his law). Similar situation is also with the Law on changes and addenda to the Law on public gatherings that the Government confirmed on April 23, 2015 and that contained several controversial provisions, but was fortunately withdrawn from the procedure. We can only hope that the law will be subsequently harmonized with the European standards, and that it will not represent an additional obstacle on the path to these standards. But these are not the only laws that had caused negative reaction of the public.

The Board of Directors of the Trade Union of workers in healthcare of RS harshly reacted to adoption of the “first package of reform laws”, assessing it will increase the living costs and endanger real incomes, as well as the social and the economic rights of all workers, including the workers in the healthcare sector. Some serious objections were also expressed regarding amendments to the Law on healthcare, which was assessed as “a unsuccessful attempt of irresponsible and inapt government to avert attention of the public from the catastrophic situation in the healthcare system”, stating that “enactment of this law disables implementation of any serious reforms that would improve the catastrophic situation in the healthcare sector”. The conflict between the government and the trade union climaxed at the end of the year. Namely...

**REFORM PROCESSES AND IMPLEMENTATION OF THE ACTION PLAN FOR REALIZATION OF REFORM AGENDA HAD A POOR START.** The RS Government adopted the Action plan for realization of the Reform Agenda for BiH in the third quarter. The Government failed to get approval from the “social dialogue partners” for the first serious task defined by the Reform Agenda, and that is enactment of the new Labor Law. The dialogue turned into an open conflict, which was not only verbal. Due to the financial problems, the Government found the IMF’s request more important than the opinion of the trade unions and employers. Maybe the best assessment of the situation was made by the Vice president of the Association of Employers’ Trade Union of Republika Srpska, Saša Trivić, who said that “the proposed solution is not the best” and that “Government of Republika Srpska should have taken the law from the BiH Federation and adapt it slightly”, stressing that “Assembly should foster social dialogue in order to prevent any further conflicts between the employers and the trade unions”. So it means that the public expects Government to be constructive and positive towards relations in the society, and not the opposite.

**THE WORK PLAN OF THE RS GOVERNMENT FOR 2015 HAD PROBLEMS IN ALMOST EVERY SEGMENT – TIMELINESS OF ADOPTION, STRUCTURE, REALIZATION...** The 2015 Work plan of the RS Government was adopted in May, namely after a third of the year to which it relates had passed. It actually means that the Rules of Procedure that precisely define the obligation to adopt the work plan for a certain year before the end of previous year have been violated. Furthermore, the failure to modify the content of the Work plan in line with the serious delay in its adoption had resulted in a structural error in the Program, which *inter alia*, brought into question authenticity of statistical data on its realization. Even though it was only adopted in fifth month, the 2015 Work Plan of the Government contains a plan for the four previous months. This plan, which was the past at the moment Work Plan was adopted, holds more than a third of measures presented in

the Work Plan. Even bigger problem is the fact that the Work Plan, which by definition represents a plan for the forthcoming period, contains the measures that were realized before the Work plan was adopted. So it actually means that 25% of the Plan had been already realized at the time it was adopted (more precisely, 20% completely and 5% partially).

**IN THE PREVIOUS PERIOD THE RS GOVERNMENT HAS NOT BEEN SUFFICIENTLY TRANSPARENT IN ITS WORK.** The lack of space is allegedly the reason why presence at the sessions is not allowed, and broadcasting of the RS Government's sessions will certainly not become a practice any time soon. However, the RS Government can make download of the materials to be discussed at the sessions possible, it can publish minutes from the sessions and stenographs on its web portal, which would certainly, together with availability of some reports and other materials that are currently not available, increase the level of the RS Government's transparency. In particular, the CCI expresses its discontent with the time needed to get minutes from the Government's sessions – because we sometimes get the minutes after months of delay.