



**CENTRI CIVILNIH INICIJATIVA  
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА**

**Monitoring performance of the RS Government and  
RS National Assembly**

**01.01 – 31.12.2016**

## 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.

As the greater economic crisis hangs over the citizens and certain space and as dissatisfaction with the government is increasing, the need of the politicians to distract people from their everyday problems and to divert accumulated discontent is becoming bigger.

Almost all political analysts agree that this is exactly the goal of constant intensification of tensions in the country.

Some politicians are deliberately producing them, others heartedly welcome them for the same reason, while the rare ones who would like to try some different politics so as to put an end to the growing economic decline into the abyss and to start dealing with the real problems of citizens and improving their quality of life, simply become victims processes which their either cannot or do not know how to challenge.

They become victims, same as the citizens of this country, its every part including Republika Srpska.

This country and its citizens don't need new national homogenizations and conflicts that some politicians irresponsibly produce. This country and its people need jobs, economy development, higher quality of life, rule of the law, fight against crime and corruption as well as ending of unreasonable and unproductive taking of the loans that lead to debt slavery

This country needs politicians, who will fix the problems, not produce them. It needs politicians who will help us hear and understand one another, respect one another, without insulting one another.

### RS NA I-XII 2016

**FOLLOWING A DRAMATIC DECLINE OF BOTH WORK INTENSITY AND PRODUCTIVITY THAT WAS IN THE 3<sup>RD</sup> QUARTER CAUSED BY A COMBINATION OF ANNUAL LEAVES AND MPS' COMMITMENT TO PRE-ELECTION CAMPAIGN FOR THE LOCAL ELECTIONS, THE NATIONAL ASSEMBLY AGAIN INTENSIFIED ITS WORK IN THE LAST QUARTER OF 2016, HOLDING THE LARGEST NUMBER OF SESSIONS IN A QUARTER IN THIS YEAR.** However intensification of the work in 4<sup>th</sup> quarter has just somewhat amortized exceptionally poor results of the previous quarter. Therefore the overall result of the RS NA in 2016, in terms of considered measures, is the second poorest result in the last six years. In this segment the result in 2015 is for 39% better than the result in 2016.

**ACHIEVED RESULT IS A LOGICAL CONSEQUENCE OF TOO MUCH "IDLING" OF THE RS NA DURING 2016.** Besides not working for 3 months in the row – from July 15 to October 10 – the RS NA did not work i.e. it didn't hold sessions in January and November as well. Such an ample conformism or lack of MPs focus on their primary work had to affect the final result.

**THE NUMBER OF LAWS ADOPTED IN 2016 IS A BIT HIGHER THAN IN THE FIRST YEAR OF THE CURRENT MANDATE, BUT BOTH RESULTS ARE BELOW THE AVERAGE OF THE PREVIOUS FOUR-YEAR MANDATE.** The total number of laws adopted in 2016 (57) is for 25 laws less than the number of laws adopted in 2011. Curiosity is the fact that a half of the laws in 2016 were actually adopted in the last quarter.

**THE TRUE DIMENSIONS OF THE PROBLEM ARE ACTUALLY MOST EVIDENT WHEN VIEWING THE WORK PLAN.** Only 39 out of 95 laws that were planned for realization in 2016 the RS NA completely realized.

**ALTHOUGH THE NUMBER OF ADOPTED STRATEGIES IS NOT SMALL, THE PLAN FOR 2016 IN THIS SEGMENT HAS PROVED TO BE UNREALISTICALLY AMBITIOUS.** 9 out of 16 planned strategies were not adopted.

**INSUFFICIENT REALIZATION OF PLANNED OBLIGATIONS IS A CONSTANT PROBLEM IN THE RS NA'S PERFORMANCE.** It is around 50% in both first years of the current mandate.

**EPILOGUE BEING A LARGE NUMBER OF EXCEPTIONALLY IMPORTANT MEASURES THAT COULD POTENTIALLY POSITIVELY AFFECT CITIZENS' QUALITY OF LIFE, BUT WERE NOT REALIZED.** Amongst these unrealized measures are: the Strategy for improving and developing support to family in Republika Srpska, Trade development strategy, Strategy for improving social position of persons with disabilities, the RS Culture Development Strategy, Strategy for mental health development in Republika Srpska, Strategy for improving health and social protection of elderly, Strategy for local self-government development, Strategy for scientific and technological development of RS. Then also: Law on gas, which has not been harmonized and adopted at the national level and because of which we are facing sanctions of the EU Energy Community, Law on protection of persons reporting corruption, Law on incentives in agriculture and rural development, Law on stimulation of employment, Law on cultural property, Law on protection of population from communicable diseases, etc.

**BUT, SOME VERY IMPORTANT MEASURES WERE ADOPTED DURING 2016.** We especially underline the Law on bankruptcy proceeding and Law on suppression of most demanding forms of organized crime and corruption, which, if efficiently implemented, could reinstate citizens' hope that they can be protected in certain processes that so far have been mostly detrimental to the employees and citizens in Republika Srpska. There are also the Foreign Investment Encouragement Strategy, RS Education Development Strategy, Strategy for development of small and medium-size enterprises, and Employment Strategy. When viewing the entire number of measures realized in the Assembly during the reporting period, there are approximately 22% of the measures that can significantly contribute to the process of solving true citizens' problems.

**VIOLATION OF THE RS NA'S RULES OF PROCEDURE CONTINUED IN 2016.** During the sessions of the RS NA its members have been constantly violating the Rules of Procedure that insist on respecting of the RS NA's dignity, focusing on the agenda items, mutual respect, and that prohibits use of offensive expressions as well as presenting of facts and assessments that relate to the private life of other persons, interjecting, distraction of speakers or behavior, which threatens freedom of speech. Although the Code of Conduct for MPs was planned in last year's and this year's work plan of the RS NA it still has not been adopted.

**THE BIH CONSTITUTION WAS ALSO VIOLATED IN THE REPORTING PERIOD I.E. THE DECISIONS OF THE CONSTITUTIONAL COURT WERE NOT RESPECTED.** Contrary to the decisions of the BiH Constitutional Court the RS NA had at the session held in July passed the decision on administering

Referendum in RS. The epilogue is investigation launched by the BiH Prosecutor's Office in the case relating to the failure to implement decision of the BiH Constitutional Court.

**IN 2016 THE RS NA DIDN'T HOLD A SINGLE THEMATIC SESSION AT WHICH IT WOULD CONSIDER QUESTIONS THAT ARE OF CRUCIAL IMPORTANCE FOR THE CITIZENS OF REPUBLIKA SRPSKA.** It is quite indicative that there are 20 doctors in this convocation of the RS NA who never proposed a thematic sessions at which extremely difficult situation in the healthcare would be discussed and solutions found. There are also no thematic sessions about the economy, about protection of domestic production, about situation in real sector, about corruption, about collapse of the banking system in RS, about education, etc.

**ACTIVENESS OF THE RS NA MEMBERS DURING 2016 WAS UTTERLY UNEVEN – ON ONE SIDE THERE WERE VERY ACTIVE MEMBERS, WHO BESIDES PARTICIPATION IN THE DISCUSSIONS AND PUTTING FORWARD MPS QUESTIONS, HAVE PROPOSED LAWS, WHILE ON THE OTHER SIDE THERE WERE MEMBERS WHO DIDN'T USE THE OPPORTUNITY TO PRESENT INTERESTS OF THE CITIZENS, WHO HAD ELECTED THEM, IN THE RS NA.** A total of 46 sessions of the RS NA were held in the reporting period, whereof only 10 were attended by all members. A total of 27 members didn't ask or initiate a single question or an initiative, while 13 members didn't discuss any of the measures on the agenda of the RS NA throughout the entire year.

**UNLIKE THE NATIONAL PARLIAMENT, WHOSE MEMBERS HAVE PROPOSED AS MANY LAWS AS DID THE MINISTRIES OF THE BIH COUNCIL OF MINISTERS, ACTIVENESS OF THE RS NA MEMBERS IN THIS SEGMENT IS QUITE MODEST.** Four laws proposed by the opposition is the only contribution made by the RS NA members in 2016. All four were rejected by the assembly's majority, including the law that set forth decrease of politicians' privileges through termination of "white bread".

**AT THE END WE HAVE TO MENTION THAT THE SUPREME OFFICE FOR REPUBLIKA SRPSKA PUBLIC SECTOR AUDITING HAD ISSUED AN UNQUALIFIED OPINION ABOUT THE WORK AND FINANCIAL PERFORMANCE OF THE RS NA IN 2015.**

**ALTHOUGH, UNLIKE THE SITUATION IN THE FEDERATION, THERE ARE NO PROBLEMS IN THE RULING MAJORITY, WHICH WOULD LEAD TO BLOCKAGES IN THE WORK OF INSTITUTIONS AND OBSTRUCT THE ENACTMENT PROCESS, IT IS QUITE VISIBLE THAT THE RS GOVERNMENT AND NATIONAL ASSEMBLY HAVE IN SOME SEGMENTS NEGATIVELY AFFECTED EACH OTHER'S WORK RESULTS.**

The National Assembly is negatively affecting its results and the results of the Government with the careless attitude towards the planning process of the National Assembly of the Republika Srpska i.e. by failing to respect the need to have the work plans of both institutions adopted before the start of the year to which they relate. It also affects the relevance of these documents and statistical data on their implementation.

The RS NA has in 2016 greatly affected the final results of both institutions with the large breaks in its work.

On the other hand, the lack of efficiency of the government, during most of the year, both in the creation of documents, as well as in their transfer from a draft into a proposal, has resulted in insufficient realization of planned commitments of the National Assembly.

**UNLIKE THE NATIONAL ASSEMBLY, THE RS GOVERNMENT WASN'T IDLING DURING 2016.** During the entire year the work at the regular sessions was even, having a tempo of one session per week on average. The difference in the work intensity by quarters was actually made by significant number of special and consultative sessions that were held in 2<sup>nd</sup> and 4<sup>th</sup> quarter.

**WHEN VIEWED BY QUARTERS THE RESULTS ARE QUITE EVEN.** Exception being the third “pre-election” quarter where there was a certain decline in productivity, but not as dramatic as it was the case with the Assembly. With the exception of that quarter in which 570 measures were considered, the productivity in other quarters was around 700 measures. However, it is significantly less than 900 measures that were considered in 2<sup>nd</sup> quarter and almost 1000 measures that were considered in 4<sup>th</sup> quarter of 2015.

**OVERALL RESULTS INDICATE THAT THE TREND OF CONTINUOUS GROWTH IN WORK INTENSITY AND PRODUCTIVITY, WHICH THE RS GOVERNMENT HAD SINCE 2011, WAS DISCONTINUED IN 2016.**

Constant and respectable growth led to having the result from 2011 of 1644 considered measures grow to 3224 measures considered in 2015, i.e. it was doubled. However, there was a decline of 17% in 2016 and the total result is 2676 considered measures.

**MOST OF THE MEASURES REALIZED AT THE SESSIONS OF THE RS GOVERNMENT DURING THE REPORTING PERIOD ARE EXPECTEDLY OPERATIONAL IN NATURE.** Different information, resolutions, decisions, approvals and reports represent 76% of all measures considered by the Government in this period. Mistrust and centralization of the decision-making led to the situation where the Government uses the sessions to deal with trivialities such as approvals of business trips, while a significant number of measures also relate to staffing policy. Laws, as exceptionally important measures that systematically regulate certain things and that can have long-term effects on citizens' quality of life, make up just 4% of the total number of measures that the RS Government considered in the sessions. While the strategies make up only 0.6% in the total number of considered measures.

**HOWEVER THESE 0.6% REPRESENT 12 STRATEGIES, WHICH IS THE HIGHEST NUMBER OF STRATEGIES DETERMINED BY THE RS GOVERNMENT IN THE LAST SIX YEARS AND IT IS TWO TIMES HIGHER THAN THE NUMBER OF STRATEGIES DETERMINED BY THE GOVERNMENT OF THE OTHER ENTITY.** These strategies are: the RS Employment Strategy for the period 2016 – 2020, Strategy for development of small and medium-size enterprises, RS Industry Development Strategy and policy, Foreign Investment Encouragement Strategy, Education Development Strategy. Strategy for scientific and technological development of Republika Srpska and RS Debt Management Strategy. When it comes to the last one...

**THE CHRONIC INSOLVENCY OF THE BUDGET AND ITS DEPENDENCE ON BORROWING IS QUITE WORRYING, AS ARE THE CONSEQUENCES THAT THE BORROWING HAS ON THE BUDGET AND THE ENTIRE REPUBLIKA SRPSKA.** Allegedly the Government has finally accepted that the public spending has to be reduced. How it will be done remains to be seen in 2017. Some painful cuts are imminent and creditors' influence on the political decisions is becoming more obvious.

**ADOPTION OF THE RS BUDGET FOR 2017 WAS LATE DUE TO NEGOTIATIONS WITH THE IMF AND THE NEED TO MEET THE CONDITIONS FOR GETTING THE LOAN.** The RS budget for 2017 was adopted under urgent procedure on December 24, 2016 instead of being adopted by December 15 as it is set forth by the Law on the budget system of Republika Srpska.

**REALIZATION OF THE LAWS IN 2016 IS BELOW THE AVERAGE OF THE PREVIOUS MANDATE.** A total of 78 laws adopted by the RS Government in 2016 represents a slight improvement compared with 75 laws

that were adopted in the previous year, but it is much worse than 90 laws that were adopted in 2011 and 2013.

**MEETING OF THE IMF'S CONDITIONS SHOWED THAT THE GOVERNMENT CAN ACT QUICKLY AND EFFICIENTLY WHEN PUT UNDER PRESSURE. ON THE OTHER SIDE, THE LEGISLATIVE WORK WAS NOT EFFICIENT.** 40% of the laws from the RS Work Plan for 2016 were not realized in any form, while the Government did not completely meet its obligations for additional 17% of the laws. When viewing the entire Work Plan the percentage of unrealized activities is quite similar. The percentage of realization of planned strategies is even lower. More than half of planned strategies is not realized – 10 out of 18.

**THE WORK PLAN OF THE GOVERNMENT WAS ADOPTED WITH A SIGNIFICANT DELAY – 11.4.2016 – VIOLATING THE GOVERNMENT'S RULES OF PROCEDURE, WHICH PRECISELY DEFINES THE OBLIGATION OF ADOPTING THE WORK PLAN FOR A PARTICULAR YEAR BEFORE THE END OF THE PREVIOUS YEAR. THE WORK PLAN FOR 2017 ALSO WASN'T PREPARED NOR ADOPTED ON TIME.**

The failure to adapt the contents of the Work Plan to the significant delay in its adoption resulted in a structural mistake in the Government's Work Plan which has, inter alia, brought the validity of statistical data about its realization under a huge question mark.

**REALIZATION OF THE REFORM AGENDA ACTION PLAN, ACCORDING TO THE RS GOVERNMENT'S REPORT AT LEAST, HAS SOLID DYNAMICS.** By December 31, 2016 the Government of Republika Srpska has completely realized 41 measures out of 74 measures planned in 2015 and 2016 (55.4%), while realization of additional 33 measures (44.6%) is underway.

**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 seats (23% - there are 4 women out of 17) whereat it is 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 to be discrimination that in line with this law has to be eliminated.

**TRANSPARENCY OF THE GOVERNMENT, UNLIKE THE TRANSPARENCY OF THE RS NATIONAL ASSEMBLY, IS JUST BARELY ACCEPTABLE.** The government should finally solve the continuous availability of full information about its work - regularly publish the minutes and transcripts from the sessions on its website, enable downloading of materials, which are discussed in the sessions, in electronic form, publish certain reports, which are currently not available on the website of the Government... The CCI, which continuously monitors the work of the authorities at all levels in BiH, is in the situation where despite the insistence and references to the Freedom of Information Act it cannot obtain the data, or the minutes from all sessions that the Government held.

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Finally, we would like to emphasize the need for increasing efficiency of both institutions in the second half of their mandate, especially in terms of realization of planned measures, with a focus on laws and strategies.

We also emphasize the need for both institutions to adopt their 2017 Work Plans as soon as possible and the RS NA to finally define in its Rules of Procedure the obligation to adopt the Work Plan before the start of the year to which it relates and to comply with that obligation in the future.

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 restrain from to raising tensions in the country. Tensions that no one needs.

We once again welcome the Declaration of the RS National Assembly condemning the hate speech, which was adopted in 2016, and we also urge the authorities, at all levels, as well as holders of public functions (including the party leadership), to fight hate speech being aware of their influence. To fight hate speech regardless of who is using it, and feeling specially obligated to do so when it comes from their own environment.

We call for more mutual understanding and empathy or as the Prime Minister of the neighboring country likes to say “to get into shoes of others more often so we could understand each other better”.