

FBiH GOVERNMENT I-IV 2011 – SUMMARY REPORT ON MONITORING

In the first half 2011 the Government of BiH Federation held a total of 29 sessions. The last one was the 12th regular session of the current assembly of the Government held on 29 June 2011. Of total 29 sessions, 18 were the sessions of the current – fifth assembly and 11 sessions of the previous assembly of the Federal Government.

During the first six months of 2011, BH Federation Government discussed a total of 810 measures, of which 769 enactments were adopted and acknowledged.

Compared to the first months of work of the previous assembly of the Federal Government, from the day of its constituting until 30 June 2007, which is almost the same time period as the one above, the current Government held 3 more sessions and adopted 63 more measures.

Looking by months and in average terms, the activity of the current Government since mid of March until now has surpassed all the annual averages of the previous Government. Although nominally the difference does not seem too big, given that these are the average figures by months, continuing at this rate, this Government could adopt over 150 more measures in 2011 compared to the number of measures adopted in 2010.

The Program of Work of the Federal Government was not adopted until 11 May 2011; thus, the Rules of Procedures were violated, the Article 32 of which clearly states that the “The annual work programme of the Government is adopted, as a rule, before the beginning of the calendar year”. The situation where the new government becomes responsible for something that it could not have had any influence on is a result of grey areas existing in the legal framework. First of all, due to the inadequacies in the election law, delays in forming the government are possible. Then, there is a certain tacit agreement allowing the governments in technical mandates not to adopt the Work Programs, where they do not apply the experience with adoption of the budget to passing of this document, i.e. adopting of an interim, quarterly Work Programs or the annual Work Program during the “transition” periods, and then simply revising it and re-adopting at the Parliament once that the new government takes offices.

Besides delays in their designing and adoption, the work programs are burdened by another significant problem, that affects the authenticity of the document itself. Namely, despite the simplest logic, and the “spirit of the Rules of Procedures”, the Program of Work of the Government, adopted on 11 May 2011, does not contain only the most important tasks to be undertaken by the Government, that is to say, as of the moment of adopting the Program until the end of the calendar year, but also addresses the period from January to April 2011, and even the measures that had been already implemented by the last Government. So, the measures that were implemented in the first quarter, and even during April, were supposed to be part of certain work reports and in no case of a plan adopted in May.

No matter how frivolous the problem may look, it is not insignificant, because by using this way to create the annual work programs, the statistics on the efficiency of a certain institution is made useless, or even becomes a means of manipulation (some cantonal ministries or even complete governments made things utterly absurd, by accomplishing 100% realization of their obligations for the previous period, using this “back planning”.)

This is what causes concerns about the authenticity of the good result accomplished by all the ministries in realization of semi-annual activities, that is to say, those activities envisaged to take place in the first half 2011.

An additional problem is posed by disparity between what's been planned in the first and the second half-year, as the level of the planned in the second part of the year is significantly higher. Yet another shortage of the Work Program of FBiH Government for 2011 is reflected in the lack of deadlines for adoption of the measures in the Government sessions in a considerable number of cases. This decreases a possibility for both the Government and the public to monitor, adequately and continuously, fulfillment of the obligations of the Government.

The Work Program for 2011 envisages accomplishing of a total of 507 measures by the Federation Government. The plan for the first half of the year includes 201 measures. During half of the calendar year 2011, 105 measures from the plan of work of the Federal Government have been realized, which is 52 % of the semi-annual plan, i.e. 21% of the annual plan.

Nominally, the biggest number of implemented activities from the Work Program has been accomplished by the Federal Ministry of Energy, Mining and Industry – 24 (having said that, they had the biggest number of planned measures at the annual level -109).

The best result, when it comes to the degree of realization of the activities from the annual plan for the year 2011, in percentages, was accomplished by the Ministry of Transport and Communications, headed by minister Enver Bijedic (SDP) – 30% of the plan.

The disparity in planning is very much noticeable in the context of legislative activities. This year's Work Program of BiH Federation Government addresses 90 different laws, with only 29 bills planned for approval by the end of June. The remaining 61 are scheduled for the second half of this year.

Of 29 planned laws for the first half 2011, the drafts of 17 were approved, thus reaching an efficiency level of 59%. At the same time, this is only 19% of the realized compared to the annual plan.

Comparing the annual plan and the current realization, we will see that the degree of realization of legislative activities of FBiH Government is a little worrying, as it does not seem to have significantly departed from the depressing practice by which the previous Government constantly irritated the public (just as a reminder, only in 2009 they managed to realize more than a half of what has been planned).

Speaking of the annual level of planned laws, minister Ante Krajinina, who is at the head of the Finance Ministry – with 40% realization level, was the most efficient in the first 6 months of 2011. In the said Ministry, 6 draft laws (bills) of 15 planned were approved. On the other hand, the Ministry of Energy, Mining and Industry has had the biggest delays (1 bill was approved out of 16 planned) as well as the Ministry of Labor and Social Welfare (1 of 13).

The first months of functioning of the current authorities, besides some indubitable positive moves, worryingly remind of the situation in the last 4 years, when, due to the lack of coordination of the work of the government and the Parliament, their results, especially concerning the legislative sphere, were the worst in the country. Namely, of 19 bills approved in the meetings held by the Government during 2011, the parliamentary procedure has been completed only for 3.

On the other hand, it is noteworthy to point out at the move made by FBiH Government, related to the laws that the new government found in the parliamentary procedure as non-realized. In one of its first sessions in the new mandate, the Government withdrew from the procedure, for consideration, more than fifty enactments that were adopted in one of the homes during the previous mandate, and waited to get to the agenda of the other FBiH Parliament home; the same happened with the enactments that were not debated in any home. After the analysis, a part of them were returned to the parliamentary procedure, unchanged, another part was kept so that they be subjected to minor amendments and another part kept for serious modifications that they will have to go through.