



**CENTRI CIVILNIH INICIJATIVA
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

**Summary of the report on monitoring performance of the Council
of Ministers and Parliamentary Assembly of BiH
January 1 – September 30, 2017**



INTRODUCTION

The intention of this report is to show and point to the principle results of monitoring performance of the Council of Ministers and Parliamentary Assembly of Bosnia and Herzegovina. Considering personal attendance of the members of the CCI's monitoring team and accessibility of all available documents (minutes, stenographs, reports), the Report was generated after careful analyses, while observing the practice of fair and correct reporting.

Three years since the launch of the British-German initiative crowned with declarative support of all parliamentary parties for commitment to the EU and necessary reforms, all that newly awakened optimism vanished upon facing the irresponsible conduct of the political actors who decided to compensate for their lack of capability to implement the reforms and improve the situation on the country by engaging in quarrels and accusations, by raising tensions,... placing again the narrow political and personal interests before the interests of the citizens, or should you prefer, of the peoples – in whose name they swear and whom they have kept hostages with their political games.

“Too many politicians spend their time looking for new ways to provoke each other instead of focusing on solving the real problems of poverty, unemployment and corruption”, said British ambassador in BiH, adding the comment about the election campaign that has started too early: „In any normal political system this would be a time when politicians should be working their hardest, trying to achieve results to show to voters in elections.“ Unfortunately, BiH is far from being a normal state thanks to (!) the politicians (with some exceptions, of course). Hence, instead of working (!) their hardest, they have been indefinitely arguing and accusing one another.

The state-level government was the most constructive part of government in BiH in the first half of the term and which, focused on the issues of common interests, avoided (although not always successfully) to participate in ridiculous conflicts and tensions and succeeded to make several successful results for the citizens of this country, has buckled gradually under the pressure of the general situation in the country.

(Almost) all positive trends stopped in 2017. The relations in the Presidency of Bosnia and Herzegovina and the State Parliament have been disturbed. And even the relations in the Council of Ministers. And the ruling coalition practically does not exist any longer.

PARLIAMENTARY ASSEMBLY BiH I-IX 2017

WORK INTENSITY OF BOTH HOUSES OF THE PARLIAMENTARY ASSEMBLY DECLINED CONTINUALLY THROUGHOUT THE ENTIRE CURRENT TERM, IF WE LOOK AT THE RESULTS OF THE NINE-MONTH PERIODS. It is evident especially in the House of People, which, in the first nine months of 2015 (!) held 12 sessions; it held 10 sessions in the first nine months of 2016, and in the first nine months of 2017, it held only 7 sessions. On the other hand...

GENERAL PRODUCTIVITY IN THE FIRST NINE MONTHS OF 2017 DOES NOT FAIL TO SHOW ANY SIGNIFICANT DEVIATIONS COMPARED TO THE FRIST TWO YEARS OF THE CURRENT TERM. HOWEVER, IT IS SIGNIFICANTLY LOWER COMPARED TO THE CORRESPONDING PERIODS OF THE TWO PREVIOUS TERMS (I.E. THE FIRST NINE MONTHS OF 2013 AND 2009).

During the observed period, the House of Representatives discussed 263 measures while the House of People discussed 168 measures.

THE MOST SERIOUS PROBLEM, WHICH BEST ILLUSTRATES THE DYSFUNCTIONALITY OF THE GOVERNMENT IN THE OBSERVED PERIOD, CAUSED BY THE PROBLEMS WITHIN THE RULING COALITION, IS IN A NUMBER OF REALIZED LAWS.

In the first nine months of 2017, the Parliamentary Assembly of BiH (both Houses) adopted only four laws, which is by far the poorest result made in the field of legislative activities in the last three terms. It is by 3.5 times less compared to the number of the laws adopted in the first nine months of the previous year; it is 5 times less compared to the first nine months of 2013 and 10 times less than in the first nine months of 2009. And the four laws are in fact amendments to the existing legislations. So, not a single new law was adopted.

FOR A COUNTRY WITH AN AMBITION TO INTEGRATE INTO THE EUROPEAN UNION, THE PARLIAMENT'S WORK PLANS ANTICIPATE FAR TOO FEW LAWS. BUT, THIS DEGREE OF REALIZATION OF THESE HUMBLE WORK PLANS PROVIDES A REASON WHY BIH HAS LAGGED INCREASINGLY BEHIND OTHERS.

Out of 50 planned laws, total of the laws adopted in the first nine months of 2017 is smaller than the total of laws supposed to be adopted every month of this year (not including a one-month break for summer holidays). Namely, the Parliamentary Assembly should adopt 4.7 laws per month on average to fulfil the plan of both Houses.

BECAUSE OF AN EXTREMELY SMALL NUMBER OF ADOPTED LAWS, A PROBLEM OF THE UNFAVORABLE RATIO BETWEEN THE ADOPTED AND OVERTURNED LAWS BECAME EVIDENT DURING THE OBSERVED PERIOD, AS IT IS SOMETHING THAT THE PARLIAMENTARY ASSEMBLY OF BIH IS SPECIFIC IN GLOBAL TERMS.

The Parliamentary Assembly of BiH is known by having the number of overturned laws close to the number of the adopted laws, and that at some time, the number of overturned laws even exceeds the number of the adopted laws. However, the results in the first nine months of 2017 are really devastating and even come as a surprise for the Parliamentary Assembly of BiH, particularly for the current composition, from which so much was expected (after all of the key political actors pledged their commitment to the reforms under the auspices of the EU). Namely, four laws were adopted, and 11 laws were overturned during the observed period – 3 times the number of the adopted laws. Which makes the results, by this parameter, the worst ones in the last 11 years. Four years ago (in the first nine months of 2013), the Parliament adopted 21 laws and overturned nine laws, and eight years ago (in the first nine months of 2009), there were 42 adopted laws and 32 overturned laws. Anyway...

BOTH HOUSES WERE SERIOUSLY LATE WITH THEIR ORIENTATIONAL WORK PLANS FOR 2017. Instead of adopting the orientational work plans by the end of 2016, both plans were adopted in March 2017. On the other hand...

STATE BUDGET FOR 2017 WAS ADOPTED IN LINE WITH THE LEGAL OBLIGATIONS. Delays of the Council of Ministers, which prevented the Presidency of BiH from fulfilling its obligations within the prescribed deadlines, did not cause any delays in the Parliamentary Assembly of BiH - both Houses adopted the budget by December 15, 2017.

AS FOR THE INDIVIDUAL ACTIVITY OF MPS IN THE PARLIAMENTARY ASSEMBLY BIH THERE ARE STILL THOSE WHO DO NOT TAKE ADVANTAGE OF ALL AVAILABLE OPPORTUNITIES TO REPRESENT THE INTERESTS OF THEIR CONSTITUENCIES IN THE PARLIAMENT. 23 MPs did not attend all of the sessions of the House of Representatives of the Parliamentary Assembly of BiH, while 1 delegate did not attend all of the sessions of the House of Peoples. 9 MPs and 7 delegates did not in the first nine months of 2017 ask a single parliamentary question. 31 MPs or 15 delegates did not file any initiatives. And finally, 2 MPs in the House of Representatives in the first nine months of 2017 did not participate in discussions on any of the measures of the agenda.

THERE WAS NO READINESS WITHIN THE HOUSE OF REPRESENTATIVES OF THE PA BIH TO CONTINUE THE EFFORTS TO CREATE ASSUMPTIONS FOR DEVELOPMENT OF THE LAW ON THE INSPECTION OF ORIGIN OF ASSETS OF OFFICIALS IN THE INSTITUTIONS OF BIH. Even though the House of People at its 28th session on May 4, 2017 adopted the Conclusion on forming a Interdepartmental working group for the mentioned law, The proposal of the Conclusion was rejected during the continuation of the 51st session of the House of Representatives on September 13, 2017.

"PROGRAM OF INTEGRATION OF BIH INTO THE EU" HAS NOT BEEN ADOPTED YET. Adopting the coordination mechanisms in 2016 created the key assumption for final adoption of this program, which is a strategic document for accession of BiH into EU. It should provide an overview of all obligations of BiH, the dynamics of its realization, a plan for fulfilling EU membership criteria, a plan of harmonization of local legislation with the EU legislation and assessment of the costs of realizing the program.

STILL, ONE OF THE MOST POSITIVE THINGS OF THE PARLIAMENTARY ASSEMBLY'S WORK IS A HIGH ACTIVITY OF MPS IN PROPOSING LEGAL SOLUTIONS. Of 44 laws that were in parliamentary procedure in the observed period, 21 laws were proposed by MPs and Delegates of the Parliamentary Assembly of BiH. However, only one of them was adopted.

PARLIAMENT'S TRANSPARENCY CONTINUES TO BE THE MOST POSITIVE SEGMENT OF BIH PARLIAMENT'S WORK. In the last several years, the Parliamentary Assembly of BiH has reached a respectable level of transparency. It additionally improved at the end of last year with a new design of the official web page of this institution. On the other hand...

UNFORTUNATELY, SYSTEMIC DISCRIMINATION AGAINST BIH CITIZENS AND VIOLATIONS OF THE INTERNATIONAL LAWS CONTINUES. The House of People continues to work without representatives of „Others“ and one year after the election there is still no indication of the agreement on how to implement the verdict of the Human Rights Court's verdict in the context of electing the members of the BiH Presidency.

THE PARLIAMENTARY ASSEMBLY HAS FOR SOME TIME FUNCTIONED WITHOUT FORMAL PARLIAMENTARY MAJORITY. First and foremost, due to disintegration in the SDA Caucus, the ruling coalition and opposition ratio is down to 50:50%, and then SBB announced its withdrawal from the government (one of the first consequences was the failure to adopt the Report on the Work of the Council of Ministers of BiH for 2016 by the House of Representatives), which then reflected on disintegration of SDS, which lost one member in both Houses.

The Council of Ministers is therefore ending the year with a status of minority government, i.e. without parliamentary majority to support its work, and the majority is formed (or not) separately for every measure on the agenda of the Parliament's sessions.

And it is still facing the unfinished business with the EU Questionnaire. A year since the EU Commissioner for Enlargement and European Neighborhood policy handed the Questionnaire to the Chairman of the Council of Ministers of BiH.

The expectation of the European Commission to receive answers to 3242 submitted questions within six months was far too optimistic. The work which Macedonia, Albania and Montenegro completed in four months, Croatia completed in three months, and Serbia completed in two months, BiH failed to complete after 6, 9 and even 12 months (as the deadlines shifted). And even now, instead of completing the work, the institutions of BiH offer only promises to the EU representatives and BiH citizens.

THE COUNCIL OF MINISTERS I-IX 2017

THE COUNCIL OF MINISTERS OF BIH IN THE FIRST NINE MONTHS OF 2017 HAD THE LOWEST WORK INTENSITY IN THE CURRENT TERM. The Council of Ministers held 37 sessions, which is a decline by almost one fourth compared to the first nine months of the previous year. It held only 29 regular sessions and 8 special sessions, although regular sessions according to the Rules of Procedure should be held weekly. However, in 10 out of 39 weeks of the observed nine-month period (26%) not a single regular session took place.

DESPITE THE SIGNIFICANT DECLINE IN A NUMBER OF THE SESSIONS, PRODUCTIVITY IS ONLY SLIGHTLY SMALLER COMPARED TO LAST YEAR'S RESULTS. In the first nine months of

2017, the Council of Ministers discussed 1087 measures -- only around 30 measures less than in the first nine months of 2016.

HOWEVER, QUANTITY DOES NOT NECESSARILY IMPLY QUALITY. In the observed period the Council of Ministers mostly dealt with various reports, information, plans and programs -- 46% of all discussed measures. Decisions, approvals, conclusions and requests account for additional 34%. 9% are answers to parliamentary questions and initiatives. However, the most significant measures that systematically regulate certain areas are scarce – laws account for only 1.7% and strategies for only 0.3% of total measures.

THE GREATEST PROBLEM IN THE WORK OF THE COUNCIL OF MINISTERS IN THE FIRST NINE MONTHS OF 2017 IS LOW REALIZATION OF THE MOST SIGNIFICANT MEASURES AND ACTIVITIES ,ON ONE HAND, AND THEIR POOR “MOBILITY“ IN THE PARLIAMENT, ON THE OTHER HAND. Only 12 different laws (of which 4 were endorsed twice as part of the „package“ of the Law on amendments to the Law on Excise Duties) were endorsed in the nine-month period. Of the 12 laws, the Parliamentary Assembly of BiH approved only one law in the first nine months of 2017, while it overturned five laws.

THE NUMBER OF ENDORSED STRATEGIES IS THE LOWEST IN THE CURRENT TERM. Only three strategies were endorsed in the first nine months -- although they are all important in terms of the issue areas that they cover – the ones that have been waited for impatiently. However, there is still no BiH Employment Strategy, BiH Strategy for the Fight against Organized Crime, Strategy of Cooperation with Diaspora, Strategy of Healthcare Reform in BiH, Framework Strategic Document for Development of Energy Sector in BiH through 2035, ...

NOR THERE IS BIH STRATEGY OF RURAL DEVELOPMENT, AND THE FAILURE TO ADOPT IT BY THE END OF DECEMBER WILL CAUSE ONCE MORE THE LOSS OF MONEY FROM THE EU PRE-ACCESSIONS FUNDS INTENDED FOR BIH AGRICULTURAL WORKERS. However, that is a story about unreasonable politics that keep turning citizens into victims by denying them their welfare but not denying politicians' interests, conformism and budgetary privileges. It remains to see whether reason will prevail or whether BiH, along with Kosovo, will remain the only country that failed to withdraw a single nickel of pre-accession funds for this purpose. And that endangers its own agricultural production and almost one-fifth of jobs that are in agriculture.

THE COUNCIL'S OF MINISTERS WORK PLAN FOR 2017, WHICH WAS ADOPTED WITH A MONTH DELAY, WAS AMBITIOUSLY PRESENTED AS A PLAN THAT ANTICIPATES THE REALIZATION OF 100 DEVELOPMENT AND INVESTMENT PROJECTS AND THAT IS COMMITTED TO THE EU INTEGRATION PROCESS, MEETING THE REQUIREMENTS OF THE PARTNERSHIP FOR PEACE PROGRAM AND FURTHER IMPROVEMENT OF REGIONAL AND INTERNATIONAL COOPERATION. The aggravation of relations within the ruling coalition and beyond has turned this program into a list of (unrealized) nice wishes. Out of 42 planned laws, only every 7th law was adopted in the first nine months. And out of 10 planned strategies - only one was adopted.

THE COUNCIL OF MINISTERS DID NOT ADOPT EXTREMELY IMPORTANT MEASURES ANTICIPATED IN THE WORK PLAN. THE LAWS THAT WERE NOT REALIZED INCLUDE THE LAW ON FOREIGN AFFAIRS. Bosnia and Herzegovina is the only country in the region without this law, despite the fact that auditing reports as well as CCI's reports have pointed continuously to the need for its adoption.

THE WORK PLAN OF THE COUNCIL OF MINISTERS OF BIH ANTICIPATES ENDORSEMENT OF BIH STRATEGY FOR THE FIGHT AGAINST DISCRIMINATION. It is interesting that the strategy needs to be adopted by the institutions that discriminate – the Council of Ministers discriminate on gender basis and the Parliamentary Assembly discriminate on ethnic basis. To remind, the Council of Ministers of BiH has violated the Law on Gender Equality which sets forth that equal representation of genders exists when one of the genders is represented in at least 40%, and the Parliamentary Assembly is still violating the verdict of the International Court for Human Rights as there is still no room in the House of People for representatives of the so called “Others”.

DURING THE FIRST NINE MONTHS OF 2017, THERE WAS NO MAJOR POSITIVE DEVELOPMENT IN THE REALIZATION OF MEASURES FROM THE ACTION PLAN OF THE REFORM AGENDA AT THE STATE LEVEL. Realization of the revised Action plan is implemented at a much lower intensity than originally planned.

THE COUNCIL OF MINISTERS HAS BEEN CONTINUOUSLY (!) LATE IN FULFILLING ITS OBLIGATIONS REGARDING THE ADOPTION OF THE BUDGET. The Council of Ministers endorsed the budget draft of institutions of BiH and international obligations for 2017 on November 3, instead of by October 15 disallowing the Presidency of BiH to fulfill its obligation in this context in a timely manner. No improvements were made in the case of the adoption of the Budget for 2018. On contrary, a delay is even greater -- the Council of Ministers endorsed the Budget draft for 2018 on November 22.

AFTER THE INTERNATIONAL SCANDAL IN JULY WHEN BIH AS THE ONLY COUNTRY DID NOT SIGN THE TREATY ON JOINING THE TRANSPORT COMMUNITY AT THE SUMMIT OF THE WESTERN BALKANS COUNTRIES IN TRIESTE, THE TREATY DID GET SIGNED. After the Council of Ministers of BiH endorsed the Proposal of the Treaty on September 5 and after its approval by the BiH Presidency, the Chairman of the Council of Ministers of BiH signed the Treaty on Transport Community between BiH and the European Union in Brussels in mid-September. This was the condition for utilization of the already approved and substantial funds for several important infrastructural projects. **THE AGREEMENT BETWEEN THE COUNCIL OF MINISTERS AND NGOS IN BIH WAS ADOPTED DURING THE OBSERVED PERIOD AND SUBSEQUENTLY SIGNED IN NOVEMBER.** Signatories to the Agreement have pledge to commit to building a prosperous, just, open, plural and democratic society in BiH. In addition, signatories confirmed their commitment to cooperation in meeting BiH's requirements for a full membership in the EU.

CONCLUSION

THE CENTERS FOR CIVIC INITIATIVES insist that the modification of the Election Law should be made to create mechanisms to remove the blockades in the system to allow a normal functioning of political life in line with standards of developed democratic societies, and not only to fulfill the verdict of the European Court for Human Rights. And this implies, primarily, introducing a possibility of snap election. It is simply unallowable for state institutions to be trapped by political parties and their conflicts, while citizens are hostages and victims of all that, without any possibility to resolve the situation in normal, democratic and legal ways.

THE CENTERS FOR CIVIC INITIATIVES CALL FOR RESPECT OF THE PRINCIPLES OF LEGAL STATE AND RULE OF LAW. Let us remind that we live in a country where government institutions do not respect laws, constitutions or decisions of the Constitutional courts. Many verdicts of the constitutional courts have remained unimplemented for years and even decades. Without any consequences for the ones who are responsible to implement them.

AND THE CCI'S RECOMMENDATIONS TO THE COUNCIL OF MINISTERS AND PARLIAMENTARY ASSEMBLY OF BIH, I.E. TO THE PARLIAMENTARY PARTIES AT THE STATE LEVEL ARE AS FOLLOWS:

There should be an attempt to reach a political consensus (as broad as possible) and compromise that will allow for a normal functioning of the institutions despite the early start of the election campaigning. In other words, there should be an attempt to reach an agreement to take the campaign out of the institutions and release the institutions from the pressure of interparty conflicts, self-marketing and blockades.