



**CENTRI CIVILNIH INICIJATIVA
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

**Summary report on monitoring performance of the FBiH
Government and the Parliament**

01.01 – 31.12.2017



INTRODUCTION

The intention of this report is to show and to point out the principal results of monitoring performance of the FBiH Government and the Parliament. Having in mind personal attendance of the members of the CCI's monitoring team, as well as accessibility of all available documents from the sessions (minutes, stenographs, reports), given *Report* was generated after careful analysis whilst observing past practices of fair and correct reporting.

Joseph Daul, president of the European People's Party (and recent host to the members of the BiH Presidency at yet another unproductive meeting of current leaders) visited Sarajevo in October 2017 and openly expressed his disappointment with state in BiH and publicly addressed the responsibility to current leaders, stating that the burning issue in BiH – aside to the level of corruption and education system that supports ethnic segregation – is the distance between political leaders and citizens, by saying a characteristic sentence: "Politician thinks about the next elections. I (in BiH) am looking for a statesman who will think about the generations to come".

Maybe not all, but a significant portion of problems in BiH have source in the cause detected by Mr. Daul. And that preoccupation with elections and narrow party and personal interests, at the expense of interests of the community, namely, the citizens of this country, gushes out at every turn. Even though it is present in the entire country and on all levels of authority, it has its probably the most dramatical form and the hardest concrete consequences in Federation BiH, whose ruling coalition-that is, its member parties, demonstrate the worst face of politics, agreeing in only one thing – keeping the position of authority, at all costs.

Permanent crisis in relations within the ruling coalition in Federation BiH, produced by parties which comprise that coalition, with their constant conflicts, leaves serious consequences on entire society, except on those who carry the biggest responsibility for the crisis – those political parties and their leaders.

Instead of accepting responsibility for results of authority they participate in and working together, if they already decided to jointly form the authority, members of the ruling coalition, as the elections are approaching, are trying to create the biggest possible distance between themselves, to obstruct the operations of the institutions and switch responsibility for bad results to coalition partners and, by the time of elections, relativize division to authority and opposition and improve their ratings, at the same time keeping all authority privileges. Even when they disown those privileges, they do it only declaratively.

The consequence is a blockade or stultification of work of institutions and total suppression of interests of citizens. The Parliament is prevented to carry out its projected social function, and the work of the Government is, consequently, pretty much brought into question.

Once again, we got confirmation of what we pointed out several times – the authorities show insufficient capacity (and lack of interest) to create a functional system, provide political stability, as a foundation of economic progress, and to deal with solving serious problems of citizens and the society.

FBIH PARLIAMENT I-XII 2017

PROBLEMS WITHIN THE RULING COALITION IN FEDERATION BIH, DURING 2017, MANIFESTED MOST DRAMATICALLY IN THE WORK OF THE FBIH PARLIAMENT. DISCORD, WITHIN BOTH HOUSES OF THE PARLIAMENT, WAS ALMOST PERMANENT, THE ONLY CHANGE WAS IN ACTORS OF THE CONFLICT AND CONCRETE METHODS OF ITS MANIFESTATION. They took months long breaks from work, sessions of both Houses of the Parliament were interrupted, rescheduled, held in sequels and lasted for 4 to 5 months, held and not a single provision was adopted, etc.

CURIOSITY WAS THAT THE INTER-RELATIONSHIPS CRISIS, WHICH RESULTED IN SORT OF A BLOCKADE IN THE WORK OF THE PARLIAMENT, ESCALATED AFTER THE SESSION WHERE RULING COALITION GAVE VOTE OF CONFIDENCE TO CURRENT GOVERNMENT OF FBIH. After the annual report on work of the FBIH Government for 2016 was not adopted, and report on budget expenditures for 2016 was not adopted in the House of Representatives, the opposition asked for voting on no-confidence motion for the Government. Ruling coalition parties forgot, for the moment, their disputes and stood uniquely behind the Government. But, later, it proved that staying in the position of authority is the only thing where ruling parties can agree. Session, on which the ruling coalition parties gave single support to the Government, took place in July 2017, was also the last regular session of that House in 2017 – till the end of 2017 only 3 extraordinary session were held.

Situation in the House of Peoples is even worse – after they held 5 regular sessions in the first quarter of 2017, for the next five months, from April to September, they held only one session, in 4 sequels, and by the end of the year only 3 extraordinary sessions, one of which is still incomplete.

WORK RESULT UNDER SUCH CIRCUMSTANCES BEST REFLECTS THE DAMAGE CITIZENS OF FEDERATION BIH SUFFER, IRRESPONSIBLE POLITICS, FOCUSED ON PARTICULAR INTERESTS-MAJORITY OF COMPLETED WORK IN 2017 WAS DONE IN EARLY 2017. In the first quarter of 2017, House of Peoples implemented two thirds of provisions adopted in that House in 2017 - in first quarter 81 measures were implemented, in second quarter 18, in third 15, and in fourth 14. Situation in the House of Representative is similar, with only difference of numbers dropping after the second quarter. Curiosity is that during the last 5 months, House of Representatives implemented only 18 measures, the same amount as in two days of January.

ENTIRE SET OF EXTREMELY IMPORTANT MEASURES, WHICH SHOULD HAVE BEEN ADOPTED IN THIS PERIOD, WAS NOT REVIEWED, WAS NOT ADOPTED OR DECISION ON THEM WAS POSTPONED. Postponing sessions in the House of Peoples, for example, postponed the decision on 15 conclusions that refer to the obligation of implementation of the verdict of the Constitutional Court FBIH. And, at the sequel session of the 23rd session of the House of Representatives of the FBIH Parliament, held on 26 July, 2017, not a single item was adopted, meaning got needed majority of votes, even though two were related to the implementation of decisions of the Constitutional Court.

PRODUCTIVITY DROP WAS ALSO FELT ON THE MOST IMPORTANT MEASURES, LAWS, WHICH ARE ONE OF THE PRIMARY CONSTITUTIONAL OBLIGATIONS OF THE PARLIAMENT. Out of total of 27, in both Houses, 17 laws were adopted in first quarter 2017, in original text.

EVEN THE COMPARISON OF CURRENT WITH TWO PREVIOUS MANDATES, IN THE CONTEXT OF LAW ADOPTION, SHOWS CONTINUOUS PRODUCTIVITY DROP. In 2013, as the third year of the previous mandate, 7 more laws were adopted than in 2017. And in 2009, it was 22 more laws.

DYSFUNCTIONALITY OF AUTHORITIES IS VISIBLE IN LARGE NUMBER OF LAWS THAT WERE NOT REVIEWED OR WERE REJECTED. Thirty laws, confirmed by the Government in 2017, were not reviewed in any of the Houses of the Parliament. 12 laws were rejected – 9 in the House of Representatives and 3 in the House of Peoples. Among them is the Law on Amendments and Supplements to the Law on Organization of Games of Chance and Prize Game, as well the Law on Retirement and Disability Insurance FBiH, twice. Then, Law on Amendments to the Law on for the Suppression of Corruption and Organized Crime, Law on Amendments and Supplements to the Law on Public RTV Service FBiH...and the Law on Amendments to the Law on Registration Books was also rejected, and it referred to harmonization of this issue with the verdict of the Constitutional Court.

A SPECIAL PROBLEM IS THE OCCASIONALLY UNACCEPTABLY LONG PROCEDURE OD LAW ADOPTION. When it comes to laws adopted in 2017, the longest adoption procedure was for the Law on Energy Efficacy, which was adopted 4 years and 9 months after its first appearance, namely after confirmation of draft by the Government and sending it to parliamentary procedure.

IMPLEMENTATION OF SOME MEASURES ARE SO LATE THAT THEY GOT STULTIFIED. For example, some reports on operations of public institutions in 2014 and 2015 were adopted in 2017 instead of 2014 and 2015.

IN 2017, NONE OF THE HOUSES OF THE FBiH PARLIAMENT ADOPTED (OR REVIEWED) A SINGLE STRATEGY. National Assembly of Republika Srpska, in the same period, adopted 7 of them and accepted a draft of one more.

POSITIVE MOMENT IN THE WORK OF THE FBiH PARLIAMENT IN 2017 WAS HOLDING 4 THEMATIC SESSIONS IN THE HOUSE OF REPRESENTATIVES. Topics were extremely significant: problem of air pollution, problem of emigration, status and perspectives of wood processing industry and status of agriculture in FBiH. Unfortunately, those sessions were also hosts of disagreement of stances of representatives of ruling coalition parties on proposed conclusions. That additionally confirms the thesis that current coalitions are not of program nature but so-called mathematical – created just for taking over and distributing power, with emphasis on distribution. And they fail on almost every serious issue. We'll add that the House of Peoples, so far, didn't organize a single thematic session, even though they are planned in its work program for this year.

CONFLICT WITHIN RULING COALITION ALSO BROUGHT VIOLATION OF LAW ON BUDGETS IN FBiH, DURING ADOPTION OF FBiH BUDGET FOR 2018. FBiH budget for 2018, even though it was timely sent under regular procedure, was not reviewed in the FBiH Parliament as draft till the end of 2017. Scheduled extraordinary sessions, for review of the Budget, was not held due to the agenda not being adopted.

SIMULTANEOUSLY, NONE OF THE HOUSES OF THE FBiH PARLIAMENT ADOPTED ITS WORK PROGRAM FOR 2018 BEFORE THE END OF 2017. And during the adoption of work program for 2017, we have noted months long delay in realization of obligation stemming from the Rules of Procedures – House of Representatives adopted its work program for 2017 on 25 April, 2017, and House of Peoples only on 21 September, 2017, just 3 months before the end of the respective year.

TOTAL INDOLENCE AND IRRESPONSIBILITY OF FBiH PARLIAMENT IS VISIBLE IN ITS TREATMENT OF WORK PROGRAM – TIME OF ADOPTION, ITS CONTENT, AND, IN THE END,

THE IMPLEMENTATION. For example, work programs of Houses of the FBiH Parliament don't mention a single strategy, even though the work program of the Government, which was used for developing programs in the Parliament, has 10 of them. And the implementation of planned obligations is, sort of, just a symbolic one – only 14% of planned obligations for 2017 were implemented. FBiH Parliament closed 2017 with program of 78 planned and unrealized laws. Among those laws are numerous laws whose implementation was awaited for years and which are closely related to the quality of life of citizens.

ON NUMEROUS OCCASIONS, REPRESENTATIVES AND DELEGATES IN THE FBiH PARLIAMENT WARNED ABOUT VIOLATION OF THE RULES OF PROCEDURES BY MANAGEMENT OF HOUSES, BY NOT CALLING FOR A SESSION IN CERTAIN PERIOD OF TIME OR NOT PUTTING CERTAIN ACTS ON THE AGENDA. The fact that numerous acts wait for review and decision for inappropriately long time, brings to conclusion that Parliamentary sessions should take place on weekly basis. Rules of Procedures are also violated by lack of adoption of minutes of meeting from the previous session at the beginning of the first next one. During the observed period, we have noted minutes of meetings piling up and having 6 of them adopted at the same time. Given that the minutes of meetings are not publically available before the very adoption, this is sort of a form of lack of transparency in the work of the Parliament.

FBiH PARLIAMENT STILL DIDN'T TERMINATE THE INAPPROPRIATE BENEFITS FOR ITS MEMBERS. It has been three full years since the Law on Amendments to the Law on Salaries and Benefits in FBiH Institutions was proposed, which stipulates termination of the so-called "white-bread" benefit, namely, compensation of salary for the period of one year after the term expires, but the law has still not been reviewed by any of the Houses of the FBiH Parliament. Also, none of other benefits received by representatives and delegates were not considered for termination, and legality of usage of those compensations (not to talk about the morality) was questioned on numerous occasions lately (accommodation compensation, life away from family, weekend visits to family, etc.).

Complexity of political relationships in Federation BiH and inability to make stabile ruling coalition and parliamentary majority, more than asymmetrical systematic arrangement, are the key reason why the results of the highest legislative body of the other BiH entity, being insufficiently good themselves, are significantly better than the results of FBiH Parliament.

On the other hand, those relationships, aside to the operations of the Parliament, impact the operations of Government as well, even though the Government is trying, the entire time, to hide it. That doesn't have to be bad – it doesn't have to be lack of transparency or attempt to hide certain facts; it can be interpreted as a desire not to further contribute to deterioration of relationships and to try to do something, in that entirely negative atmosphere.

Unfortunately, even the examples that surface nowadays, including the interruption of the session of the Government, by the Prime Minister, point to the fact that the Government, however, cannot escape from the entire atmosphere and that its ministers, in their work, are not even close to the expert autonomy for a specific field, dedicated to their work, but that they are under direct control of management of parties, whose interests they represent.

Exactly that – partocratic governing over state and lack of program coalitions, which shall, after initial agreement on objectives, jointly work on them (instead of functioning as a set of party-controlled ministries) – is what CCI sees as the biggest problem of both Federation and the state as whole, with all its institutions.

FBiH GOVERNMENT I-XII 2017.

LEVEL OF THE PROBLEM FBiH PARLIAMENT IS IN AND PRODUCES ITSELF, IN A WAY, HIDES THE PROBLEMS IN THE WORK OF GOVERNMENT. Problems in operations of most of governments in BiH and their poor results, namely, come to light because “their” assemblies, mostly, fast and efficiently implement the measures respective governments send them, so it is evident that insufficient productivity and efficiency in implementation of planned obligations is up to the inability of government, as the operator of the biggest number of measures that appear in the assembly, to produce needed quantity of materials for assembly to review. That moment of “obviousness”, however, is not present when it comes to the FBiH authorities. Due to inadequate work of the Parliament, measures of the Government pile up in it and stay there, unimplemented, for a long time, and poor results of Government (in that context!) do not come to light. However...

PRODUCTIVITY OF GOVERNMENT, IN 2017, DROPPED BY 21% IN COMPARISON TO 2016. FBiH Government, during observed period, reviewed 2176 measures, and in 2016 the number was 2768.

NUMBER OF CONFIRMED LAWS, IN 2017, IS THE SAME AS IN 2016, BUT WHEN COMPARING CURRENT TO PREVIOUS MANDATE, WE CAN CONCLUDE THAT DURING THREE YEARS OF THIS TERM, 35 LESS DRAFT LAWS WERE CONFIRMED IN COMPARISON TO FIRST THREE YEARS OF THE PREVIOUS TERM. FBiH Government confirmed, in 2017, 63 laws – 47 proposals and 16 drafts.

IMPLEMENTATION OF OBLIGATIONS PLANNED BY THE WORK PROGRAM IN 2017 IS UNACCEPTABLY LOW. Out of total number of measures in the work program of FBiH Government for 2017, only 57% were implemented, and number of realized laws is just 35%. However, poor realization of the planned is not a consequence of current political problems, but a continuous problem in the operations of FBiH Government.

DURING CURRENT MANDATE, NUMBER OF SESSIONS IS ON THE RISE, DURING COURSE OF ONE YEAR, HOWEVER THAT RISE IS DUE TO INCREASE IN NUMBER OF TELEPHONE SESSIONS, AND THE NUMBER OF REGULAR SESSIONS IN 2017 IS THE LOWEST SO FAR. In 8 months of 2017, there was one session less per month than stipulated by the Rules of Procedures of FBiH Government, which stipulates that the, as a rule, the Government shall hold sessions once a week.

ON THE OTHER HAND, THE GOVERNMENT HOLDS A LOT OF TELEPHONE SESSIONS (45% OF TOTALLY HELD SESSIONS WERE TELEPHONE SESSIONS), AND THE MOST SERIOUS PROBLEM, IN REGARD TO THAT, IS CHARACTER OF SPECIFIC MEASURES WHOSE REVIEW OVER THE PHONE IS COMPLETELY INAPPROPRIATE. FBiH Government, namely, uses telephone sessions to adopt measures which require serious approach and time and for which, the least, it would

be more appropriate to be reviewed in regular sessions. We will just mention the examples of Energy Strategy or Consent for sales of “ERO” Mostar hotel.

DURING THE OBSERVED PERIOD, THE GOVERNMENT ALSO HELD THEMATIC SESSIONS. It held three thematic sessions – one per quarter, first three quarters. First was for public administration reform, second for demands by council of veterans (followed by organized gathering of veterans in front of the building of FBiH Government), and the third one was for situation report on fire locations at the time and, respectfully, undertaken activities in FBiH.

DIFFERENT PROBLEMS IN OPERATIONS OF THE RULING COALITION RESULTS WITH DEFEATING PRACTICE OF REDUCTION OF ALREADY LOW NUMBER OF SIGNIFICANT MEASURES IN PARLIAMENTARY PROCEDURE DETERMINED BY THE GOVERNMENT. Out of 47 laws confirmed by the Government as draft, FBiH Parliament adopted only 16 of them in 2017, one is in procedure of harmonization, 5 were rejected, and 22 were not even reviewed in any of the Houses of FBiH Parliament, in the observed period. We can include 5 strategies confirmed by the Government, which were sent to FBiH Parliament, but this institution had no plea on them during 2017.

ON THE OTHER HAND, THERE ARE MEASURES (THE ONES THAT DEAL WITH STAFFING ISSUES) ON WHICH THE GOVERNMENT AND RULING COALITION HAVE, OBVIOUSLY, NO PROBLEMS (EXCEPT WHEN INTERESTS AND APPETITES OVERLAP, LIKE IN THE RECENT CASE WE SAW WITH SELECTION OF MANAGEMENT OF TAXATION AUTHORITY FBiH). Among approvals, decisions and ordinations realized in 2017, there are 123 which are related to the issue of dismissal and appointment to managing and governing positions in public administration and public companies of Federation BiH. So, even in third year of its term, the authorities are still significantly dealing with staffing issues.

IN REGARD TO THE LEGISLATION REFORM IN THE FIELD OF APPOINTMENT AND HIRING IN PUBLIC SECTOR FBiH, WE STILL NOTE OBSTRUCTIONS AND DELAYS. One year has passed since the FBiH Law on Civil Servants was declared unconstitutional, and new law didn't come even till the end of 2017. On the other hand, the Government determined quality and new measures through the Law on Amendments and Supplements to the Law on Labor FBiH, in which they clearly opted for principles of transparency in employment (exclusively through tender procedures) on all levels and in all public institutions and companies, but the finalization of it was stopped in the Parliament, and the Law has been waiting, since early June, to be harmonized.

WE HAVE NOTED A POSITIVE EXAMPLE OF COOPERATION OF REPRESENTATIVES OF AUTHORITY AND CIVIL SOCIETY ORGANIZATIONS IN 2017. Upon the invitation by Prime Minister, CCI and TI completed the operative material of special Ordinance that could significantly improve the employment system in the entire public sector and enable hiring and promotion of the top-quality candidates. However, the Ordinance cannot be discussed by the Government until the procedure of adoption of Law on Amendments and Supplements to the Law on Labor FBiH is completed.

FBiH GOVERNMENT ACTION PLAN FOR THE FIGHT AGAINST GRAY ECONOMY, EVEN THOUGH IT WAS ANNOUNCED, HAS NOT BEEN ADOPTED IN 2017. Even though it was supposed to be completed in early May and the institutions claim that they continuously work on it and that they will incorporate into that document the measures for fight against gray economy which were harmonized on 3rd joint session of FBiH Government and RS Government, which took place on 4

October, 2017, this important document didn't show up in the sessions of the Government till the end of 2017. On the other hand...

ACTION PLAN FOR REALIZATION OF REFORM AGENDA FOR BIH, FOR PERIOD 2015-2018, EXISTS, BUT ITS IMPLEMENTATION IS RUNNING SERIOUSLY LATE. They have entered the last year of foreseen four-year period for implementation of this action plan, with less than 50% of completely implemented measures.

FBIH GOVERNMENT DOESN'T RESPECT EVEN ITS OWN RULES OF PROCEDURES OF THE PARLIAMENT. Neither work program of Government for 2018 nor the one for 2017 were adopted prior to the respective year starting. On the other hand, the Government replies to motions by representatives and delegates irregularly and breaching the stipulated deadlines. And FBIH auditor concluded that the large number of conclusions by FBIH Government have no proposal of concrete measures, nor does it have tasks for FBIH ministries and other bodies of FBIH administration, or the deadlines for completion of tasks.

GOVERNMENT VIOLATES LAWS AS WELL. Ever since the new Law on Budgets FBIH entered power five years ago, not a single FBIH budget draft was adopted in time, which means it was not adopted in the timeline stipulated by Law (this includes the budget for 2018). Another violated law is the Law on Gender Equality in BiH, for in current FBIH Government, out of 17 ministries, there are only 4 female ministers, even though there should be 7, according to the law.

THE CONSTITUTION IS ALSO VIOLATED-VIOLATION OF CONSTITUTION OR THE RIGHT TO LOCAL SELF-GOVERNANCE (WHOSE PROTECTION IS PROVIDED BY THE FBIH CONSTITUTIONAL COURT), VARIOUS DECISIONS MADE BY THE INSTITUTIONS OF FBIH AUTHORITIES, FOLLOWED BY SLOW IMPLEMENTATION OF DECISIONS OF CONSTITUTIONAL COURTS, WHICH ORDER ELIMINATION OF UNCONSTITUTIONAL ACTIONS, IS THE PROBLEM THAT PRESSURES FBIH GOVERNMENT AND PARLIAMENT MORE AND MORE. There is an entire list of significant laws that need to be amended or completely replaced, so the verdicts of FBIH and BiH Constitutional Courts could be implemented. Many of them have been waiting for ages to be implemented, and new verdicts keep coming up. In general, when it comes to implementation of constitutional court verdicts, which bring amendment to the legislation in some field, the procedures of law preparations within the FBIH Government, with subsequent review and adoption in the FBIH Parliament, take too much time.

CONCLUSION

THE POOR FULFILLMENT OF PLANNED OBLIGATIONS HAS CONSEQUENTLY RESULTED IN A LACK OF ADOPTION OF A SERIES OF CRUCIAL MEASUREMENTS THAT WOULD HAVE IMPROVED THE QUALITY OF LIFE OF THE CITIZENS IN FBIH OR WERE SUPPOSED TO AT LEAST STOP NEGATIVE TRENDS THAT EXIST.

For example, creation of the Youth Strategy is being postponed while the young people are leaving the country and negative population growth; situation seen even by international friends of the country as one of the most serious problems that the country is facing and our government has to confront.

But, instead of paying attention to the unprecedented lines of young and labor capable people leaving, local politicians are concentrated on the upcoming elections. And at that on their own narrow party and personal interests.

CCI calls upon the authorities across the country, as well as the ones in the Federation, to finally start paying attention and deal with the issues of the mass departure of young and labor capable population from the country.

We also call upon the authorities in the Federation of Bosnia and Herzegovina to accelerate the adoption procedure for a number of important laws, among which, at this point we mention the following:

Amendments to the FBiH Law on Health Insurance that has, since the adoption of the draft in the House of Representatives, in January 2017 "disappeared" from the parliamentary procedure; the same is an important legal solution proposing the abolition of the discriminatory provision of the Health Insurance Law which refers to deadlines for applying to the Employment Bureau by individuals completing their education, those who have become unemployed, individuals which have returning from abroad...

Amendments to the FBiH Criminal Code, which increase penalties for violent perpetrators and perpetrators of sexual violence against women and children. Civil society representatives have repeatedly held meetings with the senior representatives of the House of Representatives of the FBiH Parliament, requesting that the aforementioned changes be presented before the delegates, but that has yet to happen.

Amendments to the FBiH Budget Law in, which would make "Budget for Citizens" a mandatory budget document, which would in turn increase the transparency and create preconditions for greater and better participation of citizens in the of budget creation and adoption process.

The FBiH Law on Support of Families with Children that would in time regulate the area of maternity benefits and child allowance at the level of the entire FBiH.