



**CENTRI CIVILNIH INICIJATIVA
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

The National Assembly of the Republic of Srpska

2010 - 2014

REPORT SUMMARY

THIS CONVOCAATION OF THE ASSEMBLY (2010-2014), ACCORDING TO SEVERAL PARAMETERS, IS SIGNIFICANTLY WORSE THAN PREVIOUS CONVOCAATION (2006-2010) – TOTAL REALIZATION OF LAWS IN THE PREVIOUS MANDATE WAS FOR ONE THIRD HIGHER THAN REALIZATION IN PRESENT MANDATE OF THE RS NA. RS National Assembly has during 4 years passed total of (both planned and unplanned) 272 laws. This is for 42 laws less than what was realized in the previous mandate. At the same time, parliamentary political crisis in the institutions of the FBiH Government has resulted in almost two times higher efficiency of the RS NA in realization of the laws than it was recorded in the BiH Federation Parliament.

THE GOVERNMENT AND NA STILL DID NOT ELIMINATE SOME SIGNIFICANT OBJECTIONS MADE BY THE EUROPEAN COMMISSION A YEAR AGO, AND WHICH RELATE TO REPUBLIKA SRPSKA.

Here we are not talking about something that the European Union needs, but we are talking about interest of the citizens of Republika Srpska. The RS Development Strategy and Social Inclusion Strategy are still not adopted. Also the changes and addenda to the RS Law on courts that would ensure harmonization with the prerogatives of the HJPC based on explanations given in the framework of Structural Dialogue were not adopted. The shortcomings concerning independence and impartiality of judiciary are still present, as well as political attacks on judiciary and politicization of the appointments, which give reasons for concern. The European Commission noted with concern the continuance in growth of indebtedness and continuance in issuing short-term treasury notes and long-term government bonds aimed at financing of budget deficit and debt repayment obligations. Increasing fiscal deficit, significant external imbalance and high unemployment rate are still jeopardizing the overall macro-economic stability.

DURING THE MANDATE THE RS NA NEVER ADOPTED ITS WORKING PROGRAM BEFORE THE BEGINNING OF THE YEAR TO WHICH IT REFERS, THUS INFLUENCING THE RESULTS OF ITS WORK, BUT ALSO INFLUENCING THE GOVERNMENT'S DELAY IN PASSING ITS WORKING PROGRAM AND ITS VIOLATION OF THE RULES OF PROCEDURES.

The criticism of such practice and recommendation to have the Program adopted before the beginning of the year to which it refers the NA's officials explained by the senseless claim that they are not doing anything that violates the regulations instead of changing their attitudes and the Rules of Procedures (even though it is not necessary). At the same time they neglected elementary logic and the fact that all things cannot or should not be explicitly regulated. Some things are self-implied and are only included into regulations if it is evident that the level of awareness is not sufficient to have people living and doing something that should be done without a warning in a written regulation and without threats of sanctions. Because the justification given for constant delays in passing of the annual working programs (in February, March, and even in the second half of the year) means that the NA could pass its working program for a certain year even at the end of December when everything that could have been done is done already, and any "planning" is pure fulfillment of the form and an insult to public's intelligence. And everything would have been by the book, but not as it ought to be! At the end not in the interest of the citizens of Republika Srpska, who have deserved more for the money they are paying to the members of NA.

APART FROM BEING LATE WITH PASSING OF THE ANNUAL WORKING PLANS, THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA RECORDS A STEEP DECLINE IN VOLUME OF PLANNED LAWS AND IN NUMBER OF LAWS REALIZED DURING THE MANDATE. The National Assembly in the last mandate, probably prompted by experience from previous period, in which it faced catastrophic realization percentage of its ambitiously set plan, had significantly reduced the volume of the planned annual activities.

The plan in the first year of mandate of the present NA convocation was therefore for 30% lower than the plan from the first year of mandate of previous convocation. Only less than 70% of such plan was realized. The National Assembly has then, probably attempting to develop a plan that it is capable of fulfilling, continued to reduce the volume of the planned obligations. But, the reduction of plan also reduced realization of the planned activities. It is a happy circumstance that this mandate is ending having in mind that the parallel reduction of both plan and realization had led to only 58 laws in the 2014 plan (in regard to 103 from the first year of mandate), and the realization had dropped from 69 laws in 2011 to only 19 laws in 2014. At the same time, not only that the realization in the last year of this mandate is lower than the realization in the last year of the previous mandate, but the realization in the last three years is lower than in any of the years of previous mandate.

BY NOT MAKING A SIGNIFICANT STEP FORWARD IN THE LAST YEAR OF ITS MANDATE AND AS WE HAD WARNED THE RS NA IS FACING THE FACT THAT IT REALIZED FEWER PLANNED LAWS FOR 4 YEARS OF MANDATE THAN THERE WERE LAWS IN THE WORKING PROGRAMS FOR FIRST TWO YEARS OF MANDATE. The total number of adopted planned laws is only 180. And the plan for the first two years of mandate together was 184. The problem is somewhat mitigated by the amount of adopted unplanned laws (92), but since one can assume that activities, which are needed for Republika Srpska and its citizens, are planned, the adopted unplanned laws cannot be viewed as a substitute of planned laws that were not adopted.

THE RS NA WAS INSUFFICIENTLY PREPARED FOR PROCEDURES OF ADOPTING CERTAIN LAWS AND MEASURES THAT WERE SUBMITTED BY THE RS GOVERNMENT. As the consequence such laws were before the members in the process of changes and addenda each year again as e.g. the Law on changes and addenda to the Law on internal debt. On the other hand, when discussing work of the RS NA in the context of solving the most significant problems of the citizens, one cannot but notice that the entire time there was lack of measures that could improve quality of life of the RS citizens in the long-term, and above all that could solve the problem of very high unemployment and fix the unfavorable relation between the number of employed persons on one side, and number of unemployed and pensioners in Republika Srpska on the other side.

THE LARGEST PART OF RESPONSIBILITY FOR POOR RESULTS OF THE NA RESTS ON THE GOVERNMENT AS THE MOST FREQUENT PROPOSER OF MEASURES TO BE ADOPTED BY THE NATIONAL ASSEMBLY. The analysis indicated that the NA has been quite smoothly and without any great delays realizing the measures coming from the Government (the RS Government had in 4 year mandate considered 284 different law proposals, and the Assembly adopted 272 of them). So that the main reason of why the results are not even better is insufficient efficiency of the Government. Of course, the RS NA cannot be absolved from its own part of responsibility, which on one side relates to weaknesses in the RS NA itself, and on the other side to fact that it is "its" government and that NA has mechanisms to influence the work of the Government. Nevertheless the NA has been persistently accepting the inferior position. It did not request the Government to submit reports on its work, it did not define tasks and guidelines for the Government's work, it did not guide the work or achieve control over it, which are all NA's prescribed obligations. It is quite indicative that apart from the fact that the unemployment is definitely the most significant problem with which our society is faced, the members of the Assembly had never invited the Ministry of labor to present effects of the Employment Action Plan.

PASSING OF THE BUDGET IS NOT SUFFICIENTLY TRANSPARENT. The RS budget had been every year of the current mandate adopted tentatively speaking on time (with occasional light overstepping of the deadline both by the Government and by the Assembly). But the budget was not adopted in sufficiently

transparent way – because instead of a broader public discussion where all interested citizens, NGOs, trade unions and other interested groups could express their opinions and demands, the budget was continuously adopted under shortened procedure. It is interesting that neither members of the opposition had participated in the discussion on the RS budget for 2014 as a symbol of protest since the session was not televised where, in their opinion, the citizens would have had the opportunity to hear in what situation is Republika Srpska and how much it is financially unstable.

THE CONSEQUENCES OF EXCESSIVE BORROWING IN THE PREVIOUS PERIOD STARTED TO BE SENSED DURING THE PRESENT MANDATE. The RS budget has grown during last 8 years, and so did the obligations towards international financial organization that had given loans to Republika Srpska in previous years. In 2007 the RS budget was 1.275.000.000 KM, while in the last year of mandate the budget was 2.156.000.000 KM. Expenses for repayment of debt in the budget have been around 150 million KM during the previous mandate (2006-2010) (158,7 million - 2007, 156,7 – 2008, 187 – 2009, 149 – 2010), but in mandate 2010-2014 these expenses escalated, because the loans taken in the previous mandate had now to be repaid, so in 2011 the expenses rose from 149 million during the previous year to 208 million, in 2012 to 328,5, in 2013 to 463,4, and the last year of the current mandate the expenses for repayment of debts in the RS budget exceeded the amount of half of billion KM (518,5 million). One quarter of the RS budget for 2014 is provided for repayment of debts that were incurred by borrowing with the international financial institutions. It excellently portrays the danger of excessive borrowing

THE MEMBERS OF THIS CONVOCATION OF RS NA HAD SPENT 190 DAYS IN SESSIONS OUT OF 1400 DAYS OF THEIR MANDATE. During the entire mandate of the RS NA from November 15, 2010 to September 9, 2014 the RS NA held 57 sessions throughout 190 days in session. This means that out of approximately 1400 days of their mandate, the members of this convocation of the NA had spent 190 days working in sessions. Besides that: the RS NA had continued the practice of a collective vacation from July 20 to August 31, which significantly influences the final results of this institution, and one should seriously think about differently regulating this right, which anyway should be in line with the obligations. Let us recall that the members of the RS NA, who had professionalized their status in the Assembly, and got the job there and who regularly receive salary from the budget, are not obligated to come to work every day or to work on documents or with citizens.

THE CODE OF CONDUCT OF THE MEMBERS OF THE RS NA HAS NOT BEEN ADOPTED IN 4 YEARS. The CCI has been for several years now recommending to the institutions in BiH to adopt the Code of conduct, and many of them have already adopted and implemented the Code. The RS NA still has not adopted the Code, even though it could significantly assist improving of the level of communication in the Assembly, but also quality and efficiency of the work. Level of the communication during the mandate was far beyond the level of an institution that the people's envoys are representing.

DURING PREVIOUS YEARS THE ENVOYS RARELY HAD PUT FORWARD LEGISLATIVE INITIATIVES, BUT AS THE ELECTIONS WERE APPROACHING THERE HAS BEEN AN INCREASE OF ACTIVITIES IN THIS SEGMENT. The members of NA had put forward only two laws during the last year of mandate, both upon proposal of Vukota Govedarica (SDS) – and majority in the Assembly supported none of them. Particular attention and publicity got the Law on inspection of property origin. In the 2014 election year the envoys put forward more laws than in the previous 3 years. The envoy Siniša Dodik (SDS) had put forward the Law on road transport, which was

adopted. The envoy Zoran Đerić (PDP) put forward the Law on rehabilitation from verbal delicts, but this law was just accepted as a draft in July of 2014, and it has not been considered as a proposal even until the last session of the present convocation of RS NA. Its faith is going to be determined by the new convocation of the Assembly. The proposal of the Law on preventing conflict of interests in the bodies of government, put forward by envoy Vojislav Gligić (NDP), was rejected in 2014. Gordana Đurić from SNSD in July of 2014 proposed the Law on changes and addenda to the Law on titles that are acquired after faculty education, which was accepted by the majority in the Assembly.

THE LAW ON INSPECTION OF PROPERTY ORIGIN IS ONE OF THE THINGS THAT HAD MARKED THE WORK OF RS NA IN THE PREVIOUS MANDATE. The work of the RS NA in 2013 had started with this law and with fierce polemics about the law – with which the authorities had the opportunity to send a positive message to the RS citizens who desire justice and fairness in the society. Afterwards the law that was never put to public discussion (probably due to expected positive reaction of the citizens, who would welcome inspection of property origin of many politicians in RS and of tycoons close to theme, as well as seizure of property found illicitly gained) and without appearing before the Assembly, had become the law with the longest time in the parliamentary procedure. At the end of last quarter of the year it silently disappeared – without discussion in the Assembly and being rejected as unconstitutional by the government’s legislative secretariat and the Committee for political system, judiciary and administration of the NA. We cannot but notice that the readiness of politicians to have origin of their property inspected, that we had opportunity to hear occasionally across BiH, ends with the statements to the media and demagogic calls to start the inspection from them. However, the laws that would regulate this area are not adopted even when they do appear. By this day we have not seen anything on inspection of property. On the contrary, at one time we faced the prohibition to publish politicians’ asset declaration forms for the purpose of protecting their privacy.

WHEN COMPARED TO THE PREVIOUS MANDATE THE RS NA BUDGET DID NOT SIGNIFICANTLY INCREASE, BUT THE BUDGET OF THE RS PRESIDENT WAS ALMOST DOUBLED.Total budgetary expenditures of the National Assembly of Republika Srpska, all 4 years of mandate, were around 10 million KM and were at the level of the budget inherited from the previous mandate. On the other hand immediately at the beginning of the mandate, the budget of the RS President was almost doubled (from 5.919.000 to 10.941.000 KM), putting it at level with the entire budget of the RS National Assembly.