

BiH Council of Ministers

For 6 months already of 2011, BiH Council of Ministers has been violating the Rules of Procedures and the Law on Financing BiH Institutions.

Based on a tacit agreement prevailing among BH political establishment, a pattern was established by which the governments in technical mandate are freed from the obligation of passing the work program (while the parliaments, on the other hand, in this vicious circle of political irresponsibility, blame non-fulfillment of their own obligations on the Government's non-compliance with their obligations). This happens despite the fact that the Rules of Procedures clearly state that "the Council of Ministers adopts the annual work plan, as a rule, by the beginning of the calendar year", and no exemption of CM in technical mandate from that obligation is mentioned.

Something logical to do would be to follow the practice applied to budget adoption, that is to say, to adopt the annual work program of the government in technical mandate (or for the Parliament in new assembly to impose its own Work Program on it), that the government will be able to use for its activities, that is to say, work on its fulfillment, until the election of a new government which should then revise the existing program according to its priorities and goals. This would help avoid the "transition vacuum" and the state of hibernation, that, in our circumstances, can last for a long time.

Considering that BiH is on the road to Euro-Atlantic integrations, its obligation should at least include adhering to the obligatory contents of the government, no matter which one it is or how constituted, which is then a firm basis for designing the Work Program, even in "transition" conditions.

Another document that is violated is the Law on Financing BH Institutions, the Article 10 of which stipulates, among other things, that the Council of Ministers is required to submit to the Presidency of Bosnia and Herzegovina Draft budget for the next year no later than on 15 October of the current year. However, the Council of Ministers fulfilled this obligation only on 31 March 2011, with 5 and a half months of delay. Given the complex procedure of Budget adoption (that involves both the Presidency and BH PA), this makes the final date of its adoption highly uncertain.

In the meantime, until the Budget for 2011 is adopted, Bosnia and Herzegovina, that is to say, state bodies, function according to the decisions on interim financing.

In the first six months of 2011, while acting in technical mandate, the Council of Ministers held 14 regular sessions, with one meeting adjourned, and thus its total time spent in session was a little more than an ordinary 8-hour working day (i.e. 10 hours and 58 minutes).

There was not a single meeting where all ministers were present. The person with the biggest number of absences from BH Council of Ministers sessions was the minister of foreign affairs Sven Alkalaj who, out of 15 sessions (14 regular and one repeated) was absent from even 10.

525 different documents were adopted in the sessions of the Council of Ministers sessions during the first six months of 2011. Of which only 12 were laws.

None of the bills approved by the Council of Ministers during this time period have passed the parliamentary procedure.

If we go a little back, during the period 2007-2011, as of 30 June 2011, BH PA adopted only 57% of the total number of bills approved by the Council of Ministers. The number of bills adopted by the CM in 4 and a half years equals the number that should have been adopted already in the first two years of its work.

That is to say, the end result of four and a half years of the “work” of the authorities at the state level is almost at the level that the Council of Ministers planned to realize in 2007, i.e. during the first year of its mandate.

During the most important period for Bosnia and Herzegovina, when the Stabilization Association Agreement was signed, which was supposed to be the most intensive period in terms of our efforts to join Euro-Atlantic integrations, the Council of Ministers had an unacceptably low rate of adopted bills, and this year’s modest performance is nothing but a logical continuation of it.

Only in the last year, there were 23 laws in the Program of Work of CM related to harmonization of the domestic and European legislation and practices, of which as many as 19 bills have not been adopted yet.

Some of the measures that have been persistently planned from one year to another, not implemented due to political ‘outwitting’. and that the European Union especially insists on at the moment, include the following:

- Law on State Assistance at the Level of BiH
- Law on Census of Population, Households and Flats in BiH,
- Law on State Property in BiH,
- implementation of the judgment of the court in Strasbourg in the case Sejdic – Finci.

So, only twelve different bills were adopted in the first six months of 2011 by BiH Council of Ministers, of which none passed the parliamentary procedure. During the same time the Government of our neighbour – Serbia adopted 62 bills and the Government of Croatia as many as 184 bills.

Speaking of comparisons – the Government of the Republic of Serbia holds more sessions in one year than BH Council of Ministers during its entire mandate.

Finally, speaking of realization of the measures that can have significant impact on solving major problems of citizens, this has been one of the worst results during a certain period of measurement. 559 measures were successfully implemented by the BiH Council of Ministers in the first six months, of which only 111 (19.9%) have something to do with most important problems of citizens (unemployment, social and pension policies, corruption, etc.) while only seven measures or 1,4 % of total number of realized items can really have a significant impact on solving these issues in a short-term.