



Direct accountability under construction

How to fill the gap between citizens and the Parliament of the Federation of Bosnia and Herzegovina¹

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Why direct accountability?

Accountability of directly elected representatives must not be assessed only on election day, which is, unfortunately, the case in Bosnia and Herzegovina. Instead, people should have variety of mechanisms at their disposal to continuously monitor, engage and interact with legislative and representative bodies. The whole essence of direct or vertical accountability is that it is effected from below, by the public itself, through a variety of mechanisms, including elections, complaints, procedures, legal redress, the activities of civil society organizations and so on, unlike horizontal accountability which is effected by regulatory and other supervisory bodies which are composed of professionals acting on behalf of public (Beetham, 2006). There are numerous reasons for demands for direct accountability of parliaments through the mechanisms of ongoing interaction. Direct accountability gives possibility to citizens to influence policy making which later reflects on more effective implementation of laws and other decisions. Consequently, confidence in the political process and public institutions legitimacy rise. On the other hand, parliaments benefit from discussions with experts and civil society organizations as they represent valuable source of information and knowledge. Not all citizens will want to participate all the time, but it is of utmost importance for democratic societies to provide citizens with enough possibilities and information to participate should they choose to do so. There are three key mechanisms for achievement of continuous interaction with citizens: - information (dissemination of information on policy making), - consultation (asking for and receiving citizens' feedback on policy making) and active participation (active engagement of citizens in decision-making process) (OECD, 2001).

Direct Accountability of the Parliament of the Federation: Practice

The Parliament of the Federation of Bosnia and Herzegovina (PF), being the highest legislative and representative body in FBiH, shows poor results in terms of ensuring direct accountability through these three mechanisms and it definitely did not succeed in ensuring meaningful dialogue with citizens. Public institutions in the Federation (as well as in the whole country) generally do not enjoy high level of public trust. Research show that according to the citizens in FBiH, public institutions take fourth place in terms of public trust (after media, NGO sector and international community).² Numerous different levels of authorities in the country make it hard to an ordinary citizen to understand who does what and it is no wonder that people do not feel connected to the entity of the Federation of Bosnia and Herzegovina, or any other level of authority, since it is unclear which level of authority can solve concrete problems of citizens and which level is responsible if citizens' demands are not met. People find it hard to identify themselves with the Federation of BiH, and sense of belonging and membership in the political community is one of the key elements of active citizenship and engagement. Therefore, poor relations between citizens and institutions of FBiH could, among other things, be caused by this distance and inability of citizens to attach themselves to bulky set of institutions. On the other hand, we face significant discrepancy between what is guaranteed by the Constitution, laws and other regulation and what is happening in practice in terms of facilitating access of citizens to Parliament as an institution and individual parliamentarians. There has not been much research on this issue, though CCI (Centers of Civic Initiatives) regularly monitors PF's work and individual MPs' performance, but reports mainly focus on results in adopting legislation and sum of initiatives.

¹ This brief is prepared on the basis of the author's study „Accountability of Legislative Institutions in Bosnia and Herzegovina: Case of the Parliament of the Federation of Bosnia and Herzegovina“. Complete study is available on www.soros.org.ba

² Prism Research on the public opinion about freedom of media in BiH, April 2011

OUT OF:

- 98 MPs in HoR, only 12 have their CVs on the official website of PF
- 156 MPs in PF, only 1 MP has an official website
- 98 MPs in HoR, only 26 have profiles on social networks (and those are mainly used for personal purposes rather than for communication with citizens)

³ Rules of Procedures of both Houses of PF provide possibility for each citizen to attend plenary and working bodies sessions. Same Rules determine that more detailed regulation governing the presence of citizens at sessions will be approved by the Collegiums. However, we could not find such regulations and when we specifically asked Secretariat of the PF what is the exact procedure for a citizen to attend the session (is there a need for early announcement or formal request, what are security related issues etc.), as a reply we received only reference to Articles of the above-mentioned Rules of Procedures. So, an ordinary citizen who simply wanted to find out how to attend the session, not only could not find information on the website that should be a form of proactive dissemination of information, but when specifically asked for the information, remained deprived of his right to information.

⁴ Such as incomplete replies to requests; experience of the author of the research shows that even false information have been provided and that legal provisions regarding issuance of replies in a form of a decision which prescribes instruction on legal remedy have not been respected

⁵ All the interviewed MPs confirmed that they use their personal or their political party's e-mail address and that they have never been offered one by the PF

⁶ CCI reports show that almost half of laws from 2007 to 2010 were adopted following the urgent procedure and during extraordinary sessions initiated by the Federal Government which practically left no space for parliamentarians and citizens to engage actively and adequately in the decision-making.

What is missing?

Current mechanisms of ensuring information, consultation and active participation of the PF are rather undeveloped. More specifically, this is what is missing:

In terms of information:

- lack of proactive informing of public by the PF³;
- deficiencies in providing on - demand access to information⁴;
- official website of the PF offers very modest range of information;
- low responsiveness to electronic communication;
- no public broadcasting of the proceedings is ensured;
- there is no official track of MPs' activities and their initiatives besides those recorded by monitoring NGOs such as Centers of Civic Initiatives;

In terms of consultation and accessibility:

- MPs do not have official PF's e-mail addresses⁵;
- official website of the PF does not provide any possibility of e-consultation;
- procedures governing the access of citizens to parliamentary sessions are not developed and well presented to citizens;
- very few MPs use internet and social networks as a tool of communication with public on the matters of public interest;
- lack of institutionalized obligation of elected representatives to communicate with citizens;

In terms of active participation:

- there is not enough NGOs engagement in the decision-making process;
- majority of legislation is being approved in urgent or shortened procedure which disables NGOs and citizens to actively engage in decision-making⁶;
- not enough public discussions on draft legislation is being organized and those discussions which are conducted, are not properly announced and advertised.

Joining efforts for introducing the change

Improvement of citizens - Parliament relations as an instrument of consolidation of representative democracy in FBiH is a task for multiple stakeholders. We have identified four main stakeholders (Parliament as an institution, individual parliamentarians, NGOs and political parties) and assessed options of change with different stakeholders in the role of the agent of change, based on the criteria of public acceptance, political acceptance, infrastructure and capacities, connection of citizens with stakeholder. While some stakeholders might be facing the problem of poor public trust, financial or human resources, others can be challenged for being politically motivated and therefore politically unacceptable. However, each of the stakeholders has valuable advantages that could be used in introducing a meaningful change in citizens-Parliament relations. Therefore, we choose option that would include efforts of the Parliament, parliamentarians, NGOs and political parties in ensuring that requests for direct accountability are met.

What could the Parliament and parliamentarians do?

Parliament should be a role model institution, a mirror of citizens expectations, but its poor performance in terms of ensuring information, consultation and participation mechanisms and its poor public acceptance prevent it from getting there. Members of the Parliament are directly elected and they, above all, have the responsibility to meet the requirements of their electorate and to enable citizens to assess their work. The fact that they have received certain number of votes obliges them to interact with their voters, as well as with people who did not necessarily vote for them. Members of Parliaments should not have to wait for their parties or Parliament to define rules for interaction with citizens. Instead, they should introduce their own practice of communication and consultation with public. Without showing the will to inform and engage citizens more, relations between Parliament and citizens will most likely deteriorate. Citizens will become more and more disappointed and this will reflect on the image of the Parliament as well as of the individual parliamentarians. While Parliament will continue losing the public trust, parliamentarians could lose the support on the elections. Therefore, investment in relations with citizens through strengthening of the information, consultation and participation instruments represents benefit for everyone and eventually, contributes to the improvement of democracy.

What could the Parliament and parliamentarians do?

What could non-governmental organizations do?

NGOs could help reduce shortcomings in citizens-Parliament relations with their stronger advocacy and demands for more citizens engagement in



decision-making, but also with demands for more informative activity of the Parliament. NGOs can serve as a connection between PF and citizens as they are constantly in touch with the people and are familiar with their needs, but also because it is much easier to get in touch with Parliament through an NGO. It would be too much to expect that parliamentarians and parliamentary services are experts in every area covered by the work of the PF. Therefore, in order to avoid exclusive dependence on the government information and opinions, expert potential of NGOs could be used more often. It would provide parliamentarians with variety of opinions and options.

People in BiH generally trust NGOs more than they trust public institutions and political parties, so NGOs' passivity or exclusive focus on short-term projects might contribute to the loss of citizens' trust. On the other hand, active engagement of NGOs in dialogue with the Parliament and necessary criticism of Parliament's work that comes along would mean that civil sector truly represents a corrective of the society in FBiH. Besides, closer relations with the legislator would be an opportunity for NGOs to put certain issues and interests of their specific target groups on the Parliament's agenda.

What could political parties do?

Political parties represented in PF could contribute by using their infrastructure to enable and facilitate communication with citizens across the Federation. Advantages of the parliamentarians' work in their constituencies would eventually reflect on the improvement of Parliament's image as a whole. More importantly, as members of political parties are sitting in the Parliament, they can individually ask for better implementation of existing participatory and information mechanisms, as well as propose introducing of the new ones. Parties could foster their members to open their activities more to public, as none of the existing rules forces them to. The main problem of the political parties represented in PF is the issue of poor public trust. They are perceived as closed, corrupted and elitist and maintaining the status quo in relations with citizens would deepen the gap between parties and citizens and result in complete loss of trust in long term. This could ultimately reflect on the election results of parties not taking into account citizens' views. Therefore, we suggest more proactive approach of political parties, not only through their representatives in the Parliament, but also by using their party's infrastructure, informative and consultation activities to get closer to the electorate.



Print screen of the PF's website. Most of the links you want to access give you "under construction message"



References:

- CCI Reports on Monitoring of the Work of the Parliament of FBiH (2006.-2010 and 01.01.2011.-30.09.2011.)
- David Beetham, Parliament and Democracy in the Twenty-First Century – A guide to Good Practice, Interparliamentary Union 2006
- OECD Handbook on Information, Consultation and Public Participation in Policy-Making, 2001
- Prism Research on the public opinion about freedom of media (April 2011)
- Rules of Procedure of the House of Peoples of the of Federation of Bosnia and Herzegovina, Official Gazette of FBiH, 27/03
- Rules of Procedure of the House of Representatives of the Parliament of Federation of Bosnia and Herzegovina, Official Gazette of FBiH, 69/07
- www.parlamentfbih.gov.ba



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A "Policy Development Fellowship Program" has been launched by the Open Society Fund BiH in early 2004 with the aim to improve BiH policy research and dialogue and to contribute to the development of a sound policy-making culture based on informative and empirically grounded policy options.

The program provides an opportunity for selected fellows to collaborate with the Open Society Fund in conducting policy research and writing a policy study with the support of mentors and trainers during the whole process. Eighty one fellowships have been granted since the starting of the Program.

All policy studies are available at www.soros.org.ba

Practical steps and recommendations

Parliament of the Federation of BiH		
<p>In terms of ensuring better information activities</p> <ul style="list-style-type: none"> provide full texts of draft laws, minutes of proceedings, MPs questions and government replies and draft agendas of all working bodies on the website; publish voting results after each plenary session; publish summaries of each plenary session or publish monthly bulletin highlighting the most important events in the Parliament; provide contact details of each MP, parliamentary groups and staff on the website approve and implement Development Strategy of Information and Communication Technologies in PF 2011-2014 consider webcasting of plenary sessions advertise existing possibilities for citizens and NGOs to give comments on draft laws when public discussion is not being organized inform citizens on the possibility and necessary procedure for attending the sessions (through brochures, information posted on websites and other media) 		
<p>In terms of ensuring more citizens consultation and easier access to parliamentarians</p> <ul style="list-style-type: none"> introduce possibility of e-consultations introduce web based polls on the issues within PF's jurisdiction provide each MP with an official e-mail address provide contact details of each MP, parliamentary groups and staff on the website ensure education programs to enhance use of ICTs by MPs 		
<p>In terms of increasing active participation</p> <ul style="list-style-type: none"> reduce the number of laws discussed under urgent or shortened procedure to allow citizens and NGOs to engage in decision making increase the number of public discussions and pay more attention to its advertising provide public with information whether conclusions and recommendations of public discussions have been accepted and to what extent use public hearings as a method of collecting expert opinions on draft laws 		
<p>An overall recommendation: As implementation of most of the above mentioned recommendations require time and resources, we suggest a step-by-step approach that could start with a mid-term pilot project aimed at making the PF an example of good practice for lower levels of representative bodies in FBiH in terms of transparency, openness and accessibility. Aware of the fact that most of recommendations require more time and capacities than PF is currently able to provide, we suggest a partnership with relevant NGO(s) and international organizations/donors whose area of interest covers accountability of public institutions.</p>		
Parliamentarians	Civil Society Organizations	Political Parties
<ul style="list-style-type: none"> increase their responsiveness to electronic communication use social networks as a way of communication with citizens make sure their activities are seen through the channels of the PF rather than their parties make their presence in constituencies known in order to engage in dialogue with their electorate and familiarize with their needs, opinions and comments emphasize every positive example of their interaction with citizens and NGOs as this practice could attract more people to participate 	<ul style="list-style-type: none"> engage regularly in advocacy, consultation and decision-making process; educate citizens of their rights and importance of political participation; put more pressure on the PF to publish more information about its work 	<ul style="list-style-type: none"> provide their parliamentary groups in PF with more staff support to help them better organize their activities and channel at least one part of communication and citizens' requests; this would increase MPs' responsiveness to the demands of citizens; determine and publish internal regulation for maintaining contacts with citizens; in that sense, all information on the schedule and availability of MPs for dialogue with electorate should be known to the wide public (via websites, brochures and pamphlets posted in local communities)