



CENTRI CIVILNIH INICIJATIVA
ЦЕНТРИ ЦИВИЛНИХ ИНИЦИЈАТИВА

**Monitoring the Parliamentary Assembly and the
Council of Ministers BiH**

Jan 1 - March 31, 2013

THERE ARE SOME IMPROVEMENTS IN THE WORK OF THE COUNCIL OF MINISTERS IN THE FIRST THREE MONTHS OF 2013. Focusing on the Council's of Ministers BiH performance in the 1st three months of 2013, we have concluded that after three years of negative trend, finally in 2013, there is an increase in the number of sessions, the number of measures realized during the sessions, and even in the number of laws. However, positive indicators were made primarily because the accomplishments during the time compared against were humiliating even for some less significant institutions than the Council of Ministers of BiH is.

THE PRACTICE OF VIOLATING THE RULES OF PROCEDURES CONTINUES. The annual Work program of the Council of Ministers BiH for 2013 was adopted with a relatively small (seventeen-day) delay, however, it is still a delay considering the deadlines prescribed.

THE COUNCIL OF MINISTERS BIH FAILED ONCE AGAIN TO TIMELY ADOPT THE LAW ON THE BUDGET OF THE BIH INSTITUTIONS AND THE INTERNATIONAL OBLIGATIONS OF BIH.

The Law on Financing of the Institutions of BiH has been violated for years. In paragraph (2) article 10, the law requires that the draft budget for the coming year is to be defined by Oct 15 of the current year at the latest. The Council's delays on this matter and frequent and nonexistent consensus in the Presidency of BiH regarding the amount of budget funds and their distribution in the annual budgets of the joint institutions, led to the situation that even the Presidency of BiH never adopted the budget in a timely fashion, that is, in line with its own Rules of Procedure and paragraph (3) of the Article 10 of the Law on Financing of the Institutions of BiH.

BY DISREGARDING THE NEEDS OF THE CITIZENS AND THE RECOMMENDATIONS FROM THE OUTSIDE, THE COUNCIL OF MINISTERS OF BIH DID NOT FOCUS ITS EFFORTS ON THE MOST SERIOUS PROBLEMS OF THE COUNTRY. As little as 32 percent of the measures realized at 10 sessions of the Council of Ministers from Jan to March 2013, is somewhat in connection with the top problems (stalled European integrations, unemployment, corruption, lack of foreign investments, etc) while only four measures, out of 392 from the agenda of the sessions held, could significantly influence problem solving in those areas. At the same time, in Jan 2013, the number of the unemployed hit record high - 554.640. Since the moment of constituting the current composition of the Council of Ministers BiH, according to the data from the Labor and Employment Agency, the number of the unemployed in BiH increased by 9.877 persons. This extremely horrifying information was revealed when we compared the official data of the Agency for Statistics from Feb 2012, (when the current Council of Ministers was constituted), based on which we were able to conclude that the number of the employed dropped by 38.784 persons during their one year in office.

ACCUMULATED PROBLEMS IN THE COUNTRY DO NOT PROVOKE APPROPRIATE GOVERNMENT RESPONSE. The state level government does not find it necessary to finalize and adopt the new social inclusion strategy, agriculture and rural development strategy, small and mid-size enterprise development strategy, energy sector development strategy, in other words, it does not find it necessary to work day and night to find solutions for the implementation of the Brussels road map that would make the BiH's road much clearer.

DESPITE SERIOUS BAKCLOGS FROM PREVIOUS YEARS, INSTEAD OF INCREASING THE NUMBER OF ACTIVITIES, THE COUNCIL OF MINISTERS PROGRAMED LESS IN 2013.

Under this year's Work program, the Council of Ministers plans to realize 69 laws, which, in comparison to the third year of the previous composition's term of office (2009) is a drop by almost one third. As opposed to the last year's program, the 2013 Work program finally incorporates the measures planned by the Ministry for Foreign Affairs. The review of the measures planned by the ministries for the current year reveals that the Ministry of Foreign Trade and Economic Relations is the only one that increased its number of activities in comparison to last year. All other ministries planned fewer activities (Ministry of Finance and Treasury by 31%, Ministry of Defense by 30%. Ministry of Traffic and Communication by 20%, etc.).

THE REALIZATION OF THE OBLIGATIONS PLANNED IS DISASTROUS. Only 47% of what was supposed to be done in the first quarter of 2013 was realized - 67 out of 143 programmed measures. From annual perspective, it means that only 10% was realized.

Not one ministry fully realized its three-month plan, while the Ministry for Civil Affairs and the Ministry of Finance and Treasury realized only a little over half of its three-month plan. At the same time, only two ministries, in addition to the Ministry of Foreign Affairs realized more than 10% of its measures programmed for 2013.

THE REALIZATION OF THE LEGISLATIVE PART OF THE PROGRAM IS EVEN WORSE. At the end of March 2013, out of 69 laws programmed for 2013, i.e. 20 for the first quarter, only three laws were adopted. And all of them are in fact the changes and amendments to the existing laws.

Six laws that were not programmed were also adopted. This is another example of a lack of responsibility and serious approach to realization of the measures programmed.

Once we consider all of the laws that the current Council of Ministries adopted during its term of office (programmed vs. non-programmed), the information is that only 38 laws were adopted in the first quarter of 2013.

COMPARISON WITH NEIGHBORS MAYBE BEST SPEAKS ABOUT OUR GOVERNMENT.

When we compare the numbers of sessions held and laws adopted by the Council of Ministers with those from the neighboring countries, we see that the results of our country are the poorest. In the first three months of 2013, besides spending significantly less time in session, the Council adopted only 9 different laws, while the government of Serbia adopted twice as many, and the Croatian government almost ten times more, that is the Government of Croatia adopted three times more laws in the first three months of 2013 than the current Council of Ministers of BiH adopted during the entire term of office. Hence, the Government of Croatia adopted as many as 57 "European" laws (which contain an obligatory statement of harmonizing law proposals with the EU *acquis communautaire*).

PARLIAMENTARY ASSEMBLY BIH I-III 2013

BOSNIA AND HERZEGOVINA HAS NOT YET CREATED, HARMONIZED AND ADOPTED THE KEY DOCUMENT ON THE ROAD TO EU INTEGRATIONS "BIH PROGRAM FOR EU INTEGRATION".

It is the document that would clearly define who, when and what does on the BiH's road to EU, and who takes responsibility for each segment of that path, with significantly more effective coordination of planned activities between the state and entity institutions primarily responsible for speeding up the EU integrations. And responsibility is a key in the overall situation. That is, the lack of it. And the failure to fulfill the obligations assumed, such as the obligation from the Road map, which the leaders of political parties assumed at last year's high-level meeting in Brussels.

GOVERNMENT DISFUNCTIONALITY CONTINUES - THE NUMBER OF THE LAWS REJECTED IN THE FIRST QUARTER OF 2013 IS HIGHER THAN THE NUMBER OF THE LAWS APPROVED. The issue that was identified as a negative specificity of the BiH Parliament in previous years, approval of extremely small number of laws and rejection of high number of laws, continued to be present in the first quarter of 2013, because the BiH parliament approved only five laws and rejected six laws, along with the three laws that were withdrawn from procedure. Like in previous years, most of them were rejected based on the entity voting - out of the six rejected laws, as many as five were rejected on the basis of the lack of entity votes in the House of Representatives (4 laws - lack of entity votes from RS, one law - lack of entity votes from FBiH).

THE ATTITUDE TOWARD THE NEW BASIC LAWS CAUSES SERIOUS CONCERNS. Over the past two and a half years, not including the Laws on Budget, only four basic laws were approved, all other laws were in fact changes and amendments to the existing laws. Not one out of the five laws approved during the first three months of 2013 was a so called basic law. Contrary to this, as many as 15 basic laws were rejected over the past two and a half years, among which there were laws important for the Euro-Atlantic integrations of the country. Two basic laws were rejected in the first quarter of 2013 (The Proposal of the Law on Anti-Mine Action in BiH and the Proposal of the Law on Managing Property Temporarily or Permanently Seized in Criminal Procedure before the Court of Bosnia and Herzegovina).

THE PARLIAMENTARY ASSEMBLY BIH ADOPTED ORIENTATIONAL WORK PLANS FOR 2013 WITH DELAYS. As a reminder, the Parliament of BiH performed the entire first half of term of office without annual work programs, therefore, we can conclude that both Houses of the BiH Parliament fulfilled their obligation listed in the Rules of Procedure and adopted their work plans in the first three months of 2013. However, this was done with a delay of 1.5 -2.5 months.

COMAPRISONS WITH NEIGHBOURS SHOWS A TREND OF DISASTROUS RESULTS. During the 1st quarter of 2013, the Montenegro's Parliament adopted a total of 20 laws at seven sessions or four times more than the BiH Parliament. The National Assembly of Serbia, in 29 days in session, adopted a total of 35 laws or seven times more laws than the BiH Parliament. The Croatian Parliament, in 25 days

in session, adopted 60 laws or 12 times more laws than the BiH Parliament. In other words, according to the results shown for the 1st quarter of 2013, BiH needs three years to do what the Croatian Parliament did in the first trimester. In other words, BiH needs twelve years to do what they did in one year, or the BiH MPs need almost half of a century for what the Croatian lawmakers need a four-year term. And any remarks regarding different organizational structure of the country are not grounded. Because, acknowledgment of such arguments can only somewhat alleviate the tragic side of such comparisons.

THE CURRENT COMPOSITION OF THE BIH PARLIAMENT, ACCORDING TO THE PERFORMANCE RESULTS, IS FAR WORSE THAN THE LAST OR THE ONE BEFORE THE LAST COMPOSITION.

In terms of the legislative activities, the previous composition of the BiH Parliament was more efficient than the current one, given that in the first quarter of its third year (Jan 1 - March 31, 2009) it approved twice as many laws than the current composition (9), while the composition before the last one was even more effective and in the first quarter of 2005 it approved 12 laws, which, despite being relatively modest performance, is almost 2.5 times better than the performance of the current composition of the BiH Parliament.

BY APPROVING THE STATE BUDGET FOR 2013 IN A TIMELY FASHION, THE PARLIAMENTARY ASSEMBLY DEMONSTRATED THAT ANYTHING WAS POSSIBLE WHEN THERE WAS WILL. OR WHEN ONE HAS TO? After adopting the state budget for 2011 retroactively at the start of last 2012 year, with five month delay in adopting the Budget of the BiH Institutions and the International obligations for 2012, by adopting the state budget for 2013 on Feb 6, 2013, the Parliamentary Assembly demonstrated that the top document could in fact be adopted in line with the Rules of Procedure and legal deadlines. What remains to be shown in the years to come is that this document can be adopted in a timely fashion and with no pressure from international financial institutions.

THE PARLIAMENTARY ASSEMBLY BIH STILL APPROVES THE MOST EXPENSIVE LAWS IN THE REGION. Taking into account that there were no changes to the incomes of MPs in relation to 2012, and if we make a connection between the average incomes of BiH MPs in the first quarter of 2013 and the number of laws approved, the conclusion is that the cost of every law approved in the BiH Parliament in the first three months of 2013 was approximately 177.000 KM. This makes the BiH laws the most expensive ones in the region.

UNFORTUNATELY AND TO DISADVANTAGE OF THE CITIZENS OF THIS COUNTRY - DISCRIMINATION IN THE PARLIAMENT OF BIH STILL CONTINUES.

Three and a half years since the ruling of the European Court for Human Rights in the Sejdic-Finci case, the Parliament of BiH continues to function as an institution that discriminates its citizens, which puts to shame MPs and citizens they represent. Even the threat of not recognizing the results of the upcoming general elections in BiH and being thrown out of the European Council, or the warning that it is the key requirement for de-blocking the European path of the country, did not force local politicians and MPs to do their job and remove discriminatory provisions from the Constitution.

INSENSITIVITY OF MPS CULMINATED IN THEIR ATTITUDE TOWARD NEW BORN CHILDREN

Tendency of politicians to sacrifice the lives and human destinies for absurd political games and outsmarting surfaced in the first quarter of 2013. On two occasions (March 14 and March 26), the House of Representatives rejected the Proposal of Law on Changes and Amendments to the Law on National Identification Number, not allowing children born after Feb 12, 2013 to be issued identification number and other documents required for exercising basic human rights.

CUMULATIVE INCOMES OF MPS ARE STILL THE HIGHEST IN THE REGION AND IN COMPLETE DISHARMONY WITH THE RESULTS ACHIEVED.

The need to harmonize MPs' incomes with the European standards, i.e. to bring them to an acceptable level and harmony with the average incomes in the country is evident. Incomes ranging from 4.800 to 7.000 KM are simply a reflection of incredible arrogance and social insensitivity during extremely difficult times for many citizens of this country. A significant number of MPs emphasize this too, and some of them try to resolve this moral issue by making donations to humanitarian purposes. However, the biggest losses are in consequences of such performance, reflected in the seriousness of economic situation in the country, the number of the unemployed, poor quality of living standards and falling behind on the road to Euro-Atlantic integrations, with serious and permanent consequences for the citizens.