



**CENTRI CIVILNIH INICIJATIVA
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

**Monitoring of
the Parliament Assembly BiH
2010 - 2014**

**-MANDATE REPORT -
SUMMARY**

THE PROCESS OF POST-ELECTION FORMING OF THE GOVERNMENT AT THE BiH LEVEL WAS SLOW AND AGONIZING, AND THE FORMED GOVERNMENT WAS UNSTABLE AND PRONE TO CAUSING POLITICAL CRISES AND INTER-PARTY CONFRONTATIONS. Following General Elections in BiH, which were held on October 3, 2010, it took almost 9 months to form BiH PA in its full capacity(House of Peoples was form, in it's full capacity on 29.06.2011), and even 16 months to form ruling coalition or parliamentary majority and to finally appoint the BiH Council of Ministers(10.02.2012). The process of forming government at the BiH level had once more confirmed the necessity of implementing CCI's initiative to constitutional changes aimed at enabling introduction of precise deadlines for forming of the government into the BiH Election Law, as well as the possibility of extraordinary elections.

BY HANDING OVER DECISION MAKING PROCESS ON MOST IMPORTANT ISSUES IN THE COUNTRY TO THE INFORMAL NON-INSTITUTIONAL BODIESTHE BiH PARLIAMENTARY ASSEMBLY HAD COMPLETELY DISAVOWED AND HUMILIATED ITSELF, MAKING ITS EXISTANCE SENSELESS. As the holders of genuine, electoral legitimacy, the delegates, as representatives of authority elected by the citizens, had turned into humiliating service of their party leaders, who think and decide instead of them. The parliament had turned away from being a key place of political life of a country and had become a technical service for formalization of agreements reached at the party leaders' meetings.

THIS CONVOCATION OF THE BiH PA HAD ONLY IN ITS THIRD YEAR OF MANDATE ADOPTED THE ORIENTATIONAL WORKING PLAN, AND THE HOUSE OF REPRESENTATIVE WAS THE ONLY ONE THAT ADOPTED THE 2014 WORKING PLAN.None of the plans were adopted before the year covered by the plan, but they were adopted in February and March, diminishing effects of their approval at the very beginning. All of the above indicates continuance of negative practice of inobservance of the obligations set forth in the documents regulating the work of the BiH PA.

EVEN THOUGH THE FORMER BiH PA CONVOCATION WAS INEFFICIENT, THE PRESENT ONE IS TWO TIMES MORE INEFFICIENT THAN THE FORMER CONVOCATION, AND ALMOST THREE TIMES WORST THAN THE ONE BEFORE. The BiH Parliamentary Assembly in the former mandate (2006-2010) had adopted 170 laws or two times more than the present convocation of the BiH PA. The BiH PA in the mandate 2002-2006 adopted 229 laws or almost 3 times more than the present convocation of the BiH PA (or to be precise 2.7 times). So we here see a constant drop in the working results of the highest legislative institution in the country. This is in complete disaccord with the orientation towards country's integration into the EU and obligations derived there from.

MORE LAWS WERE REJECTED THAN ADOPTED IN THE FIRST AND THE LAST YEAR OF THE MANDATE OF PRESENT BiH PA CONVOCATION: In the 2010-2014 mandate (until September 1, 2014), the BiH Parliamentary Assembly had adopted 85 laws, while even 67 laws had been rejected, thus "dangerously" bringing the number of rejected laws close to the number of the adopted laws. This is an endemic specificity of the BiH PA, having in mind that number of rejected laws in regard to adopted laws in other regional parliaments is negligible (for example in Croatia only 2.5 rejected laws come on every 100 adopted laws).

POOR RESULTS OF THE BIH PA'S LEGISLATIVE ACTIVITY DURING THE LAST MANDATE HAS BEEN ADDITIONALLY UNDERLINED BY THE FACT THAT THE NUMBER OF NEW LAWS AMONGST THE ADOPTED ONES BECAME NEGLIGIBLE. Out of 85 laws adopted during the 2011-2014 mandate only 14 are new laws. For four years! Total of 71 laws (or 83.5% of the total number of adopted laws) are mere changes and addenda to the existing legal documents. At the same time it is indicative that amongst rejected laws only 40% are new laws (27 out of 67).

SOME DISPUTABLE AND HARMFUL LAWS WERE ADOPTED, WHILE SOME SIGNIFICANT AND NECESSARY ONES WERE NOT. At the end of 2012 the BiH PA adopted, regardless of the objections by civil society, an utterly disputable Law on conflict of interest, by which the politicians have given themselves the right to decide on whether they are in conflict of interests or not. On the other hand some laws that would enable our country of getting EU candidate status were not adopted. The failure to adopt these laws placed the country on the pillory, made the life of its citizens even more difficult and deprived the country of enormous financial assistance. For example, due to failure to adopt changes and addenda to the Criminal Code of Bosnia and Herzegovina, the Committee of experts on the evaluation of anti-money laundering measures and the financing of terrorism of the Council of Europe had at the end of June 2014 issued a public warning which reads as follows: "MONEYVAL continues to call on States and territories evaluated by MONEYVAL and other countries to advise their financial institutions to pay special attention by applying enhanced due diligence measures to transactions with persons and financial institutions from or in Bosnia and Herzegovina in order to address the money laundering and financing of terrorism risks".

INACTION, INCOMPETENCE, ARROGANCE, DESTRUCTIVENESS, POLITICKING AND IGNORING CITIZENS' INTERESTS BY THE BIH PA DELEGATES AND OTHER INSTITUTIONS LED TO BIG PROTESTS BEFORE THE PARLIAMENT BUILDING IN 2013. Failure to adopt the Law on national identification number that caused problems to the BiH citizens and that ultimately led to death of a baby, was the cause of the largest civic protest in the post-war BiH. Egoism, detachment from people, obsession by personal and narrow-party interests had prevented some delegates to simply react as humans and had led to scorning and insulting of the citizens, lying, political manipulations, raising of the national tensions and to threats made to citizens that they will not be pardoned, if they continue to use their democratic right to protest peacefully against a government that is not doing its job. All in all it was a shameful episode in the history of the BiH PA where the citizens of this country had given a lecture in democracy to the politicians.

And when talking about shameful episodes...

IN 2013 FOR THE FIRST TIME SINCE THE CCI IS CONDUCTING MONITORING OF THE WORK OF GOVERNMENTS AND PARLIAMENTS IN BIH, FROM CANTONAL TO STATE LEVEL – THE COLLEGIUM OF THE STATE PARLAMENT BANNED OUR REPRESENTATIVES FROM THE SESSIONS OF THE PARLIAMENT. The real motive was dissatisfaction of the Collegium's members with the previously presented CCI report on results of the monitoring of work of this institution. This attempt of "discipline" i.e. intimidation and introduction of censure through small doors, faced fierce condemn by the domestic public and representatives of the "international community", causing the ban to be lifted after a certain time period, even though the sophisticated bullying of representatives of our organization has been continued.

DESPITE SPECIFICITIES OF THE BIH SYSTEM THE COMPARISON WITH THE NEIGHBORS SHOWS PROPORTION OF THE BIH PA'S INEFFICIENCY: Let us repeat, in the period 2011-2014 the BiH PA had

adopted 85 laws. The Montenegrin Assembly had adopted 403 laws in the same period or 4.7 times more than BiH PA. During the same period in which parliamentary elections in Serbia were held twice, the National Assembly of Serbia had adopted 537 laws or 6.3 times more than BiH PA. The Croatian Assembly, as the parliament of a country that had already met all EU membership conditions and had adopted *acquis communautaire*, which is a process that we are practically just starting, had adopted 861 laws or 10 times more than the BiH Parliamentary Assembly. The volume of unaccomplished obligations of the BiH PA indicates the need for more work, and that it is completely normal to work more than our politicians do is shown by the information that the Croatian National Assembly in 2014 (until August 31, 2014) had held two plenary sessions, which lasted 461 hours during 68 days in session – its means as much as the House of Representatives of the BiH PA for approximately 4 years.

SHAMEFUL DISCRIMINATION OF THE CITIZENS BY THE BIH PA CONTINUES. More than 4 and a half years had passed since the European Court for human rights passed its decision in “Sejdić-Finci” case by which it was determined that the BiH is conducting a systematic discrimination of its citizens, but the discrimination, despite all promises, is still very much present. The most responsible body to solve this issue and to stop discrimination, firstly in its own house, and then in the society, is the BiH PA because of its constitutional competences. Unfortunately the BiH PA shows us that it is not up to this historical task, because of which the BiH remains a black hole on the map of human rights.