



**CENTRI CIVILNIH INICIJATIVA
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

**Summary of the Report on monitoring performance
of the RS Government and RS National Assembly**

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 Government and the National Assembly of Republika Srpska. 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.

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The political conflicts in Republika Srpska, which have been lasting since the very beginning of the current term and the assembly's majority that was gathered in a disputable way, have climaxed in 2017 disturbing the normal functioning of the entity parliament.

Inadequate reaction of the authorities to the reports of the Supreme Office for Public Sector Auditing in RS-political pressures, forced resignations, disabling discussion about the report in the National Assembly,... - caused reactions of the opposition in the forms of attempts to block the work of the Assembly with the aim of forcing the ruling majority to allow discussion about the unpleasant topics in the Assembly.

But, in the transition countries in the Balkans, the democracy is treated as an excuse for political violence of majority over minority and imposition of a solution that suits the majority, at any cost due to lack of responsibility and respect for institutions, procedures and minorities' rights.

However, the protests of the opposition that claimed to be constantly faced with the violations of the NA's Rules of Procedure, and lately also with serious disrespect of the law, and even the RS Constitution, were ineffective, showing that the ruling coalition is ready to completely ignore the opposition and remove it from the Assembly if it is discontented with the role foreseen for it by the ruling majority.

But, it cannot end with removal of the critics (forcing them to resign or removing them from the sessions) or by avoiding the discussion on controversial topics. It has to end by presenting the public with the true information from an objective source, and with tolerance, dialogue and respect for the rule of law, of course.

The rules in a democratic society are set so that the government cannot demand nor expect its citizens to believe it – the work of the government in democratic societies is controlled! It is controlled by the citizens, independent institutions, media, NGOs, and the opposition. The government is obligated to work transparently and to make control of its work, as well as discussion about all socially relevant topics, possible. Everything else is completely unacceptable.

THE RS NA I-XII 2017

PERMANENT CONFLICTS BETWEEN THE TWO OPPOSING POLITICAL BLOCKS IN RS, WHICH CLIMAXED OVER THE LAST 4 MONTHS OF 2017, HAS ULTIMATELY AFFECTED THE RESULTS OF THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA IN THIS YEAR. This is the only year of the current term in which a regular session hasn't been held in December. It, together with the failure to hold a regular session in November, has led to a decline of productivity in 4th quarter and the number of measures considered in this quarter has come down to a half of what was realized in the previous quarter.

A CONTINUOUS DECLINE OF BOTH THE PERFORMANCE INTENSITY AND THE PRODUCTIVITY CAN BE NOTICED BY OBSERVING THE RESULTS ACHIEVED IN THE FIRST THREE YEARS OF THE CURRENT RS NA'S TERM. From 17 regular sessions held in 56 days of sittings in 2015, the number came down to 12 sessions in 48 days of sittings in 2016 and then to only 10 sessions in 36 days of sittings in 2017. The number of considered measures has also decreased in these years from 258, to 186 and then to 175 measures.

THE POOREST RESULT OF THE CURRENT TERM WAS ALSO ACHIEVED IN REALIZATION OF THE LAWS. In 2017 the RS NA adopted only 42 laws, which are 15 laws less than in the previous year.

AND THE POOREST RESULT OF THE CURRENT TERM WAS ALSO ACHIEVED IN 2017 IN THE REALIZATION OF THE WORK PLAN. Only 46% of the Work Plan was completed realized (78 out of 100 planned measures). Realization of the planned laws is even worse – only 33% of the Laws foreseen by the Work Plan were adopted – 65 out of 97 planned laws were not adopted by the end of 2017.

THE RS NA'S RESULTS IN 2017 WERE, UNDER ALMOST ALL PARAMETERS, WORSE THAN THE RESULTS IN THE THIRD YEAR OF THE PREVIOUS TERM. In 2013 the RS NA held 6 more sessions and had spent 20 more days in session than in 2017. Thereat, it considered a third more measures (234:175) and adopted two thirds more laws (71:42).

ONLY THE NUMBER OF STRATEGIES ADOPTED IN 2017 IS NOT BELOW THE RESULTS ACHIEVED IN THE PAST 7 YEARS. But, that is primarily the results of continuously poor results of the RS NA in that segment for many years now. On the other hand, the fact is that the RS NA had adopted 7 strategies and had accepted one in draft in 2017, forwarding it into further procedure, but that the plan for this year had foreseen adoption of 19 strategies. It means that only 37% of the plan was finally realized.

THE RS NA FAILED TO ACT VALIDLY AND ON TIME TO THE CCI'S WARNINGS, GIVEN THROUGH THE QUARTERLY REPORTS, ON SIGNIFICANT BACKLOGS THAT IT HAD IN CERTAIN PARTS OF THE YEAR. The initiative to have the performance dynamics and number of considered measures increased, whilst trying to amortize the oversights and backlogs from the previous period, was missing. The Assembly had passively, without publicly visible initiative towards the executive authority, waited for the materials to discuss. The largest responsibility for this lies with the Assembly's management.

THE RS NA DID NOT FIND SOLUTION FOR THE CONSTANT DELAY IN ADOPTION OF ITS ANNUAL WORK PLAN – THAT THE CCI HAS BEEN PERSISTENTLY INDICATING – IN IMPROVING ITS EFFICIENCY, TIMELY START OF THE REALIZATION, INCREASE OF THE RESPONSIBILITY AND INTRODUCTION OF SANCTIONS FOR FAILURE TO MEET THE OBLIGATIONS ON TIME, BUT IN ADOPTING A REGULATION THAT IS ONLY TO PLACE ALREADY PRACTICED COMFORT OF THE PERFORMANCE INTO THE LEGAL FRAMEWORK. Namely, the new Rules of Procedure of the RS NA made possible for the institution to work the first three months of the year without an adopted annual (!) Work Plan and to do it "by the book" (as our politicians like to say), which is unacceptable. The 2017 Work Plan was not adopted by the end of 2016, but it was adopted at the very end of third month of 2017, and the 2018 Work Plan wasn't even mentioned in the sessions. This led us to a conclusion that the Assembly's management has intended to continue with the previous practice even besides all the arguments stating that their approach in this context is wrong.

A SPECIAL PROBLEM IN THE WORK OF THE RS NA IS THE FAILURE TO HOLD SPECIAL, THEMATIC SESSIONS THAT WOULD FOCUS ON THE MOST SERIOUS EVERYDAY PROBLEMS OF THE CITIZENS AND THE SOCIETY IN GENERAL. There was no special, thematic session dedicated to the exceptionally difficult situation in the healthcare sector. There were no special sessions on the situation in the economy, on the protection of domestic production, on the situation in the real sector, on corruption, on collapse of the banking system in RS, on education, on population growth...And finally, there was no special session dedicated to the problem of increasing migration of the youth and working age citizens, which has become quite alarming. By comparison, the House of Representatives of the FBiH Parliament had held 4 thematic

sessions in the first 9 months of 2017 – on air pollution, on migration of citizens, on the state and prospects of the wood processing industry and on the state of agriculture in the FBiH.

UNLIKE THE NATIONAL PARLIAMENT, WHOSE MEMBERS HAVE PROPOSED AS MANY LAWS AS DID THE MINISTRIES OF THE BIH COUNCIL OF MINISTERS, ACTIVENSNESS OF THE RS NA MEMBERS IN THIS SEGMENT IS QUITE MODEST. One law proposed by the opposition (and adopted in the RS NA) is the only contribution of the RS NA's members in 2017. It should be mentioned that the PDP Caucus has been mentioned in the Work Plan as the proponent of 5 laws, and Advanced Srpska (Napredna Srpska) as proponent of three laws, but none of the laws was realized. The administrative commission of the RS NA, which consists of the RS NA's members, should have proposed one law, but it had failed to prepare it.

ALMOST TWO THIRDS OF THE RS NA'S MEMBERS HAVE PROFESSIONALIZED THEIR STATUS. 53 out of 83 members of the RS NA receive regular monthly salary for performing their duties and privileges as members of the RS NA, i.e. they are employed by the Assembly. So...

THE LARGEST PART OF THE RS NA'S BUDGET IS SPENT ON PERSONAL INCOMES OF THE EMPLOYEES – 65% OR 6.587.500 KM FROM 10.141.100 KM, WHICH IS THE PROJECTED BUDGET OF THE RS NA FOR 2018. The grants to caucuses are planned in the amount of 500.000 KM and it is certainly a good example that there is enough room in the budget for savings and conversions for other purposes from which the citizens will benefit much more.

THE 2018 RS BUDGET WAS ADOPTED UNDER AN URGENT PROCEDURE AT THE RS NA'S SESSION HELD ON DECEMBER 12 AND 13, 2017. It is years-long negative practice that prevents a transparent adoption of the budget, through a public discussion, i.e. participation of the citizens and their organization in its preparation.

THE RS NA RULES OF PROCEDURE WAS VIOLATED IN THE REPORTING PERIOD BY THE MPS' BEHAVIOR IN THE SESSIONS. The lack of mutual respect and appreciation between the MPs, and in communication between the legislative and executive authority (the Government and the RS President), is a constant problem with no solution in sight. It is about a completely unacceptable vulgarization of the political space for which all participants in the conflict do bear the responsibility. It is just unbelievable that the highest ranking officials do not grasp the need to preserve institutions' dignity.

THE RS NA RECEIVED AN UNQUALIFIED OPINION ON THE FINANCIAL REPORTS FROM THE SUPREME OFFICE FOR PUBLIC SECTOR AUDITING OF RS, AS WELL AS POSITIVE OPINION ON COMPLIANCE FOR 2016. However, the Supreme Office for RS Public Sector Auditing has drawn the attention to the following: "The RS NA's obligations in the amount of 574.852 KM, due for payment as on December 31, 2016, are included into execution of the 2016 budget, although the available budget funds for their payment have not been secured by the expiry of the deadline for preparation and submission of the financial reports, which is not in line with Article 39 and 40 of the Law on the Budget System of RS".

Even besides the statements on acceptance of the necessity to reduce public spending, no serious steps have still been taken in that direction. There is also nothing happening about the announced development budget. The economic analysts are warning that we just got yet another budget intended only to finance loan repayment and public sector salaries, which represent a voting machine whilst everything else is quite questionable. There are no clear development goals that are to be achieved by the budget, and there are no funds defined for their attainment. There are also no significant allocations to the science. The government is still resting all its hopes on the new loans, whilst struggling to repay the old ones. The plan is to allocate 755 million KM for debt repayment in 2018 (and what had happened to the story, which was very much "present" in

2017, about 920 million that should be repaid in 2018?), which is almost one quarter of the total budget. A total of 716 million KM is planned to be spent on salaries of “budget users”.

It is foreseen that the new year will bring only patching of the budget holes, new debts for payment of salaries and delays in settling of Government’s obligations, as well as the attempt to preserve social peace at any cost – including unrealistic promises- at least until October 2018 i.e. until the elections.

RS GOVERNMENT I-XII 2017

WORK INTENSITY OF THE RS GOVERNMENT (ACCORDING TO AVAILABLE DATA) HAS BEEN CONSTANTLY DECLINING SINCE THE BEGINNING OF THE CURRENT TERM. The number of sessions decreased from 98 sessions held in 2015, to only 59 sessions held in 2017. But...

THE DECLINE OF WORK INTENSITY DID NOT HAVE A SIGNIFICANT NEGATIVE IMPACT ON THE PRODUCTIVITY. Although less number of measures was considered in 2017 than in 2015, the fact is that the productivity is very high in the current term, as well as that more measures were realized in each of the years of the current term than in any of the years of the previous term.

CURIOSITY IS THE FACT THAT SINCE THE BEGINNING OF THE PARLIAMENTARY CRISIS IN SEPTEMBER, WHICH NEGATIVELY IMPACTED THE RESULTS OF THE NATIONAL ASSEMBLY, THE PRODUCTIVITY OF THE GOVERNMENT HAS CONVERSELY EXPERIENCED A MONTHLY GROWTH. It resulted in the best quarterly result of this year – 914 measures considered in 4th quarter of 2017, which is for 55% higher than the result in the previous quarter.

BUT, QUANTITY DOES NOT NECESSARILY IMPLY QUALITY. Analysis of the measures that the RS Government considered in 2017 indicates that the highest number of these measures is administrative acts, which together with the approvals and decisions make up 56% of all measures considered by the Government in 2017. Information, reports, plans and programs make up additional 30%, which means that these two groups of measures include almost 86% of all considered measures. The highest number of measures relates to spending of budget funds (spending plans, reallocations, financial transactions...). The Government had dedicated a significant portion of its work to the personnel policy (different dismissals and appointments make up 6% of the total number of measures considered in 2017). Approvals and reports from business travels make up 8.5% of all considered measures. Conversely, percentage of systematic measures that can have long-term effects on the citizens’ quality of life is much lower. The laws make up 2.5% of the total number of considered measures, and strategies only 0.5%.

THE NUMBER OF LAWS DETERMINED AT THE RS GOVERNMENT IN 2017 IS THE LOWEST IN THE PAST 7 YEARS. A total of 56 laws were determined in 2017, while 77 laws were determined in the year before, and even 92 laws were determined in 2013 as the third year of the previous term. More laws were determined in 2014, as an election year (when usually one notes decline of all parameters), than in 2017. It indicates a very serious problem in the work of the Government in this period as well as its wrongly placed focus.

THE DATA ON THE DEGREE OF REALIZATION OF PLANNED OBLIGATION, PARTICULARLY OF THE MOST SIGNIFICANT ONES – LAWS AND STRATEGIES, SPEAKS OF THE GOVERNMENT’S WRONGLY PLACED FOCUS. Realization of all measures planned by the RS Government’s Work Plan for 2017 is below 70%, and realization of planned laws is only 53%, while the realization of strategies is even lower – 43%.

REALIZATION OF MANY SIGNIFICANT MEASURES DID NOT HAPPEN IN 2017 DUE TO POOR REALIZATION OF PLANNED OBLIGATIONS. The following laws and strategies were not adopted: the Lifelong Learning Strategy, the Women’s Entrepreneurship Development Strategy, the Strategy to improve health and social protection of elderly, Public Administration Reform Strategy, the Law on the Protection and Rescue against Natural Disasters and Other Accidents, the Law on Electric Energy, the Information Law, the Law on Culture, the Law on health protection, the Action plan to improve and develop support to families in Republika Srpska, the Action Plan to the Education Development Strategy of Republika Srpska, analysis of the implementation of the Labor Law, The program to protect the most productive agricultural land in RS, Report on

the status of LGBTI population in RS with recommendation of actions, Information on the exercise of the rights of refugees, displaced persons and returnees, etc. Some of the listed measures have been planned for years now, but the realization is missing – e.g. the Law on Electric Energy has been on the RS Government's Work Plans since 2013.

THE RS GOVERNMENT'S WORK PLAN IS STILL ADOPTED WITH A SERIOUS DELAY – THE 2017 PLAN WAS ADOPTED ON APRIL 11, 2017, AND THE 2018 WORK PLAN HAS NOT BEEN ADOPTED UNTIL THE BEGINNING OF THIS YEAR – THUS VIOLATING THE GOVERNMENT'S RULES OF PROCEDURE ACCORDING TO WHICH THE WORK PLAN FOR A CERTAIN YEAR IS TO BE ADOPTED BEFORE THE END OF THE PREVIOUS YEAR.. Namely, although it was adopted in April, the RS Government's Work Plan for 2016 contains the plan for 1st quarter with 145 different measures. It means that the “plan” for that period, which was already past at the time Work Plan was adopted, contains one third of all measures contained in the Work Plan. Another, even bigger problem, is the fact that the Work Plan, which is by its definition a plan of work for the next period, contains measures that were realized even before the Work Plan was adopted, so the Work Plan was actually almost 20% realized at the time it was adopted.

TRANSPARENCY OF THE GOVERNMENT IS NOT AT A SATISFACTORY LEVEL. Information are disseminated quite selectively (which is an objection made by many media), and the minutes of the sessions are not uploaded to the official Government's website, and instead of being published immediately after they are adopted at the next session, one has to wait for months to get the minutes (and the CCI has not managed to receive the minutes of some sessions even after multiple insistences). Even when delivered, the minutes are received in a hard copy and not in an electronic form, which would make their use much easier. It is like someone is trying to impede interested parties of getting the information and make the use of the information even more difficult.

THE RS GOVERNMENT IS VIOLATING THE RS NA'S RULES OF PROCEDURE WITH REGARD TO ANSWERING THE MPS' QUESTIONS WITHIN LEGALLY PRESCRIBED DEADLINE. The members of the opposition have been constantly pointing out this phenomenon, and the president of the RS NA has requested the Government to act in line with the Rules of Procedure. We have to mention that this phenomenon was not so frequent in some previous period. The members of the RS NA are also occasionally complaining about the quality of the answers they receive, finding them to be inadequate. But, the percentage of answered questions is quite respectable for the BiH circumstances – above 90%.

BESIDES THE RULES OF PROCEDURE AND THE LAW ON BUDGET SYSTEM, THE RS GOVERNMENT IS STILL VIOLATING THE LAW ON GENDER EQUALITY IN BIH. Women in the RS Government occupy less than a quarter of the seat (there are 4 women out of 17) thus violating the Law which sets forth that equal representation of genders exists when one of the genders is represented in at least 40% and that everything else is considered discrimination that has to be eliminated in line with this law.

COMPARISON TO THE FBiH GOVERNMENT SHOWS HIGHER EFFICIENCY OF THE RS GOVERNMENT, I.E. THE HIGHER NUMBER OF MEASURES CONSIDERED AT A LOWER NUMBER OF SESSIONS AND BETTER REALIZATION OF THE WORK PLAN. On the other hand, the FBiH Government had in 2017 determined more laws than the RS Government when both planned and unplanned laws are observed.

TWO JOINT SESSIONS OF THE ENTITY GOVERNMENTS WERE HELD IN 2017. Their effect was positive, because they were held in the situation of deteriorated political relations (especially the first session), which were somewhat relaxed by the constructive discussion about the economic topics. Gray economy was officially one of the most significant topics of both sessions, but they have also discussed some other topics (e.g. protection of domestic production and harmonization of regulations). But, these sessions should be held more frequently than once or twice a year, as planned, in order to establish serious relations and generate genuine influence on the economic trends. And finally, we would like to remind that...

INSTEAD OF RECEIVING RESIGNATIONS FROM THE MINISTERS WHOSE WORK WAS FOUND TO BE IRREGULAR, THE CHIEF RS AUDITOR AND HIS DEPUTY WERE THE ONES WHO RESIGNED UNDER THE PRESSURE AFTER THE AUDIT REPORT WAS PUBLISHED. According to the audit findings, only 3 out of 16 ministries of the RS Government have been working in line with the financial rules, and according to the

Audit Office the RS Government did not objectively portray the deficit level. We would like to once more underline that it is completely unacceptable to have citizens of Republika Srpska deprived of an independent, objective and accurate information on the deficit level...

CONCLUSION

We underline the need to have both institutions increasing the efficiency by the end of the term, especially in realization of planned measures, focusing on laws and strategies.

We point out the need to increase social sensitivity within the institutions and to adjust incomes and privileges of the politicians to the general situation in the society. We also emphasize the need for full transparency in this context (as well).

Both institutions should in their work focus on the key problems of the citizens and their resolution, and they need to stop giving their contribution to increasing of tensions in the country.

They must seriously dedicate to the alarming problem of “birth dearth”, i.e. years-long constant negative population growth, which, together with growing migration of the youth and working age population, threatens to make this region extinct. These two problems should be topics of the RS NA’s session as soon as possibly as well as the focus of a set of Government’s urgent measures aimed at stopping the negative trends.

Protection of independent institutions (Audit Office, courts, media, NGOs...) from the political pressures should be put to the agenda of the assembly’s sessions as soon as possible. An independent, professional and international audit firm should be hired as to provide answers to all the remaining questions – what is the truth regarding the level of RS budget’s deficit, the figure presented by the Government or a figure several times higher that was presented in the report of the RS Supreme Audit Office. If it turns out that the finding of the Audit is correct, it is not only that the Government has to go, but someone from that government must be held criminally liable. But if it turns out that the Government is telling the truth, someone should, to say the least, publicly apologize if not being held accountable for disturbing the.

And finally – it should not be allowed to have the pre-election campaign blocking the work of the institution and turning that work into a pre-election campaign. Citizens’ interest must be above narrow-party interests and interests of the individuals in the government.
