

**Monitoring performance of the BiH CoM and PA**

**01.01 – 30.06.2015**

**- Press conference scenario–**

**INTRODUCTION**

The performance results at the State level in the first half of 2015 are rather modest due to, *inter alia,* the fact that the State authority has been “collateral victim” of the conflict over establishment of the authority in the BiH Federation causing unnecessary postponement in implementation of already achieved agreement at the State level. The Parliamentary Assembly of BiH was established in its full capacity in the mid-February 2015 after the BiH PA House of Peoples was constituted, and the BiH Council of Ministers was confirmed at the BiH PA House of Representatives on March 31, 2015. Therefore the government nominated in line with the results of the last General Elections started its full and coordinated activity only in the second quarter of this year.

Currently one can see an exceptionally significant change of the past paradigm of conflicts, politicking and (auto) destructivity that was a characteristic of the previous two terms. The State level of authority has so far presented itself as the socially most responsible segment of the authority, not being the one that produces conflicts, whilst placing narrow-party and personal interests in the foreground, but the one that shows resoluteness, prudence and focus on true citizens’ interests.

We can say that our experience indicates that the international community, which has showed unreserved generosity towards BiH and the intention to stabilize situation in the country and to solve some of the most serious problems of the BiH citizens by initiating reform process, has found a constructive interlocutor in the current State authority.

Unfortunately, continuance of the conflict generating politics and non-democratic tendency exhibited by the ruling party in RS and inability of the political actors in the BiH Federation to establish a stable government as well as the use of this inability to destabilize the State level government, jeopardizes the stability and the opportunities to work in the interest of the citizens at the State level.

The Centers for Civil Initiatives are urging to put an end to the practice of placing narrow-party and personal interests of politicians before the interests of citizens and the community in general, and to the practice of blackmails and threats that (even if not realized) leave consequences and a traumatized society that desperately needs to see the end of such practice, positive energy and optimism.

\* \* \*

Now we will present the performance results of the BiH CoM and the PA in the first six months of 2015.

**BiH CoM I-VI 2015**

**IN THE FIRST HALF OF 2015 THE COUNCIL OF MINISTERS FUNCTIONED IN TWO DIFFERENT COMPOSITIONS.** The Council of Ministers in “technical mandate” was still working in the first quarter until the new Council of Ministers, which is consistent with the will of citizens expressed at the last General Elections, was confirmed on March 31 in the BiH PA Houses of representatives. The performance results in the second quarter are the results of the new Council of Ministers, led by the Prime Minister Denis Zvizdić.

**THE NEW COUNCIL OF MINISTERS ENCOUNTERED A LOAD OF INHERITED OBLIGATIONS. THE PREVIOUS COUNCIL OF MINISTERS DID NOT MEET A SINGLE EARLIER ASSUMED OBLIGATION IN THE THREE LAST MONTHS OF ITS MANDATE.** The new Council of Ministers encountered earlier assumed obligations from the “Road Map” and the deadlines for realization of these obligations, which were promised to the EU, expired a long time ago. Among other things there are important strategies and laws, such as the Social Inclusion Strategy of BiH, the single Law on courts of BiH, Law on free legal aid in BiH, Rural Development Strategy, harmonization of the BiH Customs Law with the Customs Code of the EU, State law on Improvement of small and medium-sized enterprises and entrepreneurship aligned with the EU standards, as well as other important strategies and laws that can significantly contribute to development of a favorable and positive ambiance for employments and bigger investments in BiH as well as to more significant acceleration on the BiH’s path to the Euro Atlantic integration.

**APPOINTMENT OF THE NEW COUNCIL OF MINISTERS PUT AN END TO THE DOWNWARD TRAJECTORY IN PRODUCTIVITY OF THIS INSTITUTION AND NEGATIVE TREND WAS TURNED OVER INTO ACCELERATED GROWTH.** The number of measures considered at the BiH Council of Ministers’ sessions in the first quarter had been constantly reducing from 68 in January, 28 in February to only 8 in March. At the very beginning of second quarter the new BiH Council of Ministers realized 53 measures, while in the next month the number of realized measures was 92 and at the end of quarter it considered 134 measures. It means that approximately 30% more measures were considered in June than in the first three months of 2015 altogether.

**THE NEW COUNCIL OF MINISTERS HAS PROVED TO BE TWO AND A HALF TIMES MORE EFFICIENT THAN THE OLD ONE AT THE END OF ITS MANDATE.** Both compositions held almost identical number of sessions during the first six months of 2015 (CoM in “technical mandate” 13, and the new one 14), but the new CoM considered significantly more measures – 279 in comparison to 104 measures that were considered by the CoM “in technical mandate”. It means that the CoM in “technical mandate” on average considered only 8 measures per session and the new CoM – 20 (i.e. two and a half times more) per session.

**THE RESULTS ACHIEVED IN THE FIRST HALF OF 2015 ARE BY FAR THE WORST RESULTS IN LAST 5 YEARS DUE TO POOR RESULTS ACHIEVED BY THE CoM IN “TECHNICAL MANDATE”.** 383 measures that were considered in the first 6 months of 2015 are not even a half of the result achieved in the first 6 months of 2013.

**IN THE FIRST SIX MONTHS OF 2015 THE BIH COUNCIL OF MINISTERS VERIFIED ONLY TWO PROPOSALS AND ONE DRAFT LAW AND AS A REMINDER, THE FORMER BIH COUNCIL OF MINISTERS DID NOT VERIFY A SINGLE LAW FOR SIX MONTHS.** All laws that were enacted in the first half of 2015 had been realized by the new BiH Council of Ministers in the second quarter of the. The following laws were verified as proposals: Law on changes and addenda to the Criminal Law and the Law on addenda to the Law on misdemeanors, and the Draft Law on budget of the BiH institutions and international obligations for 2015.

**THE 2015WORK PROGRAM OF THE COUNCIL OF MINISTERS WAS ADOPTED ONLY ON MAY 7, 2015.** The program reads that the most important objective of the Council of Ministers is to meet the obligations from the Action plan for implementation of the Stabilization and Association Agreement. Furthermore, it has been accentuated that the Council of Ministers will support activities of the Directorate for European Integration and the team for preparation of the coordination mechanism documents in the European integration process since establishment of a function coordination mechanism would significantly contribute to harmonization of the BiH legislation with the acquis communautaire. Also, verification of 65 Laws (62 proposals of the laws and three draft Laws) is planned by the work program of the BiH Council of Ministers for the 2015, together with 632 measures.

**ONE OF THE PRIORITIES OF THE CURRENT BIH COUNCIL OF MINISTERS IS TO DEVELOP COORDINATION MECHANISMS ON THE EUROPEAN PATH OF BIH.** The BiH Council of Ministers had on the 9th session held on June 2, 2015 passed a Decision on appointment of a team for preparation of the document for coordination mechanism in Bosnia and Herzegovina that is responsible to prepare a proposal of documents on coordination mechanism in the European integration process.

**THE BIH COUNCIL OF MINISTERS IN “TEHNICAL MANDATE” DID NEITHER PREPARE NOR VERIFY THE 2015 BUDGET. THE CURRENT COUNCIL OF MINISTERS COMPLETED THE ENTIRE PROCESS.** Even though the former BiH Council of Ministers had to verify the Draft budget of the BiH institutions and international obligations for 2015 by the end of October of 2014 and to forward it to the BiH Presidency and later on to the BiH Parliamentary Assembly for the final ratification, nothing was done by the end of 2014 nor in the first quarter of 2015. The process of verifying the Draft 2015 budget was something that awaited the current BiH Council of Ministers that verified the Draft State budget on April 29, 2015 and forwarded it to the BiH Presidency for adoption. The BiH Presidency delivered the Proposal of the budget to the BiH Parliamentary Assembly, which adopted the State budget for 2015 in its final form at the session of the BiH PA House of Peoples on May 18, 2015.

**THE BIH COUNCIL OF MINISTERS ADOPTED THE ECONOMIC REFORM AGENDA**. At the beginning of June 2015 (June 10, 2015) the BiH Council of Ministers considered and adopted the Economic Reform Agenda for Bosnia and Herzegovina together with a list of measures and plans for the second half of 2015 and the first trimester of 2016, including all obligations under the competence of the BiH Council of Ministers and the implementation dynamics in the given period. The Reform Agenda represents a very important instrument for the economic-social development of Bosnia and Herzegovina with the aim of accelerating the BiH’s European Path, strengthening sustainable, efficient and steady economic growth and creating fair social ambiance in Bosnia and Herzegovina.

**THE CURRENT BIH COUNCIL OF MINISTERS IS FACING IMPORTANT OBLIGATIONS THAT WERE NOT MET BEFORE AND DUE TO WHICH OUR COUNTRY IS BEING THREATENED WITH IMPOSITION OF SANCTIONS.** Inter alia, the Secretariat of the Energy Community plans to propose imposition of certain sanctions to BiH for failing to adopt the Energy Strategy at the State level, which ultimately means that our country would stay without approximately Euro 100 million for very important EU funded energy projects.

**BIH PA I-VI 2015**

**UNLIKE COUNCIL OF MINISTERS, THE BIH PA HAS HAD SIGNIFICANT DECLINE OF ACTIVITIES IN THE SECOND QUARTER OF 2015.** Both houses have halved number of sessions held (House of Representatives fell from 10 sessions in the first quarter to 5 in the second, and the House of Peoples from 8 to only 3 sessions) and the number of measures considered at the sessions in this period was also significantly reduced.

**ORIENTATION 2015 WORK PLANS OF BOTH HOUSES OF BIH WERE ADOPTED WITH CONSIDERABLE DELAY, ESPECIALLY FOR THE BIH PA HOUSE OF PEOPLE, WHICH AFFECTED PERFORMANCE EFFICIENCY OF THE BIH PA IN THE FIRST HALF OF 2015.** The BiH Parliamentary Assembly passed the work programs for both Houses only in one year (2013) of its four-year mandate. Namely, this year’s delay of almost 5 months in adoption of the 2015 work plan of the BiH PA House of Peoples, and almost 1.5 months delay in the House of Representatives, have resulted in “ad-hoc” performance, without precise deadlines for realization of planned activities, which certainly should not be performance characteristic of the highest legislature in BiH or any other authority in BiH. Delay in adoption of the work program makes this key tool for improving performance efficiency of the institutions and their focus on the set goal senseless.

**THERE WERE DELAY IN ADOPTION OF THE 2015 BUDGET.** The trend of timely adoption of the BiH institutions’ budget has been discontinued (before the year to which it refers), which proved to be possible in the last two years of the past mandate (2013 and 2014) under the strong pressure of the IMF. In this year the financing was twice secured by decision of the BiH Council of Ministers on temporary financing due to untimely adoption of the Law on financing of the BiH institutions and international obligations for 2015. Finally the Law on financing of BiH institutions and international obligations for 2015 was adopted at the 11th session of the BiH PA House of Representatives held on May 13, 2015 (under urgent procedure) and at 4th session of the BiH PA House of Representatives held on May 18, 2015 (urgent procedure). Certain MPs had expressed their disapproval of such procedure, especially delegates in the BiH PA House of Peoples, who could not file any amendments to this very important Law.

**DIFFERENT VISIONS OF KEY POLITICAL LEADERS IN BIH ABOUT THE FUTURE OF OUR COUNTRY ARE THE REASON FOR LACK OF COMPLETE AGREEMENT ON A FUNCTIONAL AND EFFICIENT COORDINATION MECHANISM OF THE BIH’S EUROPEAN PATH.** The impossibility to swiftly come to development and adoption of an efficient coordination mechanism on the European path of BiH as the “priority of all priorities” is the main reason why Bosnia and Herzegovina still has not endorsed “The EU Integration Program” as the key document on the BiH’s European path that provides an overview of all obligations related to the process, realization dynamics of all segments in the process, the plan for harmonization of domestic legislation with the EU legislation and an assessment of costs for implementation of the EU Integration program for BiH. We would like to remind that agreement on establishment of an efficient coordination mechanism in the process of BiH’s integration into the EU represents the key preconditions for preparation of that document.

**THE NUMBER OF LAWS ENACTED IN THE FIRST HALF OF 2015 IS UTTERLY MODEST.** A total of 6 Laws were enacted – two in the first quarter, and another four in the second quarter of 2015. At the same time, five laws were rejected, which means continuance of the negative trend by which the number of rejected laws is almost identical to the number of enacted laws or even higher at certain time intervals.

**OUR COUNTRY’S MOST SIGNIFICANT RESULTS IN THE FIRST HALF OF 2015 CAN BE ONLY PARTIALLY ATTRIBUTED TO THE MERITS OF MPS/DELEGATES OF BOTH HOUSES OF THE BIH PA.** Namely the most important event in the first half of 2015 was adoption of the so-called “European Initiative” in the BiH Parliament i.e. the Initiative on commitment of institutions at all levels of authority in Bosnia and Herzegovina to implementation of necessary reforms within the process of association to the European Union. Adoption of the Statement opened possibility for final entry into force of the Stabilization and Association Agreement on June 1, 2015, seven years after it was signed, and our country was offered assistance in the process of reform aimed at stabilizing the country and solving some of the most important problems of BiH citizens. Furthermore, the changes and addenda to the BiH Criminal Law on preventing money laundering and financing of terrorist activities were adopted, which is a very important law by whose enactment BiH avoided so-called “gray” or even “black” Moneyval list.

**BIH INSTITUTIONS STILL CONTINUE TO SYSTEMICALLY DISCRIMINATE BIH CITIZENS AND TO VIOLATE INTERNATIONAL LAWS.** The BiH PA House of Peoples is still functioning without a representatives of “Others”. Even though the European Union is presently not insisting on implementation of the decision of the European Court for Human Rights in the case “Sejdić-Finci” i.e. it does not use it to condition the BiH progress on the European path, such “flexibility” of the European Union cannot be an excuse for the domestic authorities to give up on implementation of the decision, since the reason for implementation of the decision is not part of any of the EU demands and it does not rest on the fact that we will lose any benefits, primarily the financial ones, if we fail to implement the decision, but the reason for implementation of the decision should (and has to) rest on the fact that BiH does not want to be a country that violates human rights of its citizens.

**UNFORTUNATELY, AT THE VERY BEGINNING THE NEW GOVERNMENT MISSED THE OPPORTUNITY TO SHOW A HIGHER DEGREE OF SOCIAL SENSITIVITY THAN ITS PREDECESSORS AND TO REDUCE ITS PRIVILEGES, WHICH ARE COMPLETELY IN DISCORD WITH THE SITUATION IN THE COUNTRY.** It is necessary to complete the legislative procedure in the BiH PA House of People that creates preconditions for cancellation of so-called “White Bread”, severance payment, as well as all payments for the work in the interim commissions.

**THE BIH PA’S TRANSPARENCY IS STILL AT AN ENVIABLE LEVEL.** The BiH PA has been for a long period a time the one institution that has reached a respectable level of transparency due to, *inter alia,* the BiH PA’s website, which with its functionality, amount of the data and regular update, represents an excellent example to other institutions that want to grow in this context.

**SUCCESSFUL BEGINNING OF THE BIH CHAIRMANSHIP OF THE COMMITTEE OF THE MINISTERS OF THE COUNCIL OF EUROPE.** Relevant institutions have assessed the current course of the BiH Chairmanship of the Committee of the Ministers of the Council of Europe as very successful, which is very important for the international position and positive promotion of our country. The aforementioned Chairmanship that each of the Council of Europe’s member states can perform every 25 year will be beneficial for acceleration of our country’s association process to the European Union as well as for fulfilment of BiH’s obligations towards the Council of Europe with the aim to generate preconditions for preparation and submission of a credible application for membership status of Bosnia and Herzegovina in the European Union by strengthening democratization of our country, respecting fundamental human rights of all citizens, which is unfortunately not the case in BiH, and by strengthening international position of our country.

**CONCLUSION**

The process of establishing the government at the level of BiH, but also at all other levels in our country, as well as significant delays in this process, confirmed yet again the need for implementation of the CCI’s initiative to improve election legislation of BiH, aimed at introducing precise deadlines for establishment of the government into the BiH Election Law and opening the possibility of announcing extraordinary elections in cases when deadlines are not observed, work of the institutions is obstructed and when it is impossible for political actors to reach an agreement within “a reasonable deadline”. The problem of obstruction and blockage of institutions’ performance has to be solved in a similar way by developing mechanisms, which will make dismissal of the government a less complicated and real option, in order to prevent situations we have previously witnessed, where certain parties or even individuals hold entire institutions under blockage, turning the citizens into hostages of absurd political games and narrow party interests.