

**Monitoring report on performance**

**of the RS Government and the RS NA**

**January 1 – June 30, 2015**

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**INTRODUCTION**

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The continuance of political turbulences in the RS has characterized the period since the last CCI's report on performance of the RS Government and the RS NA for the 1st quarter of 2015. The struggle for power between the two political factions has employed all available means, even the improper ones.

One should note that the affaire of alleged “buy-off of MPs” that had seriously shaken the democratic foundations of the society and inflicted serious damage, is still unresolved, even though the last session of the RS NA that was convened upon request of opposition MPs was actually dedicated to this issues.

One of most significant events that had happened in the political life of RS during the first 6 months of 2015 is the government’s abandonment of the Law on public gatherings and the Law on publicity of work of the non-government organizations. As the ruling majority, even besides protests of the public and the representatives of “international community” in BiH, adopted the quite restrictive Law on public order and peace at the beginning of the year, the two other laws whose enactment would mean further decrease of the civil liberties and human rights in RS were put forward into the parliamentary procedure. Luckily, the laws were withdrawn from the procedure.

The transparency of the NGO’s performance is a self-implied imperative, and everybody would benefit from introduction of more order in this area, including the genuine NGO activists. The only problem here is that “introduction of order” must not become introduction of political control over the NGO sector. The NGO sector has to maintain independence from the authorities with which it has to jointly work on improving quality of life and advancing the civilization standardsin order to meet its social function and to serve the citizens and the society.

We consider withdrawal of these laws to be a positive action (especially if it is not solely a product of pressure, but the product of the inner-growth of consciousness as well), but we also find it to be insufficient and we do expect adoption of the changes to the Law on public order and peace that would declare the controversial provisions of the law that attack freedom of thought and expression, as the main values of a democratic society, null and void.

We do also expect that no more conflicts in the society will be generated and that the politicians will focus on solving the true problems of the citizens.

The steps undertaken in the context of announced reforms that should stop further decline and bring economic recovery of the country as well as growth in the number of employed, do give some hope, but impossibility to reach a social consensus on necessary reforms is quite worrying. Equally worrying are the recent steps taken towards causing instability in the country and these steps,at the very least, are contrary to the need to attract foreign investments to the country – aimed at generating economic recovery and new jobs.

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**RS NA I-VI 2015**

**THE COMPOSITION OF THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA AND THE POWER OF PARLIAMENT CAUCUSES HAVE UNDERWENT CERTAIN CHANGES IN THE REPORTING PERIOD AND A NEW CAUCUS IN THE ASSEMBLY WAS ALSO ESTABLISHED.**After Slavko Dunjić was excluded from the SDS at the end of February of 2015, the two other members Nenad Stevandić and Darko Banjac had also left the party. The three of them, together with the MP Duško Ivić from DNS, established a new caucus in the NA. In line with the BiH CEC’s decision Tomica Stojanović (SDS) lost his mandate in the RS NA (due to “incompatibility of functions”), and the MPs Boris Jerinić (SDS), Adil Osmanović and Edib Ramić (Homeland Coalition) resigned their positions in order to assume other functions to which they were elected. Simuna Žakula and Želimir Nešković (SDS), Mihnet Okići and Murvet Bajraktarević (Homeland) substituted these MPs in the Assembly.

The SNS MPs had also abandoned the assembly’s majority in the second quarter of 2015 and there were certain problems in functioning of the SNSD caucus, which provided opportunity to attempt establishment of a new majority and the new Government, but it has ended in failure.

**THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA HAS FAIRLY EQUABLE WORK TEMPO.** In the 2nd quarter of 2015 the RS NA has kept its activities at the 1st quarter level (the same number of sessions and almost identical number of considered measures), and the results achieved in the first six months are at the level of average achieved in the previous mandate. The only problem is that the productivity should be significantly higher, but the responsibility rests mainly on the Government, since all these years the Assembly has been quite efficiently concluding the work on all documents that were put forward by the Government.

**EVEN THOUGH ALMOST HALF OF THE ACTIVITIES IN THE FIRST 6 MONTHS OF 2015 RELATE TO THE LAWS, THE FINAL RESULT IS QUITE WORRYING AND DEMANDS SERIOUS INCREASE OF EFFICIENCY FOR THE REST OF THE YEAR.** The laws represent 45% of the measures that were discussed in this period, but the final result is 10 completely enacted laws and additional 29 that were adopted as a draft and forwarded into further procedure. This is the worst result in the last five years. Namely, a total of 20 laws were adopted in the six-month period of the first two years of the previous mandate respectively. Approximately 30 laws were adopted in the last two years of the previous mandate respectively. The highest productivity was recorded in the first six months of 2013 when 31 laws were adopted and additional 30 laws were accepted as a draft.

**THE DELAY IN ADOPTION OF THE WORK PROGRAM OF THE RS NA WAS THE LONGEST ONE SINCE 2008.** The RS NA Work program for 2015 was adopted on April 17, 2015, which means that in 2015 the RS NA worked three and a half months without a work plan, ignoring the fact that the delay in adoption of the work program has resulted in the insufficient efficiency of the government in RS.

The CCI got assurances that the new changes to the Rules of Procedures are to define the NA’s responsibility to adopt the work plan before the year to which it relates.

**IN ADDITION TO THE DELAYS, THE PROBLEMS ALSO EXIST IN THE WORK PROGRAM’S STRUCTURE AND THE SO-CALLED “BACKWARD PLANNING”.** Namely, even though the RS NA adopts its work program with months-long delay, it prepares the program as if it is to be adopted on time, i.e. before the year to which it relates has started. It means that the program, even though it was adopted in April, contains the plan for the first three months and the measures that were already implemented at the time the program was enacted.

Such an approach turns adoption of the work plans into a pure senseless formality, but it also disables keeping of proper statistics on implementation of planned obligations, thus artificially increasing efficiency of the institution. It means that half of the measures that according to the RS NA Work program for 2015 were realized in the first six months of the year are actually the measures that were implemented before the Program was even adopted. The bottom line is that the annual work programs have to be adopted on time (before the beginning of year to which they relate), and if not adopted on time, then the work programs can onlybe adopted for measures that are planned to be realized during the rest of the year, which also means setting adequate deadlines for their adoption.

**THE MEMBERS OF THE RS NA WERE NOT VERY ACTIVE IN THE FIRST HALF OF 2015.** All members of the NA RS were present at only 2 out of 23 sessions held in the first six months of 2015. Only 44 out of 83 members of the RS NA attended all sessions held in the reporting period. A total of 12 members of the RS NA did not discuss any measures that were put on the agenda of the RS NA’s sessions during the first six months of this year, and 12 more members discussed only one measure. A total of 30 members of the RS NA did not put forward any questions in the first six months, and none of the MPs submitted any drafts of legal regulations in the first six months of 2015.

**THE TRANSPARENCY OF THE RS NA 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 the new information.

**THE CCI UNDERLINES THE FACT THAT A REPRESENTATIVE OF CROAT PEOPLE IS STILL NOT ELECTED TO THE RS NA PRESIDENCY AND THERE ARE ALSO NO WOMEN.**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. The behavior that jeopardizes women’s equality in the leadership of the RS NA has been continued, and unlike during the previous mandate, there are no women in the leadership anymore.

**RS GOVERNMENT I-VI 2015**

**THE GOVERNMENT OF REPUBLIKA SRPSKA HAS SIGNIFICANTLY INTENSIFIED ITS WORK IN THE 2ND QUARTER OF 2015.** The number of Government’s session increased for 35% (from 20 to 27), and number of measures realized at these sessions increased for 40% (from 652 that were considered in the 1st quarter to 917 measures that were considered in 2nd quarter of 2015).

**PRODUCTIVITY AND EFFICIENCY DEMONSTRATED IN THE FIRST HALF OF 2015 ARE THE HIGHEST IN THE LAST FIVE YEARS.** So far the highest number of measures – 1569 was considered for the shortest number of hours in session (with regard to only 868 measures realized in the first six months of 2011).

**QUANTITY DOES NOT NECESSARILY BRING QUALITY.** The poorest result so far was achieved in terms of legislative activities (by comparing first 6 months of the last 5 years). Namely, only 40 laws were verified in the first six months of 2015, whereof only 16 were proposals of the laws. As a comparison, almost three times more proposals of the laws, together with a smaller number of draft laws, were verified in the first 6 months of 2013.

On the other hand, 30% of the total number of verified decisions (85 out of 278) are decisions approving business travels of the ministers and the RS Prime Minister in the first six months of 2015. Out of 196 reports verified in the first 6 months of 2015, a total of 93 or 47% are reports on business travel of the ministers of the RS Government, Prime Minister, and the directors of public enterprises and other institutions of RS.

The highest number of measures that the Government considered in the first six months of 2015 relate to the decisions, approvals and information that represent half of all considered measures.

**POOR RESULTS OF LEGISLATIVE ACTIVITIES DIRECTLY AFFECT RESULTS OF THE NATIONAL ASSEMBLY.** Since development of the legislative framework of the RS, i.e. adoption of the laws, is the most significant activity of the RS NA and since it naturally depends on the Government to execute these activities, poor Government’s productivity in this segment leads to the poor results of the RS NA. One of the imperatives before the Government is speedier crafting of thelaw proposals after the latter pass the public discussions.

**THE CONTENT OF SOME ADOPTED LAWS SHOWS THAT QUANTITY DOES NOT NECESSARILY MEAN QUALITY.**The best example is the Law on changes and addenda to the Law on public order and peace that the Government adopted at the end of last year and the RS NA in the first quarter of 2015. The law represents a serious attack on freedom of expression and the RS was presented as an undemocratic community. The similar situation is with the Law on changes and addenda to the Law on public gatherings, which the Government verified on April 23, 2015 and which holds several controversial provisions. Luckily the law was withdrawn from the procedure, and we hope that the controversial provisions are to be removed i.e. that the law is to be aligned with the European standards and that it will not represent an additional obstacle on the way to achieving these standards.

**IN LINE TO ITS COMMITMENT UNDER THE SIGNED STATEMENT ON THE EUROPEAN PATH, THE GOVERNMENT OF REPUBLIKA SRPSKA HAS STARTED THE REFORMS.** In the reporting period the Government adopted a set of reform laws (which divided public opinion, but whose quality is best to be seen in practice). At the same time intensive negotiations about the reform agenda were held in this reporting period (the Government adopted the agenda in July).

**REACTION OF THE TRADE UNIONS TO THE FIRST PACKAGE OF REFORM LAWS AND TO THE ANNOUNCED CHANGES TO THE LABOR LAW SHOW THAT THE REFORMS ARE NOT TO HAPPEN ALL TOO QUICKLY DUE TO DIFFERENT REASONS.** The trade unions have assessed certain Government measures from the “first package” as insufficient to mend hard financial situation faced by certain public institutions, as well as destructive and detrimental to all citizens and the workers in various sectors, calling upon the delegates not to adopt the measures. On the other hand negotiations between the Government, Employers’ Union and the RS Alliance of Trade Unions over the new Labor Law yielded no results. It has become evident that the Labor Law will be adopted without an approval from the “social dialogue partners” since the Government will not have time to wait for a consensus between the social dialogue partners due to the lack of funds in the budget and the fact that new tranche of the IMF’s loan requires adoption of this law.

**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 is earmarked for debt repayment. The practice of constantly taking on new debts has led to the situation that RS in this year has to earmark two and a half times larger sum for debt repayment than in 2011.

**WORK PROGRAM OF THE RS GOVERNMENT FOR 2015 WAS ADOPTED WITH A BIGGEST DELAY IN THE LAST 9 YEARS.** The 2015 work program of the Government was adopted on May 4, 2015, which means that the Rules of Procedure that precisely define the obligation to adopt the work program for a certain year before the end of previous year have been violated. The program contains 431 measures, whereof 94 are laws.

**THE PROBLEM OF EARLIER MENTIONED “BACKWARD” PLANNING IS EVEN MORE EVIDENT WITH THE RS GOVERNMENT.** Although it was only adopted in the fifth month, the 2015 Work program of the Government contains a “plan” for the first 4 months and the measures that were already implemented at the time it was adopted.

The data indicate that almost two thirds of the measures found in the Work Program and realized in the first six months were realized even before the program was adopted.

The RS Government must start observing its own Rules of Procedure that do not set forth the provision of “waiting for coordination with the RS NA”, which is the Government’s main excuse when questioned about the delays. If the RS NA does not react on time, the Government should adopt its Work program within the deadline set forth by the Rules of Procedure. There are available revision mechanisms that the Government can always use after the RS NA adopts the Work program.

**the work OF THE RS GOVERNMENT WAS INSUFFICIENTLY TRANSPARENT.** The minutes are still not published on Government’s website and there is significant tardiness in delivering minutes when requested by the interested individuals and citizens.

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The Centers of Civil Initiatives urge the authorities to bring the reform agenda closer to the public and to go an extra mile to achieve a consensus through a dialogue with all interested actors, because serious reform interventions that the RS and BiH need can be only successfully implemented in an atmosphere of a social consent over the set objectives.

Of course, we also urge all responsible institutions to finally resolve the affaire of alleged “buy-off of MPs” in order to stop further negative reflection of this case on the entire social life in RS and on the citizens’ confidence in the government institutions, which was seriously shaken with this affair.

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