

**Monitoring the performance of the FBiH Government and Parliament**

**12.10. – 31.12.2014**

**Summary**

**INTRODUCTION**

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Notwithstanding the experts' warnings that at least a year of intensive preparatory work on the legislation is necessary for what may be “the last straw of salvation” for BiH in terms of launching the reform process – in the framework of the German-British Initiative and the Compact for growth and jobs – which would jumpstart the economy, improve conditions for development and the creation of new jobs, as well as increase efficiency of the authority at all levels, the local politicians continue to irresponsibly deal only with themselves, instead of dealing with the true problems of the county and the citizens.

The enormous amount of precious time will again be lost in the post-election outwitting, as well as in exploitation of ambiguities of the Constitution and the Election Law.

The political games have once again led to a long wait on establishment of the government in the BiH Federation –again we had problems with constituting the House of Peoples, the leading individuals of the BiH Federation were elected only in February, and the new government is still not in sight.

Everything is at a standstill – waiting for the government. As there is no work to be done. At the same time there is a huge amount of unfinished business and measures to be decidedin the Parliament that it will take more than a year of work only to “clear up” these backlogs.

This country needs optimism at the beginning of the new government. But, if citizens are to feel the optimism, they have to see that the attitude of the government toward its responsibilities is different than it was before, they have to see competent people at responsible positions, the ones who are working devotedly on solving the truly significant problems of the citizens. They must see that the past has thought the political parties and their leaders a lesson or two, including the lessons from February of 2014.

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**FBiH PARLIAMENT 12.10 – 31.12.2014**

**THE VOTERS IN THE BIH FEDERATION HAVE EXPRESSED THEIR DISSATISFACTION WITH THE PERFORMANCE OF PREVIOUS COMPOSITION OF THE PARLIAMENT AT THE ELECTIONS IN OCTOBER 2014, AND HAVE EXPRESSED THEIR DESIRE FOR POSITIVE CHANGES IN THE FORTHCOMING PERIOD BY GIVING THEIR VOTE TO THE NEW PEOPLE.** Only 25 out of 109 MPs, who were members of the previous composition of the House of Representatives of the FBiH Parliament entire period or a part of it, have again won the citizens’ confidence and have become members of the new convocation of the Parliament. Three quarters of the House of Representatives are “new people”.

**THE VOTERS’ DESIRE FOR CHANGE IN THE ATTITUDE OF POLITICAL ACTORS ON OUR POLITICAL SCENE WAS NEGLECTED AT THE VERY BEGINNING, UPON ESTABLISHMENT OF THE GOVERNMENT – EVEN THOUGH AT SOME POINT IT HAD SEEMED THAT THIS TIME EVERYTHING WILL PASS SMOOTHLY, IT TURNED OUT THAT THE OPTIMISM WAS GROUNDLESS.** The House of Representatives of the BiH Federation Parliament held its constituting session on December 2, 2014, the last day of the deadline prescribed by the Constitution, and the House of Peoples had started its constituting session on January 15, 2015. The presidency of the BiH Federation was appointed only in the second week of February.

**IN A COUNTRY OBSESSED WITH NATIONAL AFFILIATION, THE FIGURES ON UTTERLY LOW NUMBER OF WOMEN IN THE BIH FEDERATION PARLIAMENT GO BY UNNOTICED. THIS IS ONLY A REFLECTION OF THEIR INEQUITABLE POSITION IN THE SOCIETY AND ITS CONSERVATIVE, PATRIARCHAL CHARACTER.** The new composition of the House of Representatives of the BiH Federation Parliament has only 23 female members versus 75 male members of the Parliament. In the House of Peoples the figures are even more scathing – according to available information (54 out of 58 mandates are verified) the number of women is almost halved in regard to the previous mandate and there are only 8 female delegates in the new composition of the House of Peoples, which is only approximately 14%! This is completely unacceptable and a reason for considering an option of introducing positive discrimination into the electoral system.

**THE FINANCIAL OPERATIONS OF THE BIH FEDERATION HAVE AGAIN BEEN BROUGHT INTO QUESTION, AS IT HAPPENED FOUR YEARS AGO.** During the last few days of 2014 the House of Representatives adopted the Decision on temporary financing for the first quarter of 2015, but the House of Peoples did not adopt the decision by December 31, 2014, because it was not established yet– the House of Peoples adopted this decision on January 30, 2015. The decision regulates financing of the BiH Federation until March 31, 2015 by when the FBiH Budget for 2015 has to be adopted.

**NEITHER OF THE HOUSES DID ADOPT THE 2015 WORKING PROGRAMS BY THE END OF 2014, THUS FAILING TO MEET THE OBLIGATIONS SET FORTH IN THE RULES OF PROCEDURE.** The working program for 2015 that is harmonized with the FBiH budget and that has clearly defined deadlines and holders of obligations, has to be adopted as soon as possible and it has to be followed by preparation of a strategic orientation document for the four-year mandate, as a basis for preparation and development of the subsequent annual working plans.

**A SIGNIFICANT NUMBER OF DOCUMENTS IN THE BIH FEDERATION PARLIAMENT ARE “IN THE PROCEDURE” (“INHERITED” FROM THE PREVIOUS PERIOD) AND WAITING DECISION TO BE MADE BY ONE OR BOTH HOUSES OF THE FBIH PARLIAMENT.** More than 200 different measures, amongst which 87 laws and 3 strategies, are waiting on the decision of one or both Houses of the BiH Federation Parliament. This imposes the need for staring with intensive labor, aimed at faster realization of these backlogs.

**THE DRAFT LAW ON CHANGES TO THE LAW ON SALARIES AND BENEFITS IN THE BODIES OF AUTHORITY OF THE FEDERATION OF BOSNIA AND HERZEGOVINA IS IN THE PROCEDURE, AND THIS LAW WAS PART OF THE CCI’S RECOMMENDATIONS TO ALL BODIES OF AUTHORITY, INCLUDING THE BIH FEDERATION PARLIAMENT.** Just to recall that according to the Law on salaries and benefits in the bodies of authority of the BiH Federation, which entered into force in August 2010, councilors and delegates, who did not conclude an employment contract or who do not meet retirement requirementsafter termination of the mandate, are entitled to receive remuneration for one year. There is consensus in the public about the need to terminate this privilege and it was confirmed at the mass social protests in February of 2014, when this request was among the ones that were frequently raised.

**ALREADY AT THE BEGINNING OF THE MANDATE WE ARE DETECTING IRRESPONSIBLE BEHAVIOR OF SOME MEMBERS.** Reviewing the voting statistic from the second session of the House of Representatives of the FBiH Parliament (absent, by agenda items: 19, 20, 18 members) it is evident that already at the beginning of the mandate we observe significant unjustified absence of members from the sessions. It is a problem that has been “dragged on” the entire previous mandate, even though the Parliament has access to efficient mechanisms to detect and sanction behavior of the members that is not in line with their obligations and the confidence conferred to them by the citizens they should represent and in whose interest they should work.

**SUMMATIVELY THE FBIH PARLIAMENT IN THE LAST QUARTER OF 2014 HAS SHOWN INADEQUATE TRANSPARENCY, POOR EFFICIENCY AND LACK OF RESPONSIBILITY IN ITS WORK. NAMELY, THE NEW COMPOSITION HAS HAD A POOR START. THE TRUTH TO BE TOLD, IT IS NOT COMPLETELY ITS FAULT.**

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**FBIH GOVERNMENT 12.10 – 31.12.2014**

**THE GOVERNMENT THAT HAS SURVIVED WITHHOLDING OF THE PARLIAMENT’S SUPPORT, MASS PROTESTS AT WHICH ITS WITHDRAWAL WAS (ALSO) DEMANDED, RADICAL INTERNAL TURBULENCES – SUBSISTS EVEN AFTER THE ELECTIONS WERE HELD, IN A SO-CALLED TECHNICAL MANDATE, MONTHS AFTER IT WAS CONFIRMED (ALSO AT THE ELECTIONS), THAT THE DEMOCRATICALLY EXPRESSED WILL OF THE VOTERS IS DIFFERENT.** Incompetence of the political elite, its obsession with personal and party interests at the expense of interests of the communities and complexity of the political system and the constitutional solutions, which are a productive ground for different obstructions and manipulations, are causes resting behind the fact that we are now in the fifth month after the elections and that the new government is still not elected. It is not known when it is going to happen.

**THE SLOW PROCESS OF REACHING A POLITICAL AGREEMENT REGARDING ESTABLISHMENT OF THE NEW GOVERNMENT HAS LED TO THE SITUATION THAT BIH FEDERATION STARTED YEAR 2015 WITHOUT A BUDGET, THUS VIOLATING THE LAW ON BUDGETS OF THE BIH FEDERATION.** Financing in the first quarter of 2015 is regulated by the Decision on temporary financing. On the other hand the 2015 budget in the other BiH entity was adopted on time, December 28, 2014.

**PECULARITIES WITH REGARD TO THE FBIH GOVERNMENT NEVER END: WORKING IN TECHNICAL MANDATE(AS WELL) THE GOVERNMENT OF THE PRIME MINISTER NIKŠIĆ HAS REALIZED MORE MEASURES THAN IN PREVIOUS QUARTERS.** In the last (less than) three months of 2014, the Government has discussed 624 measures on its agendas (total of the items and sub-items). Even though the Government has been partly working in technical mandate there are no deviations in parameters with regard to the working tempo of the Government during the previous portion of the mandate. For example, in the first quarter of 2014 the Government had considered 595 measures (the total of items and sub-items). Unfortunately, in all this, the Government was dealing with certain things that it should better have avoided….

**AND AFTER THE ELECTIONS, THE PRESENT GOVERNMENT IN TECHNICAL MANDATE HAS CONTINUED WITH THE BOLD POLICY OF “STAFFING” I.E. WITH DISMISSALS AND NEW APPOINTMENTS TO THE OFFICES OF DIFFERENT PUBLIC ENTERPRISES, ADMINISTRATIONS, BOARD OF DIRECTORS AND SUPERVISORY BOARDS, COMMISSIONS, ETC.** The Centers of Civic Initiatives have on several occasions, even before this post-election period, concluded that there is a rising need to initiate a public dialogue about the necessity of limiting influence of political parties on the entire life of the community, i.e. fixing (in line with the European standards) the number of functions/offices to which politicians/government can appoint their people after the elections.We still do think that “departization” in all segments of the society– putting an accent on the need of having people employed based on their skills and knowledge, and not their party affiliation -is a key for its full recovery.

**THE WORKING PROGRAM OF THE BIH FEDERATION GOVERNMENT FOR 2014 IS JUST ONE OF THOSE THAT LARGELY HAVE REMAINED UNREALIZED, ESPECIALLY IN THE SEGMENT OF DETERMINING LAWS, REGULATIONS AND STRATEGIC DOCUMENTS.** In 2014 one third of the planned measures was not realized, as well as more than 60% of the planned laws (whereof the most in the Ministry of labor and social policy – even 15 out of 17 planned laws were not realized), and out of 12 planned strategies only three were discussed (Unrealized strategies are: the Energy Strategy of the Federation of Bosnia and Herzegovina; the Strategy on development of metal and electro industry for the period 2015-2025; the Strategy on development of agriculture sector 2014-2018; the Strategy on development of wood-based industries; the Strategy on development of building material industry; the Mid-term Strategy on provision of advisory services in agriculture 2015-2019; the Strategy for establishment of the spatial data infrastructure and the integrated spatial information system in the FBiH; the Strategy on scientific-research and research-development work in FBiH; Changes and addenda to the BiH Strategy with the action plan for protection of biological and landscape diversity (2008 – 2015))..

**THE AUDIT OFFICE GAVE A NEGATIVE OPINION ABOUT THE FINANCIAL OPERATIONS OF THE BIH FEDERATION GOVERNMENT.** “The report on audit of the BiH Federation Budget for 2013” and “The report on audit of financial reports of the BiH Federation Public Employment Bureau as on December 31, 2013” were published during the last quarter of 2014. These reports abound with criticism on the account of untruthful and unobjective presentation of business transactions, which are in discord with the appropriate laws and other regulations. The audit of the BiH Federation Budget for 2013 has ended with a devastating review – with a “NEGATIVE OPINION”! This should serve as a warning for the new BiH Federation Government to be more transparent and more responsible.

**UNTIL THE END OF THE CURRENT GOVERNMENT’S MANDATE THE SITUATION IN THE EMPLOYMENT SECTOR, NAMELY ENORMOUSLY HIGH UNEMPLOYMENT RATE, REMAINS ITS KEY FAILURE.** In the first post-election month of 2014 the number of people in employment in the BiH Federation rose by 5.775 persons in comparison tothe same month of 2010. Nevertheless, there was also a drastic increase in number of registered unemployed persons, so that the number of unemployed in November 2014 rose by 28.259 persons in comparison toNovember of 2010.We particularly underline these information as a warning to the new authorities that active employment policies must be focus of their activities in the next four years. It is obvious that in case we have an increase in number of employed persons over a certain period of time, it does not follow the amount of the new labor force appearing on the labor market.

**SUMMATIVELY, IN THE MONITORED PERIOD THE BIH FEDERATION GOVERNMENT HAS SHOWN INSUFFICIENT TRANSPARENCY, SIGNIFICANT EFFICIENCY AND LACK OF RESPONSIBILITY IN ITS WORK.**

**CONCLUSION**

On the basis of previous experience in monitoring performance of the government, the Centers of Civic Initiatives have developed a set of recommendations to the new governments and parliaments, which, if implemented, would improve their performance. The recommendations will be delivered to the new authorities in the good faith that the government and non-government sector, both working on their part of social obligations, will achieve a good cooperation, which is in the interest of citizens of this country.

At this moment it is above all necessary to urgently complete the process of constituting the government and to establish governance by observing laws, defined procedures and the democratic practice of the EU countries, and then to approach the work ahead with great responsibility – focusing on the most important problems of the citizens and the country in general. It is necessary to respond to the conferred citizens’ confidence by increasing dynamics of the sessions and realization of the documents, with a special emphasis on the most important problems of citizens of this country and on initiating reforms set forth by the German-British initiative and the Compact for growth and jobs.

In parallel (or, actually, in accordance with this) the changes to the Constitution and to the Election Law should be made as to put an end to the obstructions of the system, to determine precise deadlines and procedures for establishment or change of the government and to define solutions to the situations in which the deadlines are not respected or the democratic will of the citizens is obstructed. The possibility of announcing extraordinary elections, as the last resort for solving political problems, certainly must be among these solutions.

If this is not done, we will continue to live in a bedazzled circle and the problems are going to indefinitely repeat themselves. Only having more serious consequences.

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