

**Summary of the Report on monitoring performance of the Council of Ministers and Parliamentary Assembly of BiH**

**January 1 – March 31, 2018**

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**INTRODUCTION**

The intention of this report is to show and point to the principle results of monitoring performance of the Council of Ministers and Parliamentary Assembly of Bosnia and Herzegovina. Considering personal attendance of the members of the CCI's monitoring team and accessibility of all available documents (minutes, stenographs, reports), the Report was generated after careful analyses, while observing the practice of fair and correct reporting.

Events that marked the first part of 2018 include the wave of refugees that for the first time seriously “hit” our country and for which our government was not prepared, as expected (just like when snow surprises in December every year), political conflicts regarding the Election law and the utterly irresponsible and destructive behavior of our politicians in the case of the Law on Criminal Procedure.

All three cases point to the complexity of the relations in the country and the problems it has in its functioning. And to the political conflicts that fully relativize the division on government and opposition. And to political actors' obsession with political and personal interests (which are sometimes difficult to understand in terms of their final goal).

The case of the Law on Criminal Procedure (i.e. its amendments), the dangerous transgression of the deadlines set by the Constitutional Court and ignoring of the warnings of the international community in that context is one of the unthinkable scandals directed by the nowadays politicians, followed by negation of personal responsibility by those who are most responsible for the obstructions of adoption of the law in line with EU standards and for provoking the situation that would pose a serious insult to the rule of law.

On the other hand, the refugee crisis brought to light both the worst and best of BiH government at different levels. Deplorable statements of certain top government officials in the country and the scandal involving the interception of the buss with refugees interfere with the responsible and constructive policy of the responsible ministries at the state level that reminded us of the policy and some of the best moves by the government in BiH, for which the state government in the first half of its current term was recognized as an exception and which called for respect.

**THE COUNCIL OF MINISTERS I-III 2018**

**WORK INTENSITY OF THE COUNCIL OF MINISTERS IN THE FIRST QUARTER OF 2018 HAS BEEN AT THE LOWEST LEVEL SINCE THE BEGINNING OF THE CURRENT TERM.** Only 11 regular sessions were held. There was one week without session in every month, although the Rules of Procedure of the Council of Ministers of Bosnia and Herzegovina requires the Council of Ministers to have a session at least once a week (quote: „... as a rule, on certain day or certain days in a week “.

**PRODUCTIVITY IN THE FIRST QUARTER OF 2018 WAS NOT SATISFACTORY EITHER.** Of 345 measures that the Council of Ministers considered in the first quarter of 2018, the poorer quarterly result was achieved only on four occasions within the current term.

**LOW REALIZATION OF LAWS IS ESPECIALLY WORRISOME.** Laws make only 1.7% of the total measures considered. More specifically, the Council of Ministers endorsed only four laws in the first three months of 2018.

**A DEGREE OF THE PROBLEM IN THE CONTEXT OF REALIZATION OF LAWS IS PERHAPS MOST VISIBLE WHEN LOOKING AT THE REALIZATION OF THE PLANNED ACTIVITIES.** As only one (1) out of four (4) endorsed laws is anticipated in the Work plan of the Council of Ministers for 2018, it means that only 3% of the planned laws were realized by the end of the first quarter of 2018 and the Council of Ministers entered the second quarter with as many 32 unrealized laws from the Work plan for 2018.

**THE ALREADY LOW REALIZATION OF LAWS IS STULTIFIED ADDITIONALLY IN THE BIH PARLIAMENT.** Not a single of the four laws endorsed by the Council of Ministers in the first quarter of 2018 was adopted in the Parliament during the observed period.

**BESIDES LAWS, REALIZATION OF STRATEGIES ALSO POINTS TO SOME SERIOUS PROBLEMS OF THE COUNCIL OF MINISTERS IN THE SEGMENT OF PLANNING THE OBLIGATIONS.** Only three (3) strategies were endorsed in the first quarter of 2018, however, not even one strategy was from the Work plan of the Council of Ministers for 2018. In other words, not a single strategy out of 14 strategies planned in the Work plan was endorsed. The deadline for realization of two extremely important strategies (Framework strategic document for development of energy sector up to 2035 and Strategy of development of broadband access in BiH) was the first quarter of 2018.

**FAILURE TO ADOPT CERTAIN LAWS AND STRATEGIES HINDERS REFORMS IN THE COUNTRY AND ITS EUROPEAN PATH AND LEADS TO VIOLATION OF COUNTRY’S OBLIGATIONS TOWARD INTERNATIONAL ORGANIZATIONS.** BiH, for example, has not fulfilled the obligations from the Treaty on Energy Community to adopt the state law on transmission of electric power, regulator and system operator and to establish a regulatory body for gas at the level of BiH. BiH is the first country member of the Energy Community that was under sanctions for failing to fulfill the obligations of the Treaty. At the recent Energy Summit in Neum, representatives of Germany, USA, Great Britain and EU in BiH said that BiH should adopt its national strategy for improving and developing energy sector as soon as possible in order to open the door for a more substantial EU financial support and concluded that the economic sector is the pillar of any further development.

**HOWEVER, THIS IS NOT A COMPLETE STANDSTILL; OCCASIONALLY, AN IMPORTANT MEASURE IS ADOPTED – AT THE BEGINNING OF THE CURRENT YEAR, THE PARLIAMENT APPROVED STRATEGIC PLAN OF RURAL DEVELOPMENT OF BIH 2018-2021 AND THE PREVIOUS FAILURES TO ADOPT IT CAUSED LOSSES OF TENS OF MILLIONS OF EUROS FROM THE EU PRE-ACCESSION FUNDS INTENDED FOR FARMERS.** Hence, BiH will not be any longer the only country in the region that fails to draw EU pre-accessions funds for agricultural workers, given that due to the lack of the strategy in recent years it jeopardized its own agricultural production and almost one fifth of jobs, as estimated in the agricultural sector. Nevertheless, this is a story about unreasonable politics turning its own citizens into hostages and easily giving up on citizens' wellbeing but not on political interest, conformism or budget privileges.

**THE COUNCIL OF MINISTERS WAS LATE TO IMPLEMENT ITS LEGAL OBLIGATIONS REGARDING THE ADOPTION OF TWO KEY ACTS OF ITS WORK IN 2018.** A draft budget of the institutions and international obligations of BiH for 2018 was adopted by the Council of Ministers on November 22, 2017, instead by October 15, 2017 the latest. This prevented the Presidency of BiH from fulfilling its obligation regarding the endorsement of the budget proposal. And the Work plan of the Council of Ministers for 2018 was adopted on January 11, 2018, instead by the end of 2017.

**IN THE FIRST QUARTER OF 2018 NO SIGNIFICANT PROGRESS WAS MADE IN THE REALIZATION OF THE MEASURES FROM THE ACTION PLAN OF THE REFORM AGENDA AT THE STATE LEVEL.** Intensity of the implementation of the revised Action plan is much slower than expected – of 34 general measures in the Action plan of the Reform agenda at the level of the Council of Ministers of BiH, 21 measures (62%) were realized fully by March 31, 2018, 8 measures (23%) were ongoing, while 5 measures (15%) were not realized.

**BOSNIA AND HERZEGOVINA IS THE ONLY COUNTRY IN THE REGION WITHOUT** **THE LAW ON FOREIGN AFFAIRS.** Presidency of BiH adopted the Strategy of Foreign Policy of BiH for the period 2018-2023 and acknowledged the Draft law on Foreign Affairs of Bosnia and Herzegovina. The Presidency tasked the Ministry of Foreign Affairs to introduce the law into further procedure. However, there is no optimism within the political establishment to adopt the law any time soon, as it has been planned in the Work plans of the Council of Ministers without success for around ten years.

**performance of the MINISTRIES WITHIN the council of ministers of bih varies.** The greatest number of the measures discussed in the first quarter of 2018 was proposed by the Ministry of Civil Affairs – 41 and the Ministry of Foreign Affairs - 34 measures. The Ministry of Trade and Economic Relations and the Ministry of Security follow with 27 measures each; the Ministry of Finance and Treasury – 23 measures; the Ministry of Traffic and Communication – 19 measures; the Ministry of Justice – 13 measures; the Ministry of Human Rights and Refugees – 12 measures and the Ministry of Defense – 5 measures proposed in the three-month period.

**BOSNIA AND HERZEGOVINA IN THE FIRST QUARTER OF 2018 WAS TAKEN OFF THE SO CALLED “GREY LIST“ OF THE TASK FORCE FOR FINANCIAL ACTION AGAINST MONEY LAUNDERING (FATF).** Following the field visit of the FATF delegation to BiH, which aimed to verify the implementation of the adopted legal actions from the FATF Action plan, the FATF delegation expressed their satisfaction with the results that the institutions of BiH achieved in implementing the FATF measures, and the FATF report on the field visit to BiH was considered and adopted at the FATF plenary session on February 22, 2018.

**problems in coordination among different government levels, obstructions motivated by narrow political interests and SLOWNESS in agreeing on DECISIONs through a so called “coordination mechanism“ have become visible in the case of the eu questionnaire.**  After the deadline was prolonged several times, the answers were finalized and submitted to the European Commission on February 28, 2018, almost 15 months later.

**THE PARLIAMENTARY ASSEMBLY OF BiH I-III 2018**

**PERMANENT POLITICAL CONFLICTS WITHIN AND BETWEEN THE PARTIES OF THE RULING COALITION HAVE LEFT THE MOST SERIOUS CONSEQUENCES ON THE RESULTS OF THE PARLIAMENTARY ASSEMBLY OF BIH.** The Parliamentary Assembly of BiH adopted only three (3) laws in the first three months of 2018, which is one of the poorest quarterly results of the Parliamentary Assembly in the last 11 years. The overall result is especially problematic if we consider the fact that the House of Representatives planned to adopt 56 laws and the House of People planned to adopt almost the same number of laws.

 **BECAUSE OF AN EXTREMELY SMALL NUMBER OF ADOPTED LAWS, A PROBLEM OF THE UNFAVORABLE RATIO BETWEEN THE ADOPTED AND OVERTURNED LAWS BECAME EVIDENT DURING THE OBSERVED PERIOD, AS IT IS SOMETHING THAT THE PARLIAMENTARY ASSEMBLY OF BIH IS SPECIFIC IN GLOBAL TERMS.** Only three laws were adopted in the first quarter of 2018, and as many as 9 laws were overturned (and all 9 laws in the House of Representatives, and the overturned laws were introduced into parliamentary procedure by representatives and delegates in the Parliamentary Assembly).

**comparing the results in the field of legislative activity of the parliamentary assembly in the first quarter of 2018 with a number of adopted laws in the first quarters of the last years of the previous two compositions of the parliament, it is visible that the low realization of laws continues to be a PROBLEM in the work of the parliamentary assembly of bih.** The only serious difference in the mentioned comparative periods, the three last quarters, is in the number of overturned laws – their sum was even greater in 2010.

**BOTH HOUSES WERE SERIOUSLY LATE TO ADOPT THEIR ORIENTATIONAL WORK PLANS AND 2018 WAS NOT AN EXCEPTION IN TERMS OF WORK PLANS FOR 2018.** Instead of adopting the Work plans by the end of 2017, the House of Representatives adopted its Work plan for 2018 on February 19, 2018, whereas the House of People adopted it on March 21, 2018.

**REALIZATION OF THE PLANNED OBLIGATIONS OF BOTH HOUSES OF THE PARLIAMENTARY ASSEMBLY BIH WAS SOLID, HOWEVER THE REALIZATION OF THE MOST SIGNIFICANT MEASURES IS EXTREMELY LOW.** The House of Representatives in the first quarter of 2018 realized as many as 62% of measures from its Work plan for 2018, and the House of People realized 26%. However, the realization of legislative obligations is only 14% (8 out of 56) in the House of Representatives and only 6% (3 out of 50) in the House of People.

**BESIDES DELAYS IN ADOPTING THE WORK PLAN, THERE WERE ALSO DELAYS IN ADOPTING THE BUDGET OF THE INSTITUTIONS OF BIH AND INTERNATIONAL OBLIGATIONS FOR 2018.** Unlike the budget for 2017, which was adopted 16 days before the deadline, the Proposal of the Law on Budget of Institutions of BiH and International obligations for 2018 was adopted after a month delay – on January 17, 2018 in the House of Representatives and on January 25, 2018 in the House of People, even though the budget did not suffer any substantial changes and it has for many years stayed at the level of 950 million KM.

**specific needs of the female population are not sufficiently recognized in the budget.** Gender Committee of the House of Representatives of the Parliamentary Assembly in cooperation with the Agency for Gender Equality and Ministry for Human Rights and Refugees of BiH and support from the UN Women in BiH organized a session in late 2017 “How to have gender responsive budgeting: a role of the Parliament.“ It was emphasized that the underrepresented gender has been insufficiently covered or not covered at all by the budget and that insufficient funds are allocated to opening new jobs for women, to their education, to supporting new mothers, vitro fertilization, safe houses...

**"PROGRAM OF INTEGRATION OF BIH INTO THE EU” HAS NOT BEEN ADOPTED YET.** The Stabilization and Accession Agreement obligates BiH to adopt the Program, however, there is no political will or readiness to reach a compromise to adopt this document. And it is the document that should put in order all obligations of BiH in the EU integration process and answer the questions such as who, what and when something needs to be fulfilled in this process.

**CERTAIN RULINGS OF THE CONSTITUTIONAL COURT HAVE FOR MANY YEARS BEEN PENDING FOR IMPLEMENTATION BY GOVERNMENT INSTITUTIONS, INCLUDING THE INSTITUTIONS AT THE STATE LEVEL.** On January 31, 2018, there were 11 rulings of the Constitutional Court of BiH that were not implemented. 5 of them are appeals seeking assessments of constitutionality and 6 were the cases referring to appellate jurisdiction of the Constitutional Court of BiH. 4 of 5 rulings that were not implemented and that were based on the request for assessment of constitutionality refer to the obligations of the Parliamentary Assembly of BiH.

**TRANSPARENCY CONTINUES TO BE THE MOST POSITIVE SEGMENT OF BIH PARLIAMENT'S WORK.** The Parliamentary Assembly of BiH has had for years a respectable level of transparency, which has improved additionally with a new design of the official web page of this institution. The activities regarding establishment of a new and more modern way of online monitoring of plenary sessions of both Houses were completed at the end of the first quarter of 2018 in the interest of all those who want to monitor the sessions and other events in the Parliamentary Assembly of BiH.

**TOTAL INCOMES OF REPRESENTATIVES AND DELEGATES IN THE PARLIAMENTARY ASSEMBLY OF BIH ARE STILL DISPROPORTIONATE TO THE OVERALL SOCIAL AND ECONOMIC SITUATION IN BIH AND THE RESULTS OF THIS INSTITUTION.** Total incomes of BIH MPs are still in range from 4.800 to 6.500 KM, despite the termination of certain benefits. The CCI believes there is still room for additional reductions, which would imply above all adjustments to politicians' salaries according to the so called European standards i.e. not to exceed 3-3.5 average salaries in BiH and to be linked to average salaries in the country.

**AS FOR THE INDIVIDUAL ACTIVITY OF MPS IN THE PARLIAMENTARY ASSEMBLY BIH THERE WERE SOME EXTREMELY ACTIVE INDIVIDUALS, HOWEVER THERE ARE STILL THOSE WHO DO NOT TAKE ADVANTAGE OF ALL AVAILABLE OPPORTUNITIES TO REPRESENT THE INTERESTS OF THEIR CONSTITUENCIES IN THE PARLIAMENT.**  In the first quarter of 2018, 8 representatives and 1 delegate did not attend all sessions of their respective House. 5 representatives asked almost 2/3 of all parliamentary questions in the first three months of 2018 (74 out of 114 questions). And 17 did not ask a single parliamentary question. Only 2 delegates in the House of People, out of 15 asked ½ of the questions (5 out of 10). 8 delegates in the House of People did not ask any questions in the first quarter of 2018. And not one delegate filed an initiative during the first quarter of 2018. Just like 35 representatives of the House of Representatives. 16 representatives and 10 delegates failed to participate in proposing legal solutions during the observed period. Yet…

**THE PARLIAMENTARY ASSEMBLY IS SPECIFIC BECAUSE OF A LARGE NUMBER OF LAWS THAT ARE PROPOSED BY ITS MEMBERS.** Almost 2/3 of 40 laws that were in procedure in the Parliamentary Assembly in the first quarter of 2018 were proposed by the MPs in the Parliamentary Assembly (26 laws or 65%). However, only 2 out of 26 proposed laws were adopted in both Houses during the observed period, while 9 of them were rejected.

**CLOSING**

 **FOR THE END...**

Let us mention that discrimination based on gender or ethnicity continues within government institutions in BiH.

**ALTHOUGH IT IS AN ELECTION YEAR, THE PROBLEM OF SYSTEMIC DISCRIMINATION AGAINST BIH CITIZENS AND VIOLATION OF LOCAL AND INTERNATIONAL LAWS BY GOVERNMENT INSTITUTIONS IN BIH HAS NOT BEEN RESOLVED YET.** The Council of Ministers violates the Law on Gender Equality in BiH as it has half as many women in its composition as required by the Law. The House of People of the Parliamentary Assembly of BiH still functions without representatives of „Others“ in its composition, and as it currently stands, it will continue after the October elections 2018, because the implementation of the verdict of the International Court for Human Rights in Strasbourg in the Sejdic-Finci case (and other similar ones) has been pushed to a side, for the sake of (also unsuccessful) attempts to implement the verdict of the Constitutional Court of BiH in the Ljubic case.

Once again, we remind that the **CENTERS FOR CIVIC INITIATIVES** insist that amending the Election law should aim to create mechanisms to remove blockades of the system to achieve normal functioning of political life in line with the standards of developed democratic societies in addition to fulfilling the verdict of the European Court for Human Rights. It implies above all introduction of a possibility to implement snap elections. It is simply unacceptable for government institutions to be hostages of the conflicts among political parties and for citizens to be both hostages and victims of all that, without the possibility to resolve the situation in a normal, democratic and legal way.

Once again, we call upon politicians at all levels to take the prelection campaigning out of the institutions and let the institutions function and perform their constitutional role. And we call upon those who are in power not to misuse their position, influence and available means for partisan or personal promotion.