

**SUMMARY OF THE REPORT ON MONITORING PERFORMANCE OF THE GOVERNMENT AND NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA**

**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 Government and National Assembly of Republika Srpska. 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.

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Quarter 1 of 2018 in Republika Srpska saw peaceful and dignified protests of citizens who gathered to protest against the death of a young man from Banja Luka, whose death remains unresolved.

Serious mistakes and oversights made in the work of government institutions came to light as well as inadequate politicians' response to the overall case.

During the previous years and under different circumstances we warned that the things could not be resolved by taking away government critics or by avoiding the discussion about the contentious issues. The things must be done so that the public has true information from objective sources; it must be done through a dialogue and with tolerance. And with respect for the rule of law. And with resignations and dismissals.

Rules in democratic society are set in a way that government cannot demand or expect of its citizens to trust in government– the work of the government in a democratic society is controlled by citizens, independent institutions, media, NGOs, opposition. And the government is required to work transparently and to allow for its work to be controlled. And to allow discussion on all topics that are relevant to the society. Everything else is utterly unacceptable. And it leads to that what we have today – citizens protesting in the streets. Because, when government is misperfoming and when the system is not functioning, the only thing that citizens have left, and the only thing that responsible citizens should do, is to protest and to demand truth and justice. And the government that respects citizens shall work in their interests and do its job well and transparently. Then, any external response to the problems would become unnecessary.

**NATIONAL ASSEMBLY OF REPUBLIKA SRPSKA I-III 2018**

**after decline in work intensity of the national assembly of republika srpska for two QUARTERS in a row, the assembly intensified its work in the first quarter of 2018 and held as many as 17 sessions.** This is almost three and a half times more than in the previous, fourth quarter of 2017, which was strongly affected by the political crisis. However...

**THE NATIONAL ASSEMBLY CONSIDERED Only 45 measures DURING 17 sessions.**  This average result is better than the result in the previous quarter; however, it is almost twice as bad than the result in the last quarters of 2015 and 2016.

**THE FACT THAT ALMOST TWO THIRDS OF THE MEASURES CONSIDERED BY THE ASSEMBLY DURING THE FIRST QUARTER OF 2018 ARE LAWS AFFECTED THE RESULTS IN THIS QUARTER IN THE CONTEXT OF ADOPTION OF LAWS, SO IT IS ONE OF THE BETTER RESULTS IN THE CURRENT TERM.** During the first quarter of 2018, the National Assembly RS adopted 16 laws and 12 additional draft laws.

**A LOOK AT THE REALIZATION OF THE WORK PLAN PROVIDES A COMPLETELY DIFFERENT PICTURE.** The Assembly entered the second quarter of 2018 with 67 unrealized laws from the Work plan. And of 144 planned measures, only 12 or 8% were adopted. This continuously extreme low realization of the planned measures in the first quarters of the year is a direct consequence of the late adoption of the Work plan, and the National Assembly has consistently ignored all regular warnings. Namely...,

**THE WORK PLAN FOR 2018 WAS NOT ADOPTED BY THE END OF 2017; IT WAS ADOPTED AT THE END OF MARCH 2018, WHICH MEANS THAT THE ASSEMBLY LEADERSHIP CONTINUES ITS BAD PRACTICE DESPITE ALL ARGUMENTS THAT SPEAK OF THEIR WRONG APPROACH IN THIS CONTEXT.** Curiosity is that the new Rules of Procedures of the National Assembly RS allows this Institution to work the first three months of the year without the annual Work plan, making it all according to the rules (as our politicians like to say). This is unacceptable. And this wrong approach is visible particularly in an election year.

This year’s Work plan, which was adopted in late March, will refer mostly to four months, April – July, because summer recess starts in August due to summer holidays, and after that MPs will commit to election campaigning until the October 2018 elections. And, it is obvious that the Work plan will end with a high number of unrealized measures.

**LET US MENTION THAT THE WORK PLAN OF THE NATIONAL ASSEMBLY HAS THE SAME PROBLEM AS THE WORK PLAN OF THE GOVERNMENT – IT CONTAINS FINDINGS AND MEASURES THAT WERE DISCUSSED AND ADOPTED DURING THE PERIOD WHEN THE WORK PLAN WAS NOT even ADOPTED.** As many as two thirds of the measures realized from the Work plan for 2018 had been realized before the Work plan was adopted.

 **INCREASED WORK INTENSITY OF THE NATIONAL ASSEMBLY IN THE FIRST QUARTER OF 2018 RE-ADDRESSED THE CRUCIAL RESPONSIBILITY FOR POOR RESULTS ONTO GOVERNMENT.** The Government prepares most of the measures considered by the Assembly, which has crucial impact on the Assembly's productivity and efficiency in the realization of the planned obligations. Normally the Assembly responds fast to the measures received from the Government, however, the problems in the work of the National Assembly at the end of last year caused the backlog, so half of the 28 measures that the Assembly addressed in the first quarter of 2018 were in fact the “backlog” “ from last year, and the other half was endorsed by the Government in 2018. Only two laws endorsed by the Government in this period were not considered by the end of the first quarter.

**A SPECIAL PROBLEM IN THE WORK OF RS IS A FAILURE TO HOLD SPECIAL AND THEMATIC SESSIONS TO FOCUS ON THE MOST SERIOUS EXISTENTIAL PROBLEMS OF CITIZENS AND THEIR COMMUNITIES IN GENERAL.** There is still no special, thematic session to discuss the extremely difficult situation in the healthcare. There are no sessions to discuss the situation in economy, protection of domestic production, the situation in the real sector, corruption, the collapse of banking system in RS, education, population growth, and so on. And finally, there is no special session to discuss the growing and alarming problem of loss of the young and working age population.

**unlike the work plan, the budget for 2018 was adopted on time.** The Budget of RS for 2018 was adopted on December 12, 2017, as the first budget adopted in BiH for 2018 at all government levels. On the other hand, the Budget was not adopted in a regular session; it was adopted under urgent procedure, without being discussed in the form of a draft and without a broad public discussion which would allow citizens to express their opinions and provide suggestions i.e. to influence the final version of the document. As a sign of protest against this practice, the opposition MPs left the session of the National Assembly during which the budget was discussed. Many independent economic experts agree that the budget is burdened with public spending and debts and that the budget conceived in such a manner will fail to attract foreign investments and fail to foster development.

**INDIVIDUAl activity of mps varied – some mps were exceptionally active, but there were also mps who did not take advantage of the available OPPORTUNIties to represent the INTERESTS of citizens and their constituencies during this observed period.** One fourth of MPs failed to attend all sessions of the National Assembly in the first quarter of 2018. Half of MPs did not ask or launch any questions or initiatives during this period. More than a fifth of MPs did not discuss any of the measures included in the Assembly’s agendas in the first three months of this year. Not a single MP proposed any legislation in the first quarter of 2018. Nevertheless...

**ALMOST TWO THIRDS OF MPS IN THE NATIONAL ASSEMBLY OF RS PROFESSIONALIZED THEIR STATUS.** 53 OF 83 MPs receive a regular monthly salary for performing MP functions and privileges – they are on the Assembly´s payroll. So ...

**THE LARGEST PART OF THE BUDGET OF THE NATIONAL ASSEMBLY IS SPENT ON EXPENDITURES FOR PERSONAL INCOMES OF THE EMPLOYEES – 65% OR 6,587,500 KM oF 10,141,100 KM, WHICH IS THE TOTAL PROJECTED BUDGET OF THE NATIONAL ASSEMBLY FOR 2018.** Grants to parliamentary caucuses are planned in amount of 500,000 KM. And it is certainly a good example showing that there is room in the budget for savings and conversions for other purposes from which citizens will benefit more.

**DURING THE OBSERVED PERIOD, THERE WERE NO VIOLATIONS OF RULES OF PROCEDURES OF THE NATIONAL ASSEMBLY, EXCEPT IN THE SEGMENT CONCERNING THE GOVERNMENT´S OBLIGATION TO ANSWER PARLIAMENTARY QUESTIONS and INITIATIVES WITHIN the PRESCRIBED timeline.** However, the lack of mutual respect and appreciation among MPs and in communication between legislative and executive government is a continuing problem in the work of the National Assembly.

**the national assembly of rs has results that are significantly better than the results of the highest legislative institution in the fbih. besides political problems and vehement conflicts between ruling majority and opposition in the national assembly, it still has a significant advantage for it has a stable majority, while the situation in fbih is such that it has been difficult to say for a long period whether there is parliamentary majority and whether the ruling coalition is real or only formal.** In the first quarter of 2018, the National Assembly considered 45 different measures at 17 sessions that lasted 144 hours. There are 16 laws among the measures. The FBiH Parliament, on the other, held 4 sessions (2- House of Representatives and 2 - House of People) that lasted 25 hours (20 hours - House of Representatives and 5 hours - the House of People) and considered 11 measures of which five were laws. This clearly shows that the National Assembly in the first quarter of 2018 worked with a significantly higher intensity than the FBiH Parliament and as a result of that the National Assembly had a higher productivity. Let us mention that the National Assembly adopted its Work plan for 2018 on March 27 whereas neither House of the FBiH Parliament adopted the Work plan by the end of the first quarter of 2018.

Effects of the political crisis that has escalated in the second half of the previous year and that had significant consequences on the work of the National Assembly were felt at the beginning of 2018. Firstly, as typical for the current term but not for their predecessors, there were not sessions during January, and then the first session in 2018 turned into a ten-hour argument about the minutes of the previous sessions, as the opposition MPs claimed the minutes were fake and irreflective of the factual state, i.e. they were not the reflection of what really happened at the sessions.

The session ended without MPs agreeing on and adopting the Agenda of the session.

However, in the first quarter of 2018 the opposition ended its boycott of assembly’s sessions, which marked the end of 2017. And work intensity in this period improved to the level of one of the best quarterly result in the current term,

Yet, this high work intensity was not followed by adequate efficiency or productivity.

**GOVERNMENT OF REPUBLIKA SRPSKA I-III 2018**

**IN THE FIRST QUARTER OF 2018 GOVERNMENT OF RS EXPERIENCED A SUBSTANTIAL DROP IN ITS PRODUCTIVITY COMPARED TO THE PREVIOUS, LAST QUARTER OF 2017.** Government considered 676 measures compared to 914 measures considered in the fourth quarter of 2017. This is one of the poorest quarterly results of the RS Government in the current term in this context.

**DECLINE WAS also OBSERVED IN REALIZATION OF LAWs.** With 26 laws endorsed in the fourth quarter of 2017, only 16 laws were endorsed in the first quarter of 2018. Only one third of them are new “basic“ laws. The rest are only amendments to the existing legislations (together with one law on the cessation of implementation of the law).

Compared to the first quarter of last year of the previous term (2014), the number of endorsed laws is smaller by a third.

**most of the MEASURES considered by government in the first quarter of 2018 are daily operational activities.** The majority of the measures are different decisions or arrangements (31.6%) of all considered measures (they mostly relate to reallocations of funds and approvals for business trips). Along with approvals and decisions, these three types of measures make up 59% of all the measures considered by the Government in the first quarter of 2018. Information, reports, plans and programs make up additional 38%. Laws make up only 2.4% in the first quarter of 2018 and the strategies make up only 0.3% of the discussed matters (only two strategies were endorsed: the Strategy for improving the status of elderly people in RS 2018-2027 and the Strategy for Energy Development by 2035 – both of them are endorsed in the form of a draft).

**GOVERNMENT OF REPUBLIKA SRPSKA VIOLATED ITS OWN RULES OF PROCEDURES BY FAILING TO ADOPT ITS WORK PLAN WITHIN the PRESCRIBED DEADLINE.** Not only the Work plan for 2018 was not endorsed before the end of 2017, as prescribed by Rules of Procedures, it was not even endorsed by the end of the first quarter of 2018. And this is the fourth time in a row that the Government adopts its annual Work plan after the end of the first quarter. This never happened in the previous two terms, when the Work plans were usually endorsed by the Government in January or February.

**the work plan of the government for 2018, besides being endorsed after serious delays (according to information on the government's web site in april of the year to which it relates) contains a structural error, which additionally points to formalism and the lack of seriousness in approaching this important mechanism for IMPROVING efficiency and focus on the projected goals.** The Work plan of the Government for 2018, although endorsed in April 2018, also contains the Work plan for the first three months of 2018 (with as many as 124 measures that include 29 laws). And even the measures that were realized at the time of adoption of the Work plan. This, among other things, devalues the statistics regarding the realization of the planned obligations.

**IRRESPONSIBLE APPROACH TO PLANNING AND REALIZING THE OBLIGATION CONTINUES TO RESULT IN THE FAILURE TO REALIZE MANY SIGNIFICANT MEASURES THE ADOPTION AND IMPLEMENTATION OF WHICH MIGHT HAVE POSITIVE EFFECTS ON THE QUALITY OF LIVES OF BIH CITIZENS.** The following measures anticipated in the Work plan for the previous year were not adopted (within the anticipated timeline and not by the end of the first quarter of 2018): Strategy for lifelong learning, Strategy for Development of Women Entrepreneurship, Strategy for improving health and social care for elderly people, Strategy for Public Administration Reform, Law on Protection and Rescue in the case of natural disasters and other disasters, Law on Electricity, Law on Information, Law on Health Care, Action plan for improving and developing the support for families with children in RS, Analysis of enforcement of the Labor Law, the Program for protection of the most productive farmland in RS, Report on the status of LGBT population in RS with recommendations for action, Information about achievement of rights of refugees, displaced persons and returnees, etc. Some of the measures have been planned repeatedly over the years, however, their realization is pending – for example the Law on Electricity has been planned in the Work plan of the RS Government since 2013.

**OF THE TOTAL NUMBER OF MEASURES CONSIDERED IN THE FIRST QUARTER OF 2018, 44 OR 6.5% ARE THE MEASURES THAT Might HAVE IMPACT ON THE QUALITY OF LIFE OF CITIZENS IN RS.** If we look at the results achieved in the first quarters of the years in this current term, the number of the measures was smaller only in the first quarter of 2015, as the starting quarter of the current Government.

**BESIDES ITS OWN rules of procedures and THE RULES OF PROCEDURE OF THE NATIONAL ASSEMBLY, THE GOVERNMENT CONTINUES TO VIOLATE THE LAW ON GENDER EQUALITY IN BIH.** Women in RS Government occupy less than the fourth of positions (4 of 17). This is a violation of the Law, which says that the smallest percentage of the underrepresented gender is 40%. And everything else below that is considered discrimination which should be eliminated in line with Law.

**THE LAW ON THE BUDGETARY SYSTEM OF REPUBLIKA SRPSKA IS ALSO AMONG THE LEGISLATIONS that have been violated.** Although the Law (Article 21) prescribes a budget calendar according to which the Government is required to endorse a draft budget for the subsequent fiscal year by November 5, the RS Government for the third time in this term failed to endorse the draft budget and endorsed it in the form of a proposal instead. Let us mention that the Law on the Budgetary System of RS prescribes fines for the responsible individuals who violate the prescribed procedures and deadlines, however, we are not familiar with weather anyone was fined on this account.

**comparison with government shows a higher productivity on the part of the rs government during this observed period, but it also shows less RESPONSIBILITY in the context of planning of their obligations.** During the period January 1-March 31, 2018, the RS Government endorsed 676 measures at 12 sessions that lasted total 34 hours, while the Government of FBiH held 15 sessions (only 5 regular sessions) in duration of circ. 27 hours and endorsed 436 different measures. On the other hand, the RS Government failed to adopt its Work plan for 2018 by the end of the first quarter, and the Work plan of the FBiH Government was adopted on January 18, 2018.

**TRANSPARENCY of the rs government work is not at a SATISFACTORY level.** Dissemination of information happens in a selective manner (which is a remark made by many media outlets), and the minutes from the sessions are not uploaded on the official government’s web site. Instead of being available soon after their adoption at the subsequent session (as prescribed in the Rules of Procedures), one must wait for months (CCI has failed to receive minutes from some sessions even after months of insisting, including this cycle, during which we did not receive a single document from the working meetings and sessions held during the observed period). And even when delivered, the minutes are usually in a hard copy rather than in electronic version, which would make their use easier. Simply, it seems as if some is trying to hinder the flow of “non-filtered“ information about the work of the government to the public. As a reminder, during the observed period of time, in addition to not receiving information from the working meetings and sessions, the CCI did not receive the minutes of special or telephone sessions.

**MATERNAL COMPENSATION IN AMOUNT OF 405 km FOR ALL MOTHERS HAS BEEN PAID SINCE THE BEGINNING OF THE YEAR and this MEASURE IS AMONG THE MEASURES REALIZED BY BOTH GOVERNMENT AND NATIONAL ASSEMBLY IN THE FIRST QUARTER OF 2018.** Despite the significance of this measure, it is inherently insufficient, because the problem that RS has with respect to its aging population, negative population growth is much more serious and requires a system of measures, strategic approach and full commitment on the part of government, along with its openness for cooperation with civil society

**CONCLUSION**

**FOR THE END...** We emphasize the need of both institutions to increase efficiency particularly in the segment of realization of the planned measures, with a focus on laws and strategies.

Irrespective of elections, this must not be another year that is lost because government institutions are occupied with party politics and election campaigning instead with doing their job and finding solutions to citizens' problems.

The Government should hold a thematic session as soon as possible to discuss the Work plan and its realization and decide to present to the public the information regarding responsibility for the current situation on one hand and the ways to overcome the problems and realize the planned activities on the other hand. And the Parliament should exert pressure on the Government to do more and to be more responsible. And, should commit to that goal itself.

Citizens’ interests must be above the narrow political and individual interests.

Let us mention that in the context of citizens’ protests in Banja Luka (and similar ones in Sarajevo) resignations and dismissals would have happened long time ago in a politically developed democratic country, without too much contemplating and without frantically fighting to stay in power. However, moral responsibility (to focus on that at the moment) is unfortunately unknow to our politicians. As is doing their job and presenting the results rather than arguing with the victims and critics of their performance.