

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

**01.01 – 31.03.2015**

**INTRODUCTION**

At the very beginning it is important to mention that this Report is result of regular monitoring of the RS NA's sessions, correspondence with the Government officials and the timely presence at the above mentioned sessions.

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The first quarter of 2015 in RS was characterized by enactment of the controversial Law on public peace and order, a special session of the NA that was dedicated to the Statement on BiH’s European path, the first package of draft reform laws and measures of the Government, and fierce accusations by the opposition.

**THE RS NA ENACTED THE CONTROVERSIAL LAW ON PUBLIC PEACE AND ORDER DURING THE REPORTING PERIOD, COMPLETELY DISREGARDING THE ARGUMENTS AND PROTESTS OF THE PUBLIC, REPRESENTATIVES OF THE INTERNATIONAL COMMUNITY IN BIH, AND ORGANIZATIONS FOR PROTECTION OF HUMAN RIGHTS AND MEDIA FREEDOMS.** Utterly loosely and unclearly formulated provisions of this law have impelled its critics to conclude that these provisions have no other purpose, but to limit freedom of speech. TheOSCE stated that the Law is devastating to the freedom of expression and media freedom on the internet in Republika Srpska, and the Human Rights Watch requested the law to be declared null and void. The opposition rejected to even participate in discussion about this law, underling its destructive nature, but the ruling majority has decided to ignore all warnings and has enacted the law that is detrimental not only to the RS citizens, but also to the RS reputation in the international community.

**THE TREND OF REDUCING CIVIL LIBERTIES, PRIMARILY THE FREEDOM OF THOUGHT AND EXPRESSION IS AT WORK IN REPUBLIKA SRPSKA.** Attitudes of representatives of authority towards the media and the public, and the scandals that did not even circumvent the first quarter of 2015 – and these include blatant hate speech by the highest ranking officials – only confirm the conclusion that instead of the laws smothering freedoms, Republika Srpska (as well as the entire BiH) need laws that are to protect the media and the civil society organizations, guaranteeing the public’s right to objective informing and freedom of expression and assembly. Unfortunately the announcements of certain new legislative novelties (such as the Law on public work of non-profit organizations and the Law on public assembly, which are to be discussed before the RS NA in the days to come) corroborate the thesis that the authorities in RS are systematically reducing the space for human rights and freedom of expression, exerting pressure to the critics of negative phenomena in the society.

The laws in their proposed form, as well as already enacted Law on public peace and order, are not in the interest of the citizens or Republika Srpska, and are also not in line with the commitment to the membership of BiH in the EU.

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**RS NA I-III 2015**

**THE AFFAIR OF ALLEGED “BUY-OFF” OF MPs WAS NOT SETTLED IN THE FIRST QUARTER OF 2015 AND IT STAINED THE EFFICIENTLY CONDUCTED PROCESS OF ESTABLISHING GOVERNMENT IN RS AND WAS DETRIMENTAL TO THE REPUTATION OF THE NATIONAL ASSEMBLY.**Let’s recall that the RS is the only administrative-territorial unit in BiH that established it legislative and executive authority on time and in line with the deadlines prescribed by the Law. Unfortunately the public is still deprived of relevant official information about what actually did happen in the post-election scandal that shook RS, which leaves enough room for speculations that seriously impair reputation of the RS authorities and additionally diminish citizens’ confidence in the latter, which is quite a serious problem.

**THE RS NA IS FUNCTIONING WITHOUT A CROAT REPRESENTATIVE IN THE LEADERSHIP.** Following the failure to elect the vice president of the RS NA and the violation of the Rules of Procedure at the RS NA’s constituting session, the two vice presidents of the RS NA were subsequently elected in the second half of December– Senad Bratić from the Coalition Homeland and Nenad Stevandić from SDS. However, the RS NA still does not have a vice president from among the Croat people, wherewith the Constitutional right of the constituent peoples “to be adequately represented in legislative, executive and judicial bodies of authority” has been impaired. Irrespective of the legal obligations, such actions put an end to the good practice, which in the last mandate resulted in an increase of number of vice presidents for the purpose of preventing impairment of the existing symbolic forms of national equity by other types of needs and interests.

**THE DEGREE OF WOMEN’S REPRESENTATION IN RS NA LEADERSHIP AND IN ITS WORKING BODIES JUST ADDITIONALLY CONFIRMS INEQUITABLE POSITION OF WOMEN IN THE SOCIETY AND ITS PATRIARCHAL CHARACTER.** There is only 17% of women (14 out of 83) in the new composition of the RS NA, which is even lower than in the Houses of Representatives of the BiH Federation and the BiH Parliament. Contrary to the past composition there are presently no women in the leadership of the Assembly, and only one out of 7 caucuses is led by a woman. Women are presidents of only six out of 24 working bodies of the RS NA.

**THE SPECIAL SESSION OF THE RS NA AT WHICH, UPON THE PROPOSAL OF THE RS PRESIDENT, THE STATEMENT ON THE BIH’S EUROPEAN PATH WAS DISCUSSED, CONFIRMED EARLIER EXPRESSED DECLARATIVE COMMITMENT OF ALL POLITICAL ACTORS IN RS TO THE EUROPEAN INTEGRATION PROCESS.** Perhaps the major significance of this session, which many actors at the political scene characterized as unnecessary repetition of what has been saidalready, rests in the fact that the RS authorities thus made an additional commitment to implementation of the reforms aimed at improving citizens’ quality of life and general situation in the country. In this context we can also observe the first set of reform measures, which the Government prepared, and the RS NA approved and sent into the further procedure during the reporting period.

**REACTION OF THE TRADE UNIONS SHOWS THAT, DUE to DIFFERENT REASONS, THE REFORMS ARE NOT TO HAPPEN QUICKLY.** The trade unions have assessed certain Government measures from the “first package” as insufficient to mend hard financial situation faced by the public healthcare institutions, as well as being destructive and detrimental to all citizens and health care workers. The managing board of the Healthcare Workers’ Trade Union has invited all members of the National Assembly of Republika Srpska not to adopt proposed laws in the interest of the citizens, patients and the healthcare workers.

**THE ANALYSIS OF THE MEASURES THAT THE RS NA CONSIDERED IN THIS PERIOD CLEARLY INDICATES THAT THE HIGHEST NUMBER OF CONSIDERED MEASURES ARE THE LAWS, WHICH REPRESENT 45% OF ALL CONSIDERED MEASURES.**Besides the laws the documents that were adopted by the MPs are reports of different Republic agencies and companies, as well as the reports of the Chief Office for the RS public sector auditing. The members of the parliament have made serious objections since in 2015 they were considering certain reports that should have been considered in 2014. Some of the reports were put away into parliamentary drawers for 7-8 months, such being the Report on situation in the Banking Agency of RS or the RS Insurance Agency, which the RS Government passed on July 3, 2014.

**IN THE FIRST QUARTER OF 2015 THE RS NA HAS SHOWN RESPECTABLE LEVEL OF ENGAGEMENT, WITH THE EXCEPTION OF TRADITIONAL JANUARY BREAK.** In the period from 03.02. (when first session of the RS NA in 2015 was held) until 06.03. (when the last session of the first quarter was held) the RS NA held 12 sessions at which it considered 50 different measures and completed the work on 30 of the measures. Realization in the first quarter of 2015 is somewhat higher than the average realization in the first quarters of previous four years. It is higher than realization in the first quarters of 2011 and 2014, and lower than realization in 2012 and 2013.

**SINCE 2008 THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA WAS NEVER MORE BEHIND IN ADOPTING ITS ANNUAL WORK PLAN THAN NOW.**During the previous years the RS NA has regularly missed the opportunity to adopt its Work plan before beginning of the year to which it relates, neglecting the common sense logic and justifying this practice with non-existence of a fixed deadline in the Rules of Procedure. Unfortunately, the negative practice continues with the new composition of the RS NA, and the 2015 Work Plan has not been adopted by the end of 2014, but only on April 16, 2015. It means that the RS NA has been working without a Work plan during the entire first quarter. A peculiarity lies in the fact that during the second half of January, at the time when they should have discussed plans to efficiently implement already adopted programs, the RS NA President and Prime Minister met and discussed activities to prepare(!) the RS NA Work plan for 2015.

**BESIDES CONSTANT TARDY ENACTMENT OF THE ANNUAL WORK PLAN THE RS NATIONAL ASSEMBLY HAS A CONSTANT PROBLEM WITH ITS IMPLEMENTATION.**The RS NA could have prepared the 2015 Work Plan using only backlogs from the previous mandate. Actually, if we are to reflect only on numbers, it could have prepared two plans, since realization of the four annual work plans in previous mandate is below 50%. Statistically it means that more than two annual work plans remained completely unrealized, leaving many measures that are very important for the RS citizens unrealized. This should be a very serious lesson for the new composition of the RS NA that serious engagement, focus, efficiency and pressure on the Government is needed aimed at its efficient performance and delivery of the necessary documents to the Assembly.

**THE TRANSPARENCY OF THE RS NATIONAL ASSEMBLY IS AT AN ENVIABLE LEVEL.**The RS NA has in cooperation with the OSCE worked on designing a new web site. The web site is functional, has a respectable level of information and it is expected to be regularly updated with new information. However, we notice that RS authorities do not mind foreign financial and expert assistance if directed towards them, but only when it is directed towards their critics.

**THE RS GOVERNMENT, UNLIKE THE RS NATIONAL ASSEMBLY, WAS NOT SUFFICIENTLY TRANSPARENT IN ITS WORK.** Besides already usual delay in publishing minutes of the sessions, the RS Government has this time failed to provide the CCI with the information on incomes of the Government’s members, even though the request for this information was submitted on time and in line with the Law.

**ON THE OTHER HAND, WE CONCLUDE THAT THE REPORTING PERIOD IN REPUBLIKA SRPSKA WAS CHARACTERIZED WITH FIERCE VERBAL CONFLICTS BETWEEN THE GOVERNMENT AND OPPOSITION, WHICH SOMETIMES WERE CONSIDERED AS INAPPROPRIATE FOR PUBLIC SPEAKING.**The opposition has seriously criticized the authorities that they did not and do not want to solve any of the affairs. The recent withdrawal of the Advanced Srpska party’s MPs from the ruling coalition, whereby the ruling coalition now has only 42 out of 83 MPs, has been explained in a very similar way – as a protest due to the failure tosettle the “MPs buy-off” scandal in the RS NA, which, as we already have said, seriously impaired reputation of the authorities in Republika Srpska.

**RS GOVERNMENT I-III 2015**

**REPUBLIKA SRPSKA IS THE ONLY ADMINISTRATIVE-TERRITORIAL UNIT IN BIH THAT ESTABLISHED THE NEW GOVERNMENT BEFORE THE FIRST QUARTER OF 2015 – PRACTICALLY 3 AND A HALF MONTHS BEFORE THE BIH FEDERATION.** The RS Government worked in technical mandate until December 17, 2014, when majority of MPs at the second special session of the RS NA supported ministerial composition proposed by the President of the Government Željka Cvijanović, who is elected president of the RS Government for the second time. As a reminder, the government of the other BiH entity was elected on last day of March 2015.

**AND WHILST THE BIH FEDERATION HAS JUST ELECTED THE NEW GOVERNMENT, THE GOVERNMENT OF REPUBLIKA SRPSKA HAS FINISHED ITS FIRST 100 WORKING DAYS. UNFORTUNATELY THE RESULTS ARE NOT PARTICULARLY IMPRESSIVE.**The results are actually comparable to the ones achieved by the FBiH Government “in technical mandate”. The number of sessions is almost the same (the BiH Federation Government held one session more), number of realized measures is significantly higher, but the total number of finalizedlaws is very close. The RS Government determined 15 draft laws and only two proposals, and the BiH Federation Government determined 13 proposals of the laws in the first quarter of 2015.

**THE MOST SIGNIFICANT RESULT OF THE RS GOVERNMENT IN FIRST QUARTER OF 2015 IS ADOPTION OF THE FIRST package OF DRAFT REFORM legislation.** The opinions on possible effects of these laws are divided.Reaction of the trade unions shows that, due to different reasons, the reforms are not to happen quickly. The trade unions have assessed certain Government measures from the “first package” as insufficient to mend hard financial situation faced by the public healthcare institutions, as well as being destructive and detrimental to all citizens and healthcare workers. The managing board of the Healthcare Workers’ Trade Union has invited all members of the National Assembly of Republika Srpska not to adopt proposed laws in the interest of the citizens, patients and the healthcare workers.

**SIMILAR SITUATION IS WITH THE LABOR LAW FOR WHICH THE GOVERNMENT IS UNSUCCESSFULLY TRYING TO GET CONSENT FROM THE “SOCIAL DIALOGUE PARTNERS”, AND HAS BEEN GETTING MORE AND MORE NERVOUSLATELY.**Pre-election commitment to labor rights and pretended readiness to terminate relations with the IMF, if it continues to insist on the law, which is to jeopardize labor rights, gave way to the post-electionrush to meet the IMF’s demands in order to receive the new credit tranche and to close many “gaps” caused by years-long irrational, arbitrary behavior and investments made into the public spending instead to the development and employment. But it seems that the trade unions are not ready to peacefully accept already prepared scenario.

**INDEBTEDNESS IS STILL THE MAJOR PROBLEM THAT REPUBLIKA SRPSKA IS FACING – THE TOTAL DEBT HAS REACHED THE AMOUNT OF TWO AND A HALF ANNUAL BUDGETS.** The debt of RS is above 5 billion KM, while the 2015 Budget is 2.033 billion KM. One fourth of the budget for 2015 has been earmarked for debt repayment. The practice of constantly taking on new debts has led to the situation where the RS in this year has to earmark two and a half times larger sum for debt repayment than in 2011.

**HOWEVER THE RS IS THE FIRST TO GET THE 2015 BUDGET WITHIN DEADLINE SET FORTH BY THE LAW, BY THE END OF 2014.** The RS NA adopted the RS Budget for 2015, as well as its economic policy on December 28, 2014. However, the documents were adopted against significant objections that were made by the opposition and the RSUnion of Association of Employers. The budget was finally adopted on time, but the Government was late in determining the proposal, having delivered it to the National Assembly 20 days after expiration of the deadline – which, according to the RS Law on budgetary system, is December 1.

**THE RS GOVERNMENT NOT ONLY FAILED TO ADOPT ITS 2015 WORK PLAN BY THE END OF 2014, THUS VIOLATING THE RULES OF PROCEDURE, BUT IT ALSO FAILED TO ADOPT IT BY THE END OF FIRST QUARTER OF 2015, WHICH IS SO FAR THE BIGGEST DELAY IN ADOPTION OF THE WORK PROGRAM IN THE LAST NINE YEARS.** Non-existence of individual responsibility and sanctions for such negligence have resulted in the fact that the most significant tool to enhance efficiency of an institution and to bring its focus on planned activities was never adopted on timeduring the previous two mandates.

Furthermore, the RS Government never ended a year having completely realized all planned activities. A very serious Work plan, even a multi-annual one, could have been prepared using backlogs in realization of planned obligations during the previous mandate.

**COMPARED TO PREVIOUS YEARS, THE RESULTS OF FIRST QUARTER OF 2015 ARE NOT THE BEST ONES, BUT ACCORDING TO SOME PARAMETERS THEY ARE THE WORST ONES.** When making a comparison to the previous years, one can observe that the Government spent most time in session during 2011 - 48, and the least during 2015 - 32. With regard to the measures discussed at the sessions the best result was achieved in 2014 – 676, and the worst in 2012 – 478.

**ANALYSES OF THE MEASURES, I.E. THE DOCUMENTS THAT ARE DISCUSSED BY THE GOVERNMENT, PORTRAY A BIT UNEXPECTED PICTURE.** The largest number of measures that were discussed in the first quarter of 2015 are decisions that represent 19.6% of all discussed measures. The decisions are mostly about the official travels of ministers, directors of RS public institutions, and agencies that work under auspice of the RS Government. A total of 71 out of 139 decisions are approvals for official travels of the RS Government members and managers of Republic organizations and institutions. A total of 30 out of 46 reports are reports on official travel made by above-mentioned officials of the RS Government. The information about benefits of these travels are unknown, and the minutes of the RS Government’s sessions also do not give any details on purpose of these travels.

On the other hand, only 16 reports in the first quarter relate to economy, concessions and similar activities.

**DIFFERENT MINISTRIES OF THE RS GOVERNMENT CONTRIBUTE DIFFERENTLY TO ITS RESULTS.** Four out of 16 ministries of the RS Government – Ministry of industry, energy and mining, Ministry of finance, Ministry of agriculture, forestry and water management and Ministry of education and culture – proposed half of all measures discussed by the Government during the reporting period. The largest number of laws was determined by the Ministry of finance –12 out of 17 that were determined.

**ONE REMINDER –A YEAR HAS PASSED SINCE THE CATASTROPHIC FLOODS HIT REPUBLIKA SRPSKA AND CAUSED MAJOR DAMAGES, WHICH STILL HAVE NOT BEEN COMPLETELY ELIMINATED.** It was a catastrophe that was not caused onlyby the natural disasters, but here a more significant role was played by the human factor. The authorities showedidleness, negligence, inability and hazardous behavior by abusing and improperly directing available funds, and failed to work on designing systemic preconditions to prevent the accidents or to minimize their effects and consequences. Even though many individuals within the authorities had warned about imminent threat and measures that need to be undertaken, as well as about the fact that reconstruction of the flood defense system is the most important task for Republika Srpska, instead of dealing with reconstruction of existing dams and building of new defense systems to fight the floods or any other natural disaster the authorities had dealt with controversial projects, which were often criticized by the public due to their costs, and the fact that their benefit iscompletely questionable.

This is also indicative of certain things that were focus of the CCI’s warnings for many years now, and that the CCI would like to repeat at this moment when the new composition of the RS NA and the new RS Government are practically at the very beginning –even significant productivity of the Government and the RS NA will mean nothing without their work being correctly focused on the true citizens’ needs and problems.Same as the responsible government, in case of limited financial potentials, invests into the projects that will improve living standards of the citizens or save their lives and property in case of a natural disaster, instead of investing into luxury and privileges of political establishment, so the responsible government in its work focuses on measures that will alleviate and improve lives of its citizens.

And in the context of anniversary of the floods, the governments (from the lowest to the highest level of authority) ought to explain to their people what they have done during the last year (and with whose money!) and what they intend to do in the next period! Can citizens of Republika Srpska feel safer or do they have to fear every serious rainfall?

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