

**Monitoring performance of the RS Government and the RS NA**

**01.01 – 30.09.2015**

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The work of the government institutions of Republika Srpska in the observed period has been characterized by gradual radicalization of conflicts between the government and the opposition to an degree where it has, as it seems, achieved its maximum at the verbal level – the opposition had disputed legitimacy of the current government, accusing it of being established on political corruption as well as of heavy crime, abuse of power and economic destruction of Republika Srpska, and the government accused opposition of betraying the national interests.

The level of communication between political actors, both at the sessions and in public, is far from acceptable. Participants in discussions do not respect each other, the decisions in the Assembly are often made based on the argument of power, and not on the power of arguments, and labelling of political rivals has definitely gone beyond what is acceptable in a democratic society. This, together with certain controversial solutions adopted by the Assembly, brings the fundamental human rights and freedom of thought and political actions, i.e. the level of achieved democracy in Republika Srpska under a big question mark.

The negative trend was initiated by lack of urgent reaction of the competent institution on clearing up the affaire of alleged “buy-off of MPs” – the special session of NA, which was dedicated to this topic, did not solve anything, since it is not the RS NA that can solve this case, but the police-judiciary apparatus that still owes public of Republika Srpska answer to the question: whether something did or did not happen – whether the controversial recording is authentic and whether there was a “buy-off of MPs” in the post-election process of establishment of government in RS.

Adoption of the controversial amendments to the Law on public order and peace has been continued even besides warnings and protests of the domestic public (especially the media and NGOs), the international community in BiH, and the representatives of international organizations for protection of human rights and media freedoms.

The negative trend has been stopped for a brief moment as the Law on public gatherings and the Law on control of non-government organizations’ financing were withdrawn from the procedure.

Unfortunately, instead of keeping this course and abandoning the measures that diminish civil rights and democratic freedoms in RS, the conclusions from the 11th special session even open the possibility to interpret political actions that are not in line with the ambitions of the ruling majority in RS as a criminal act. This goes completely against the fundamental norms of parliamentary democracy and we do hope that this is only product of uncontrolled reaction in a current political conflict, and not a genuine intention of those who passed these conclusions.

Another, more beautiful, side of the impression on Republika Srpska, which its government institutions showed to the public in the observed period, is the Special RS NA session at which the Statement on the European path of BiH was discussed upon proposal of the RS President and at which earlier expressed declarative commitment of all political actors in RS to the European integration processes was confirmed. In this way the government in RS has made an additional commitment to conduct reforms aimed at improving citizens’ quality of life and general situation in the country and that is exactly what the Government should be doing.

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**RS GOVERNMENT I-IX 2015**

**AFTER SIGNIFICANT INTENSIFICATION OF THE WORK IN THE SECOND QUARTER, THE GOVERNMENT OF REPUBLIKA SRPSKA IN THE THIRD QUARTER OF 2015 EXPERIENCED A STEEP DECLINE, NEARLY REACHING ITS MINIMUM LEVEL.** It also relates to the work intensity i.e. to the number of sessions held in this period (from 27 sessions in 2nd quarter to 21 sessions in 3rd quarter) and to the productivity, i.e. to the number of measures discussed at these sessions (from 917 to 674). Only the decline in number of realized laws is significantly slighter (from 16 to 13).

**THANKS TO THE RESULTS OF THE 2ND QUARTER THE NUMBER OF SESSIONS HELD AND MEASURES CONSIDERED IN THE FIRST 9 MONTHS OF 2015 IS THE HIGHEST ONE IN THE LAST 5 YEARS.** Actually, by reviewing the results under these two parameters in the last 5 years, one can observe continuous growth, from 45 sessions and 1306 measures that were considered at these sessions in first 9 months of 2011 to 68 sessions and 2243 measures in the first 9 months of 2015.

**BUT QUANTITY DOES NOT NECESSARY MEAN QUALITY, SO THAT THE RESULTS ACHIEVED IN THE LEGISLATIVE SEGMENT OF THE WORK ARE THE MOST MODEST ONES SO FAR.** Namely, only 49 laws were determined in the first 9 months of 2015, whereof only 31 were proposals. This is the first time in the last 5 years that the Government determined less than 50 laws in the first 9 months of its work. In 2015 the Assembly determined 25 laws less than in the first 9 months of 2013.

**WHILE SOME EXCEPTIONALLY IMPORTANT LAWS WERE NOT ADOPTED IN THE OBSERVED PERIOD, SOME OTHER LAWS SHOULD HAVE NEVER BEEN PUT ON THE AGENDAS OF THE GOVERNMENT AND THE ASSEMBLY.** The best example is the Law on changes and addenda to the Law on public order and peace that the RS NA adopted in the first quarter of 2015 even besides protests of the domestic public and international organizations for protection of human rights. Similar situation is also with the Law on changes and addenda to the Law on public gatherings that the Government confirmed on April 23, 2015 and that contained several controversial provisions, but was fortunately withdrawn from the procedure. We can only hope that the law will be subsequently harmonized with the European standards, and that it will not represent an additional obstacle on the path to these standards.

**LACK OF COMMITMENT TO REALIZATION OF THE MOST SIGNIFICANT MEASURES, AMONGST WHICH ARE THE ONES THAT ARE VERY IMPORTANT AS POSSIBLE IMPELLERS OF POSITIVE CHANGES, IS MOST VISIBLE IN REALIZATION OF PLANNED LAWS AND STRATEGIES.** In the observed period the RS Government realized only 39 put of 93 planned laws (whereof 64 laws should have been passed by September 30). And out of 15 strategies planned for this year (whereof 9 should have been passed by September 30) the Government realized only 4 strategies and for now two of them are only draft strategies. One has to list the strategies that were not realized: Development Strategy of Republika Srpska, Employment Strategy of RS, Foreign investment promotion Strategy in RS, Local Self-government development Strategy in RS, Culture Development Strategy of RS, Industry development strategy and policies of RS, Small and medium-sized enterprise development strategy in RS, Cyber Safety Strategy, all for the period 2015 or 2016 to 2020. Otherwise….

**WORK PROGRAM OF THE RS GOVERNMENT FOR 2015 WAS ADOPTED WITH A BIGGEST DELAY IN THE LAST 9 YEARS, WHICH, *INTER ALIA,* DEVALUES STATISTICAL DATA ON ITS REALIZATION.** 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 delay has caused the effect of so-called “backward planning”. Namely, even though 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 half of the measures that are presented in the Work Program, and that were realized in the first nine months, were implemented before the program was even adopted.

Curiosity being that even this percentage of realization of the laws is the worst one in the last five years, and that realization of (all) measures that, according to the Work Program, should have been realized by September 30 is only 59%. In this context….

**RS GOVERNMENT IS NOT AN EXCEPTION TO THE RULE, AND IT COULD BE SAID THAT IT PERFECTLY FITS IN THE GENERAL TREND OF IRRESPONSIBILITY THAT WE OBSERVE IN THE BIH INSTITUTIONS.** Institutions of authority across BiH generally act irresponsibly towards the obligation to plan their work – they consider the procedure of adopting the Work Programs as a formal act to merely meet the obligation set forth in the regulations (so that some institutions in BiH pass their Work Program for a certain year in July or November of the year to which the program relates), instead of using the Program for its genuine purpose – as a tool to increase performance efficiency and focus on projected goals, and therefore to adopt it on time – before beginning of the year to which it relates.

The RS Government cannot find justification for its delays in prospect of waiting for adoption of a similar document in RS, in order to act concertedly. The only fair solution would be that these two institutions harmonize provisions of the Rules of Procedures concerning work planning in order to avoid responsibility for delays and poor realization being shifted from one institution to the other, and to have the both institutions passing their work programs at beginning of the year to which they relate. Furthermore, the Rules of Procedure have to regulate individual responsibility for each of the stages in preparation of these documents.

**GOVERNMENT OF REPUBLIKA SRPSKA HAS STARTED REFORM PROCESSES TO WHICH IT COMMITTED BY SIGNING THE STATEMENT ON EUROPEAN PATH OF BIH.** In the third quarter the RS Government adopted Action plan for realization of the Reform Agenda for BiH. According to this plan the first tasks before the Government is adoption of the new Labor Law that has been contested by the RS Federation of Trade Unions for quite some time.

**IN THE PREVIOUS PERIOD THE RS GOVERNMENT HAS NOT BEEN SUFFICIENTLY TRANSPARENT IN ITS WORK.** The practice of not publishing the minutes of the sessions on Government’s website has been continued and there is significant tardiness in delivering minutes when requested by the interested individuals and organizations, which devaluates significant information since they are not published on time.

**THE INFORMATION OF THE AUDIT OFFICE ON WORK OF THE RS GOVERNMENT’S MINISTRIES IN 2014 ARE QUITE WORRYING. ESPECIALLY BECAUSE THE CURRENT GOVERNMENT IS ACTUALLY A GOVERNMENT OF CONTINUITY AND BECAUSE THERE ARE NO VISIBLE INDICATORS THAT THE GOVERNMENT IS TRYING TO IMPROVE ITS WORK IN 2015 AND TO AVOID REPEATING THE MISTAKES FROM THE PREVIOUS PERIOD.** The ministries of the RS Government show significant lack of discipline, and the Office for audit of public sector issued 12 qualified opinions, and only three positive opinions, and the RS Ministry of health and social welfare received an adverse opinion for its financial operations in 2014. The problem is that no one has borne any responsibility nor has anyone accepted responsibility as a personal moral act.

**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.

Furthermore, the RS Government is having a rising problem with the public spending and budget inflow.

Along with a very high unemployment rate, the problems in functioning of the Pension Fund and growing poverty are all serious problems requiring full commitment of the RS Government and RS NA. There is no place for personal contributions to raising tensions in the society, conflicts and political clashes and there is also no place for measures that do not improve quality of life of the RS citizens, but that endanger the achieved levels of human rights and freedoms and democracy.

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**RS NA I-IX 2015**

**EXCEPT IN THE DIVIDED MEDIA SPACE THE CONFLICT BETWEEN THE GOVERNMENT AND OPPOSITION IN RS IS ALSO VISIBLE THE MOST IN THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA.** In the third quarter the opposition gathered around Alliance for changes, started boycotting president of the RS Government and the Vice President of RS NA Nenad Stevandić. The president of RS Government is boycotted because the opposition thinks that she was appointed the President of RS Government thanks to political corruption, and Stevandić is boycotted because the opposition thinks that his position in the management of NA belongs to his former party – SDS – as the most numerous party of the opposition. Such a form of parliamentary battle undoubtedly affects work dynamics, level of discussions and atmosphere in RS, but it does not affect the results.

**IF VIEWED BY QUARTERS, THE NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA HAS FAIRLY EQUABLE WORK TEMPO.** However, it had slightly better results in the third quarter than in the first two concerning the number of sessions held and measures that were considered at these sessions. In terms of number of adopted laws, the RS NA has significantly better results in 3rd quarter – namely, more laws were adopted in third quarter than in the two previous quarters together.

**PRODUCTIVITY SHOULD BE SIGNIFICANTLY HIGHER.** A total of 35 sessions and 171 measures considered in 9 months of the work is the second best result in the last five years, but only thanks to exceptionally high number of discussed reports. But, the number of adopted laws – 25 (together with 24 more that were accepted as drafts and forwarded into procedure) is by far the worst result in the last five years. With regard to 25 laws on which the RS NA finalized all the work in the first 9 months of 2015, the results in the first 9 months of previous mandate are as follows: 2011 – 43, 2012 – 38, 2013 – 52, and 2014 – 45.

Here one has to take into consideration that enactment of the laws is the key duty of the National Assembly.

**RESPONSIBILITY FOR INADEQUATE RESULTS OF THE ASSEMBLY RESTS ABOVE ALL ON THE GOVERNMENT.** As the RS Government generally prepares majority of measures that are found on the RS NA’s agenda, and as the NA, on the other hand, mostly very efficiently realizes all measures on its agenda, it means that the responsibility for relatively poor results of the RS NA, especially in the legislative segment, rests on the poor efficiency of the Government. One of the imperatives faced by the Government is faster drafting of bills after they pass the public discussion phase.

**NEGATIVE MUTUAL DEPENDENCE BETWEEN GOVERNMENT AND THE NATIONAL ASSEMBLY IS RECIPROCAL.** As the poor efficiency of the Government leads to poor efficiency of the Assembly, so does the irresponsible attitude of NA towards planning of its obligation lead to delays in adoption of the Government’s Work Program, and thus to violation of the Rules of Procedures. It then becomes a spellbound circle, whose direct consequence is poor realization of the RS Government’s and RS NA’s Work Programs and it is exactly what has happened in 2015.

**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 the entire quarter 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.

Also the delay in adoption of the Assembly’s Work Program has caused so far the largest delay in adoption of the Government’s work program.

**realization of measures planned in the rs na work program for the first 9 months of 2015 is very modest.** Out of 188 measures planned in the RS NA Work Program for 2015, only 56 were realized in the reporting period, i.e. 29.8%. Additional 20 measures (10.6%) were partially realized and were in the procedure at the end of this reporting period.

**realization of planned laws is even lower.** In the first 9 months of 2015 a total of 23 laws were realized out of 94 planned laws, which is less than a quarter, and 17 more were confirmed as drafts.

The percentage of laws that were planned in the Work Program and adopted in the first 9 months of 2015 is the lowest one in the last five years.

**THE PROBLEM WITH STRUCTURE OF THE WORK PROGRAM AND WITH THE SO-CALLED “BACKWARD PLANNING” ALSO EXISTS IN THE RS NA.** 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 adopted. However the number of such measures is not high, so it does not significantly affect the overall results, which is not the case with the Government and its Program.

**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 for two years. The web site is functional, has a respectable level of information and it is expected to be regularly updated with the new information. However, one cannot but notice that the authorities in RS do not mind foreign financial and expert assistance when it is directed to them, but only when it is directed to their critics.

**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. and AS FROM the end of may, the biggest opposition party does not have its representative in the rs na management.** 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. Of course, together with these two there is also the problem of the seat on the RS NA management that, according to the matrix presented when the number of the members in the RS NA management was increased, should belong to the MP of the strongest opposition party.

Here we would like to accentual the long-term detriment to the society, change or rejection of good practices in political life for the sake of short-term political interests and conflicts.

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Having in mind that we are in the last quarter of 2015, we remind the RS National Assembly and RS Government of the legal obligation concerning adoption of the 2016 Work Program and 2016 Budget.

Delay in adoption of these documents – and here we primarily refer to work programs of both institutions, because the budget is usually adopted on time – is completely inadmissible and as we have seen it produces serious negative consequences.

Nonetheless, the NA members have over the past years very often justified delays by the fact that the RS NA’s Rules of procedure does not set forth a fix deadline for adoption of the program. As if the common sense is not enough to understand that program for a certain year, which also contains measures whose deadline for adoption is January of that year, has to be adopted before the year begins. And that it is pointless to adopt in April a document which reads that certain measures are to be adopted in January, February and March, as it has happened this year.

Thus, necessary steps should be taken to implement all activities under the set dynamics and to have 2016 Programs and Budgets adopted before the end of 2015, whilst respecting the principle of transparency. The Rules of Procedure should regulate individual responsibility for each of the phases in preparation of these documents, setting forth appropriate sanctions for failure to meet set obligations.

Of course, we do expect that the Government and Assembly will intensify their work in the months to come and that they will increase their efficiency whilst focusing on activities that solve the most serious problems of the citizens of Republika Srpska.

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