



**CENTRI CIVILNIH INICIJATIVA  
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

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

**-MANDATE REPORT -  
SUMMARY**

**ALMOST PERMANENT POLITICAL CRISIS, WHICH FIRSTLY MANIFESTED THROUGH TARDINESS IN CONSTITUTING THE PARLIAMENT, AND THEN THROUGH INSUCCESSFUL ATTEMPTS TO CHANGE EXECUTIVE GOVERNMENT, REPRESENTS A PRIMARY DETERMINANT THAT CHARACTERIZES THE COMPOSITION OF THE BIH FEDERATION PARLIAMENT 2010-2014.**

Narrow party interests, which did not hold back from system blockage, from disabling normal democratic process or unconstitutional actions, showed not only lack of political culture on our political scene, but also all weaknesses and vagueness of the legal framework of the country, which proved incapable to enable establishing and functioning of the government in accordance with the electoral will and needs of the citizens and in accordance with the norms of a developed democratic society. Serious shortcomings in the Constitution and the Election Law have unfortunately not been removed by this day causing reasonable concern as the new general elections are approaching. Namely, besides numerous CCI's warnings about unacceptableness of maintaining such a state, and besides the initiative that has been standing "frozen" for years in the government institutions, even though, in principle, it was supported by everyone, political actors due to reasons only known to them rejected to implement Constitutional changes and the changes to the BiH Election Law, which would:

- disable blockages of the system,
- define precise deadlines for constituting the government,
- enable (not only in theory) reconstructions and dismissals in the government during the mandate, and
- introduce the possibility of announcing extraordinary elections as the last solution for solving crisis situations, and which would free the BiH citizens of again being years' long hostages of political parties and their fight for power.

**PARLIAMENTARY MAJORITY AND ITS MANAGEMENT HAVE CHANGED DURING THE MANDATE, BUT TO CHANGE ONCE ESTABLISHED EXECUTIVE GOVERNMENT PROVED TO THE IMPOSSIBLE.**

Both houses of the FBiH Parliament had on three instances undergone changes in the managerial structure, in accordance with decompositions and creations of new coalitions and changes in the parliamentary majority. They did not manage to change the executive government – President of the BiH Federation and the Government – due to extremely complex system that favors blockades and obstructions.

**DURING THE PRESENT MANDATE THE GOVERNMENT MOSTLY DEALT WITH ITSELF, NEGLECTING SERIOUS TOPICS, ITS CONSTITUTIONAL OBLIGATIONS AND TRUE CITIZENS' NEEDS. AT THE SAME TIME IT GAVE TO THE PROCESS OF DEALING WITH ITSELF THE STATUS OF URGENT.**

The ratio between regular and extraordinary sessions, held by both Houses of the FBiH Parliament during the mandate, is rather approximated. Unfortunately, in most cases the extraordinary sessions were not dedicated to solving true living problems of the citizen, but rather represented a reflection of events related to the issue of reconstruction of the government in the FBiH. Three thematic sessions with actualization of the employment issue, the situation in the health care and youth issues, that have been initiated at the beginning of 2012, were not held during the four-year mandate, while on the other side, almost nothing was done to implement many conclusions passed at the thematic sessions that were held.

**UNFORTUNATELY DURING THE PRESENT MANDATE THE CONSTITUTIONAL COURT HAD BECOME AN UNAVOIDABLE PART OF THE POLITICAL LIFE IN THE FEDERATION.** Incapability of domestic politicians to hold a constructive dialogue, reach a compromise and adhere to the democratic standards and a legal state, led to the situation that during a long time period the political life of the Federation was unthinkable without rulings by the Constitutional Court and interventions of the “international community”.

**THE BIH FEDERATION PARLIAMENT SPENT WORKING WITHOUT ANY PLAN MORE THAN HALF OF THE CURRENT MANDATE.** None of the houses of the BiH Federation Parliament did adopt their working programs for 2013 and 2014. The House of Peoples did not adopt the program for 2011. In years when they were adopted, the working programs of both Houses of the FBiH Parliament were adopted with great delay – in the 4<sup>th</sup> or even at the end of 7<sup>th</sup> month in the year to which the program refers. The working program was not adopted by deadline set forth by the Rules of Procedures in none of the mandate years.

**REALIZATION OF OBLIGATIONS, DURING THE YEARS WHEN THE PROGRAMS WERE ADOPTED, WAS CATASTROPHIC.** The percentage of realization of laws planned by the working program in the present mandate, both in 2011 and 2012, was only 13%. It means that this Parliament had shown that it could adopt only half of the laws from one annual plan for four years of the mandate. Hence, to realize obligations at the level of a four-year plan the Parliament would need more than 30 years and the things that it should have been done by 2014, it could complete only by 2042 observing the present tempo used to realize planned obligations. The FBiH Parliament became known as one of the most inefficient government institution in the country basically due to unacceptably poor results.

**THE ADOPTION OF THE BUDGET WAS ALSO DELAYED DURING THE MANDATE, UNTIL THE IMF DISCIPLINED DOMESTIC POLITICIANS.** The budget in the first two years of the mandate was adopted violating the Law on budgets of the FBiH, which sets forth that a budget has to be adopted by the beginning of the year to which it refers. Financing in the first quarter of these years was ensured through the Decisions on temporary financing. In the last two years of mandate (2013 and 2014) the FBiH budget was adopted in accordance with the legal frameworks exclusively due to IMF's requests, which used adherence to the deadlines to condition approval of new loans that are necessary to government to service budget deficits.

**THE OVERALL RESULTS OF THE FBiH PARLIAMENT'S WORK, IN THE PRESENT CONVOCATION, ARE WORSE THAN RESULTS OF THE PARLIAMENT IN PERIOD 2006-2010.** Present convocation records a drop of 20% in realization of measures (1236:992) and 10% in realization of laws (160:143 adopted in the present mandate). These results are achieved with almost double more time spent in session (520 : 1013 hours), which means that it also records a catastrophic drop of efficiency. Also the percentage of working programs' realization is lower than during the previous mandate.

**THE FBiH PARLIAMENT JUST DOES NOT WORK ENOUGH.** More than 1400 days had passed from the announcement of the 2010 General Elections' results until August 31, 2014, which is the last date covered by this report. The representatives in the House of Representatives of the FBiH Parliament had spent only 117 days in sessions during these 1400 days, and delegates of the House of Peoples only 78. Thereat, if we are

to observe only the laws, at the end of this period they left more laws “in procedure” (more or less unrealized) than they adopted in these four years (only 143 out of 329 laws that were in the parliamentary procedure in this period were complete adopted). One should also remember 13% realization of the annual working plans. There was work to do, but it was not done.

**BESIDES THE FACT THAT ONLY SMALL NUMBER OF LAWS WAS ADOPTED, BOTH GOVERNMENT AND PARLAIMENT HAD AVOIDED REGULAR PROCEDURE WHEN ADOPTING THE LAWS.** Out of total number of laws adopted in the period of last two mandates only every third law was adopted under regular procedure. The dominant urgency of the procedure when proposing budget and the changes and addenda thereto made participation of representatives and delegates in the creation process impossible (not to talk about the general public – interest groups, trade unions, NGOs, independent experts). Even though the discussions of items at each session produced great number of amendments, the latter were not adopted in more than 90% of the cases, either by the decision of the FBiH Government not to accept them or by rejection of the amendments by the representatives and the delegates during the vote.

**TWENTY LAWS DID NOT GET NECESSARY SUPPORT OUT OF WHICH 19 IN THE HOUSE OF PEOPLES OF THE FBiH PARLIAMENT.** The House of Peoples did not accept 20 different documents that had been accepted in the House of Representatives, whereof 19 of them were laws, while the 20<sup>th</sup> documents was Strategic development and organization plan of the BiH Federation Parliament’s Service for the period 2014-2016. At the same time, only two documents accepted in the House of Peoples did not get necessary majority in the House of Representatives. In this mandate only one document was considered under procedure set forth for the vital national interest (the Decision on issuing vote of no-confidence to the BiH Federation Government, which was discussed at the 12<sup>th</sup> extraordinary session of the FBiH Parliament House of People on February 15, 2013). The House of Peoples has enormous influence on the overall results of the Parliament having in mind the fact about which CCI had been warning for years, that the House of Peoples due to inadequate definition of its field of work (noncompliance with the idea of protecting national interest) practically functions as a parallel house of representatives, with additional authority. In case of different parliamentary majority in the houses (or even in caucuses) it has the possibility to block, turn down or postpone the measures that do not refer to vital national interest, except for the fact that the blockage of the Parliament’s work becomes a weapon for achieving certain goals that are declared as vital national interest. This certainly should be a topic when discussing constitutional changes in the BiH Federation.

**RELATION BETWEEN THE GOVERNMENT AND THE PARLIAMENT WAS UTTERLY BAD DURING MOST OF THE MANDATE – THE PARLIAMENTARY MAJORITY ISSUED VOTE OF NO-CONFIDENCE TO THE GOVERNMENT AND FOR A LONG TIME IT HAD LOOKED FOR ALL POSSIBLE WAYS TO REMOVE THE GOVERNMENT AND APPOINT NEW ONE IN LINE WITH THE WILL OF THE NEWLY-ESTABLISHED PARLIAMENTARY MAJORITY.** But, the relation was also not harmonious at the time the composition of the Government was pleasing to the will of parliamentary majority. Namely, the Parliament had been for the whole time realizing relatively small number of laws sent to it by the Government. The objections of the delegates and members had been always present regarding delegates’ questions and initiatives due to the failure to provide replies to these or due to the failure to submit complete and timely replies. The government also ignored requests by the Parliament to

submit materials for thematic sessions on very important social issues, as well as the requests to be present at the Parliament's sessions. Failure of the Government's representatives to attend the Parliament's sessions at which Government's documents were discussed as well as low degree of replies provided to delegates' questions, which was underlined by the delegates at every session, resulted in adoption of a conclusion at the session of the House of Representatives, held on November 23, 2011. The conclusion obligated the president and vice presidents of the BiH Federation, as well as the FBiH Government, to respect provisions of the FBiH Parliament House of Representatives' Rules of procedure, which means obligatory attendance at the sessions of this house at the time delegates' questions are put forward and answered, as well as in case of an initiative being launched or when laws under jurisdiction of certain minister are being discussed. On the other hand at the beginning of 2014 the Government had, though a statement by the Deputy Prime Minister of FBiH Desinica Radivojević, marked the Parliament as the main "brakeman" of changes: *"I find (and I would like to ask) that Parliament of the FBiH should increase the volume of its activities. There are several significant laws, which are in parliamentary procedure. There are many laws that are to enable a more favorable business environment and which are waiting to be adopted for a very long time. Please consider and adopt these laws without any further delay."*

**PARTY DISPUTES BROUGHT THE FORMS OF EXPRESSING EQUALITY OF CONSTITUENT PEOPLE DEFINED BY THE CONSTITUTION UNDER A QUESTION MARK.** Due to failure of political parties to reach an agreement, the position of the deputy speaker of the House of Peoples that should be occupied by a representative of Serb people caucus was vacant until December 16, 2013 when delegate Vesna Saradžić (SDP) was appointed to this position.

**DIFFERENT RELATION OF HOUSES TOWARDS CERTAIN ISSUES WAS OBSERVED IN REGARD TO TRANSPARENCY.** Transparency of the FBiH Parliament's work was diminished due to avoidance to use the e-voting system in its full capacity. Also the information/reports from the sessions of working bodies were not published. The invitations and reports for/from sessions of the smaller number of working bodies in the House of Representatives are regularly published. The House of Peoples had at the end of 2011 and at the beginning of 2012 published retroactively reports and opinions of the majority of working bodies of this House, but this activity was very soon stopped, and the information have not been updated for over a year. The House of Representatives failed to adhere to adopted initiative of delegate Mirza Ustamujić (from 2011) on publishing delegates' questions and initiatives, as well as the answers, on the web page of the FBiH Parliament. Names, last names and additional information on external members-experts of the working bodies were not published in the information on composition of the working bodies of the House of Representatives, nor do the general public know how these members are appointed. The House of Peoples of the FBiH Parliament is the only institution in the BiH that on its web site publishes information on incomes of every delegate. On the web page [www.parlamentfbih.gov.ba](http://www.parlamentfbih.gov.ba) one can find invitations to plenary sessions and the accompanying e-materials for both Houses. The House of Peoples of the FBiH Parliament has on its web site enabled web streaming of the plenary session with the option of viewing archived video records. The initiative for web streaming the sessions of the House of Representatives of the FBiH Parliament was submitted several times, and last time it was initiated by the delegate Tanja Vučić (HDZ BiH), who is the president of the Commission for informing.

**THE BIH FEDERATION PARLIAMENT HAS DURING THE ENTIRE ACTUAL MANDATE FACED THE PROBLEM OF A HIGH RATE OF UNDULY ABSENTEEISM FROM THE PLENARY SESSIONS.**

This problem is especially evident in the House of Representatives. Here we will mention conclusions of the Parliamentary audit commission from 2009 and 2010, which stated that adequate presence record for professional delegates should be kept and that in line with this record all remunerations, except for wage, are to be calculated and paid. On the other hand it was expected that this problem would be solved by installing e-voting system, which together with the complete reconstruction of the BiH Federation Parliament's conference room, was 1.850.000,00 KM. Nonetheless, the system had never functioned at its full capacity. Instead of showing individual delegates' votes and enabling citizens to get familiar with the voting method of their representatives, which was one of the objective for installation of the system, there is only possibility to view aggregate results of the vote. Here one should ask the question of who is and why amnestying delegates and members, who do not come to sessions without any excuse, from responsibility, and especially who has the interest in denying the general public the information on how certain delegates voted in particular matters. Persistent disregard of this problem compromises the overall transparency of work of the highest legislative body in the BiH Federation.

**AT THE END OF MANDATE FOUR ELECTED REPRESENTATIVES IN THE BIH FEDERATION PARLIAMENT SHOWED COMPLETE PASSIVITY TOWARDS ENTRUSTED MANDATE THROUGH ZERO INDICATORS IN ALL SEGMENTS.**

During 4 year mandate one representative in the House of Representatives of the FBiH Parliament had never put forward a parliamentary question, initiative, amendment, and law or had discussed any of the proposed items on the agenda. This representative is Tokić Husein, (SDP). In the House of Peoples there are three delegates of the same status: Anadolac Mukadesa (NHI), Bandur Milenko (HDZ1990) and Ivić Janja (SDP BIH).

**CHANGES OF THE LAW ON WAGES AND REMUNERATIONS IN THE BODIES OF THE GOVERNMENT IN THE BIH FEDERATION HAVE TO BE URGENTLY MADE AIMED AT ALIGNING THE LAW WITH THE SITUATION IN THE COUNTRY, HENCE SHOWING SOCIAL SENSITIVITY AND BASIC DECENCY.**

According to the provisions of the Law on wages and remunerations in the bodies of government in the BiH Federation, which entered into force in August of 2010, if after the mandate the delegates and representatives do not find another job or if they do not meet the conditions for retirement, they have the right to receive a wage compensation for a year. The above-mentioned Law had, besides ensuring one year payment of wage compensation to delegates of the former convocation, increased the coefficients and wage base for the representatives and delegates in the new mandate. The total expenditures for wages and remunerations for the representatives of the House of Representatives at the beginning of the present mandate were increased for almost 3 million KM, and for the delegates in the House of Peoples for two million KM in regard to 2010.

Only 5 out of 98 representatives in the House of Representatives and only 13 out of 58 delegates in the House of Peoples opted for receiving the salary from the BiH Parliament. The monthly income of professional representatives and delegates, besides the salary that ranges from 2.500 to 3.500 KM, are also flat rate compensation of 630 KM, "meal allowance", separation compensation that on average amounts 500 KM, and accommodation compensation in the amount of 150 KM per month. Also the representatives and delegates are entitled to reimbursement of travel expenses and 4 weekend visits to the family.

But to once more stress, the biggest loss are not the payments made for poor results of representatives and delegates of the BiH Federation Parliament by all indicators. The biggest losses rest in the consequences of such work that are expressed through gravity of economic situation in the country, through number of unemployed and through low life quality of citizens.

**IT WAS PROVED THAT THERE IS NO SERIOUS COMMITMENT OF POLITICAL ACTORS TO THE PROCESS OF CHANGING THE BIH FEDERATION CONSTITUTION.** In the first part of 2013 the unanimous agreement on conclusions accepting the initiative for launching the constitutional reform process in BiH was reached, as suggested by the group of domestic experts, and under auspice of the US Embassy, but subsequently it did not get sufficient seriousness and commitment. We had stalled and delayed every step of the process and at the end we meet new elections without Constitutional changes. Having in mind the degree of political culture in the country the CCI had at one time warned that if the changes to the Constitution do not happen and if new electoral circle is started with old solutions it could mean danger of having new 4 years lost.

**THE RESULTS OF THE GOVERNMENT CAN BE BEST SEEN BY LOOKING AT SITUATION IN THE MOST SIGNIFICANT AREAS FOR THE CITIZENS.** Generally the most significant problem in the entire BiH, and therefore also in the BiH Federation, is the high unemployment rate. In the last four years the unemployment rate was constantly increasing until 2014 when a mild drop in regard to 2013 was observed at the middle of the year. During the 4 year mandate the total number of unemployed persons has increased for 22.000. At the same time, the number of employed persons in regard to beginning of the current mandate, had increased for only 4.803 newly-employed persons by mid-2014.