



Accountability of Legislative Institutions in Bosnia and Herzegovina Case of the Parliament of the Federation of Bosnia and Herzegovina

Edina Vejzagić

Table of Contents

Abstract

1. Introduction	2
2. Direct accountability and why do we need it?	3
3. Constitutional and legal basis for accountable Parliament of the Federation of Bosnia and Herzegovina	4
4. And this is how it works in practice	6
4.1. Information	7
4.2. Consultation and accessibility of parliamentarians	11
4.3. Active participation and consultation	13
5. Possible solutions to overcome the existing gap between Parliament of the Federation and citizens	15
5.1. Current option	16
5.2. NGOs as engine of the change	16
5.3. Political parties as engine of the change	16
5.4. Parliament, parliamentarians, NGOs and political parties as partners in introduction of the change	16
6. Conclusion and recommendations	17
Bibliography	19
Appendix one	21
Appendix two	21

Summary

This study represents an attempt to find modalities to bridge the existing gap between the Parliament of Federation of Bosnia and Herzegovina (PFBiH) and citizens which is a consequence of the lack of accountability of this legislative and representative body. Dominated by the executive power, insufficiently open and accessible, Parliament of the Federation (PF) currently does not offer too many possibilities for exercising the mechanisms of direct accountability in Federation of Bosnia and Herzegovina (FBiH). On the other hand, general lack of trust in public institutions in BiH contributes to the poor civic engagement in consultation and decision-making. The study analyzes constitutional and legal framework and internal rules governing the access of public to the Parliament as well as existing practices of keeping Parliament open and transparent and suggests measures that could be taken by multiple stakeholders to build a stronger partnership between the Federal Parliament and those it represents.

1 Introduction

In the chain of accountability of public institutions, parliaments have the most important role. On the one hand, they hold the governments to account, and, on the other, they are directly accountable to the electorate. Rendering of accounts, however, should not happen exclusively on the election day. Instead, people should have variety of mechanisms at their disposal to continuously monitor, engage and interact with legislative and representative bodies. In the context of Bosnia and Herzegovina and its two entities, unfortunately, citizens mostly award or punish their representatives for their work on the election day, without having had too many opportunities to interact with them during their term of office. Therefore, public institutions do not enjoy high level of public trust as their work is perceived as insufficiently transparent and alienated from people. Furthermore, quite a complex institutional architecture makes it hard for citizens to make a distinction between different bodies and their competences which complicates their engagement in decision making process. Legislative institutions, though directly elected, are not excluded from this negative trend. Focus of this study is put on the Parliament of Federation of Bosnia and Herzegovina which lacks direct accountability to citizens. It is highly dominated by the executive power and its existing mechanisms for participation and consultation with citizens do not enable continuous interactions. Mere existence of laws and regulations does not mean they are actually being applied properly or applied at all.

Disillusionment of citizens stem from the lack of feeling of the Federation of Bosnia and Herzegovina as a political community, from a very difficult economic and social conditions, poor results of public institutions as well as from the atmosphere of corruption of public officials. All of this contributes to the low level of participatory culture as people feel their contribution will not matter.

Though there has been some progress in terms of civil sector involvement in decision making in the Parliament of Federation, effect of NGOs in BiH generally „has been limited because, although they can successfully identify an issue and advocate for it, they have not succeeded in generating a level of public following that obligates governments to take account of their positions. Most organizations are small and inexperienced and lack a stable domestic financial base, making them dependent on donor funding.”¹

All this indicates the need for coordinated action of relevant stakeholders in order to improve citizens-Parliament relations. In this case, relevant stakeholders include Parliament (as an institution and individual parliamentarians), NGOs - as they are mostly the channel through which citizens will tend to solve their specific problems, and political parties as political organizations competing for the seats in the Parliament and directly benefiting from quality relations with citizens.

This study's purpose is to promote the need for improvement of relations between citizens and the Parliament of the Federation of Bosnia and Herzegovina through strengthening mechanisms of information, consultation and participation and through joint efforts of relevant stakeholders. In that sense, the study will give recommendations that are based on: analysis of legislation and internal regulation regarding public access to information and participation in the legislative process, analysis of the existing practice for access to PF, comparative analysis of the regulation and practices of the State Parliament but also comparative analysis of good practices of MPs from other European countries, analysis of the content of PF's website, semi

¹ USAID Country Assistance Strategy for Bosnia and Herzegovina 2009-2013, p. 15



- structured interviews with parliamentarians, information gathered from the Secretariat of PF and questionnaire that we administered and distributed to relevant NGOs. Questionnaire has been sent to 30 NGOs covering wide set of issues ranging from parliamentary monitoring, human rights protection, minority rights, education, environmental protection to youth issues, but only 11 replies have been received.²

2. Direct accountability and why do we need it?

Accountability, in its simplest meaning, refers to being responsible to someone or for some action. "Writers on accountability nowadays make a distinction between what they call 'horizontal' and 'vertical' accountability. Horizontal accountability is effected by regulatory and other supervisory bodies which are composed of professionals acting on behalf of public. Vertical or direct accountability is effected from below, by the public itself, through a variety of mechanisms, including elections, complaints procedures, legal redress, the activities of civil society organisations, and so on."³ Parliaments as representative bodies are responsible to the electorate „which is the final arbiter of their conduct and has the right to dismiss them from their office at regular election“.⁴ But, since elections take place too rarely to be the only tool in the hands of people, certain mechanisms for ensuring continuous relations with electorate and direct accountability have to be set up. In order to set up those mechanisms, parliaments have to be open, transparent and accessible. Open and transparent parliament means that proceedings are "physically open to the public"⁵, that a parliament is open to the media coverage, and information about the work of parliament are accessible to the public via different channels of communication. An accessible parliament implies direct contacts between parliamentarians and citizens as well as citizens' involvement in the decision making process. Finally, the notion of accountability of parliaments means that members of parliament are accountable to the electorate for their performance in office and integrity of conduct.⁶ Should a parliament wish to ensure effective accountability to citizens, it must continuously strive to be open, transparent and accessible as possible.

"Democracy rests on the consent of citizens. In order to assure this consent, representative democracy bases itself on a set of traditional formal rules and principles such as on elections and accompanying campaigns. Representative democracy is also based on ongoing interaction among government and citizens in between elections."⁷ These interactions can be accomplished through three crucial mechanisms:

- Information
- Consultation
- Active participation

To put this in the perspective of parliaments, information means that parliament disseminates information on policy-making whether that be upon its own initiative or upon citizens requests to access information. Consultation means that parliament asks for and receives citizen's feedback on policy making. Active participation imply that citizens actively engage in decision-making process. It is within these three mechanisms that criteria of openness, transparency and accessibility must be ensured.

There are numerous reasons for demands for direct accountability of parliaments through the mechanisms of ongoing interaction. Direct accountability gives possibility to citizens to influ-

² Questionnaire was sent to the following organizations: Transparency International, Centers of Civic Initiatives, Center for Promotion of Civil Society, Center for Citizen Interest Promotion, Education Builds Bosnia and Herzegovina, Youth Institute „Kult“, The Heart for The Kids with cancer in FBiH, Youth Informative Agency, Eco Element Bugojno, Cure Foundation, Association of Consumers of Tuzla Canton, Independent Bureau for Humanitarian Issues, Helsinki Committee for Human Rights, Center for Ecology and Energy, Human Rights Office Tuzla, The Center for Free Access to Information, Center for Investigative Reporting, Yout Cultural Center Abrasevic, Association of Municipalities and Cities of FBiH, Women to Women, Women BiH, Civitas, Association of Loan Guarantors in BiH, Association Vesta, Be My Friend, Rights for All, ACIPS, Youth Resource Center Tuzla, Hope and Homes for Children,

³ David Beetham, Parliament and Democracy in the twenty-first century, A guide to good practice, Inrer-parliamentary Union, 2006., p.96.

⁴ Code of Conduct for Members of the Irish Parliament

⁵ David Beetham, Parliament and Democracy in the twenty-first century, A guide to good practice, Inrer-parliamentary Union, 2006., p.43

⁶ World e-Parliament Report 2010, p. 142

⁷ OECD Handbook on Information, Consultation and Public Participation in Policy-Making, 2001, p. 15

ence 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. We must be aware of the fact that 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.

3 Constitutional and legal basis for accountable Parliament of the Federation of Bosnia and Herzegovina

Federation of Bosnia and Herzegovina was created by the Washington Agreement in 1994 as a result of the peace negotiations between Bosniacs and Croats aimed at stopping the war. Its Constitution was adopted by the Constitutional Assembly of the Federation of BiH on June 1994, but arrangements made in Washington that were inserted in this Constitution have not gone through the process of the wider democratic legitimation. Existing institutional arrangement of Federation of Bosnia and Herzegovina, which is today primarily very inefficient and expensive⁸, is not the result of expressed will of citizens, but of the agreement between political elites reached at the war time. 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. The table below (Table 1) shows complexity of the constitutional architecture of the country with the Federation being the most complex within this system. 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.

⁸ There are 146 ministries and eleven parliaments in FBiH (on the Federal and Cantonal levels)

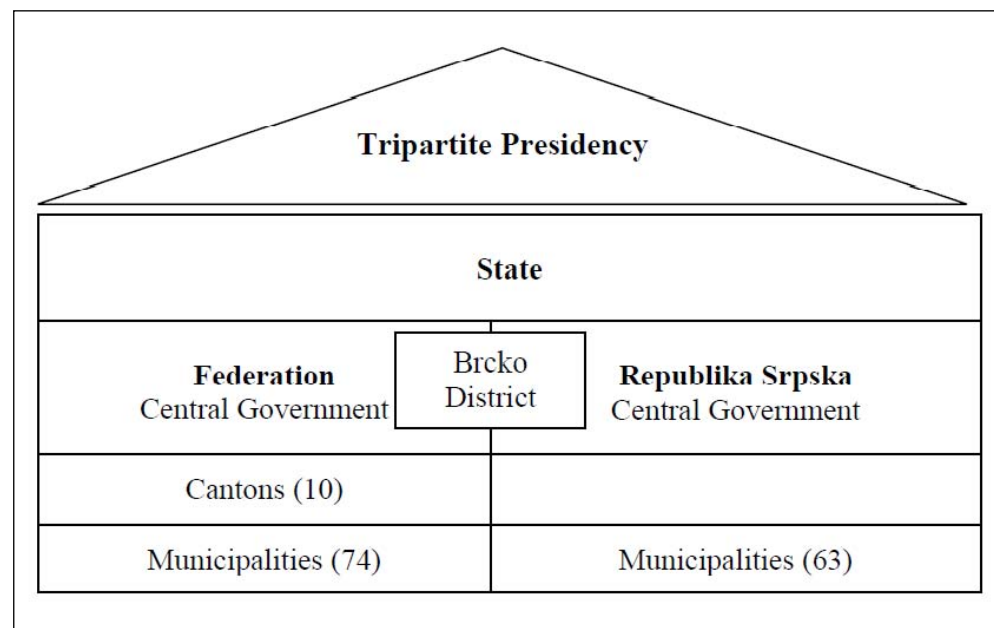


Table 1: Constitutional structure of BiH, Source: World Bank, Bosnia and Herzegovina Country Assistance Strategy, FY08-FY11



Although competences of different levels of authorities are shared among state of Bosnia and Herzegovina and its two entities, and then within the Federation they are shared between Federation and Cantons, Federation of Bosnia and Herzegovina still has very important competences affecting every day life of its citizens. Consequently, as Parliament of the Federation of BiH is responsible for enacting laws to exercise the responsibilities allocated to the Federal government⁹, this means that its decisions affect areas such as health, internal affairs, justice, finances, education and science, culture and sports, labor and welfare, trade, energy, mining and industry, agriculture, water-management and forestry, transport and communications, displaced persons and refugees, development, entrepreneurship and crafts, environment and tourism, physical planning, issues of veterans and disabled veterans of defensive-liberation war.

Parliament of the Federation is composed of two chambers: House of Representatives (HoR) and House of Peoples (HoP). Members of the House of Representatives (98 members) of the PF are directly elected according to the open lists system which allows people to choose not only their preferred political party, but also to express their preference between individuals within a party.

The House of Peoples is composed of 58 delegates elected by the Cantonal Assemblies from among their representatives in proportion to the ethnic structure of the population. We must emphasize that delegates of the HoP, though indirectly elected to this House, are still directly elected to the Cantonal Assemblies. However, pursuant to the Article 8 (4) of the Constitution of the Federation of Bosnia and Herzegovina, Bosniac delegates, Croat delegates and Serb delegates from each Canton shall be elected by their respective representatives, in accordance with the election results in the legislative body of the Canton, and the election of delegates from among the Others shall be regulated by law. This means that citizens do not necessarily influence their election to the House of Peoples.

When it comes to constitutional and legal assumptions for ensuring mechanism of information, consultation and participation, the Constitution of the Federation of BiH guarantees that all persons in FBiH shall enjoy the highest level of internationally recognized rights and freedoms. Among other rights, it guarantees the free speech and press, freedom of thought, conscience, and belief, freedom of assembly, freedom of association, including freedom to form and belong to labor unions and the freedom not to associate. Furthermore, right to participate in public affairs and right to have equal access to public service is guaranteed. There is no specific regulation in the Constitution regarding the right to information, but by enacting the 2001 Law on Freedom of Access to Information, PF has determined an obligation of public bodies to provide access to information as well as the procedure for requesting the information by citizens and procedure for providing the necessary answers. As regards to the freedom of association, in 2002 PF has enacted a Law on Associations and Foundations with an aim to determine requirements for establishment, registration, internal organization as well as other issues regarding the organizations of civil society.

Rules of Procedures of both Houses of the PF determine that Houses work publicly and that publicity of the work is ensured by timely and objectively informing the public of their work. They also state that both houses may use the web sites for informing the public of its work. Additionally, Rules of Procedures of the HoR and the HoP state that draft laws as well as adopted legislation may be published in daily press or as separate publications. Rules also foresee the possibility for citizens to freely access sessions of both Houses and working bodies in line with the Regulations determined by the Collegium of the House.

⁹ Competences of the PF include: Electing the Federation President and two Vice-Presidents, Requesting that the Constitutional Court decide whether to remove the President or one of the Vice-Presidents, Approving by a majority vote the Cabinet, Enacting laws to exercise the responsibilities allocated to the Federation Government, Authorizing Cantons to conclude agreements with states and international organizations, if approved by the Parliamentary Assembly of Bosnia and Herzegovina except to the extent that the Parliamentary Assembly of Bosnia and Herzegovina provides by law that certain types of agreements do not require such approval, Approving by a majority vote agreements with states and international organizations with the previous consent of the Parliamentary Assembly of Bosnia and Herzegovina provides by law that certain types of agreements do not require such approval, Adopting the budget of the Federation and enacting legislation to levy taxes and otherwise secure the necessary funding, Performing such other responsibilities as are conferred upon it.

Finally, as regards to the mechanisms for participation of citizens and civil society organizations in the decision making process in the PF, Rules specify possibility for any citizen, enterprise and legal person to initiate proposal of the law, as well as possibility for Parliament to hold a public discussion on the laws of particular interest for citizens.

4. And this is how it works in practice

Public institutions in Bosnia and Herzegovina generally do not enjoy high level of public support and Parliament of Federation of Bosnia and Herzegovina is not an exception in that sense. Difficult economic and social situation, high unemployment rates, and general lack of progress in the country make citizens' disappointment in public institutions even greater and their views pessimistic. Gallup Balkan Monitor Report on Bosnia and Herzegovina for 2010 showed very negative assessment of the general development of the country. Responses in the Federation BiH showed that since 2008, the number of people seeing the country moving in a bad direction has risen from 68% to 85%. In terms of the hierarchy of the institutions that people trust, public institutions in Federation BiH take fourth place, after media, NGO sector and international community.¹⁰

¹⁰ Prism Research on the public opinion about freedom of media (April 2011)

PF's public legitimacy is undermined by the fact that it continuously fails to respond to the key problems of its electorate such as poverty and unemployment. Besides, owing mainly to the Federation's expensive public administration, new Stand-By Arrangement with IMF had to be made in 2009. Consequences, of course, are felt mostly by the most vulnerable categories. Though this study's intention is not to consider financial aspects of the MPs' work, in order to detect main obstacles standing in the way of better relations with citizens, we must note that Parliament of Federation could hardly be perceived as a socially responsible institution owing to the quite high incomes of MPs that are not followed by an increase in effectiveness of their work.¹¹

¹¹ According to the research from May 2010 conducted by GEA Center for Research and Studies and supported by the CCI, monthly income of an MP in PF with ten years working experience was 3.226 KM which equals to 4,1 average monthly incomes or 9,4 average pensions in Bosnia and Herzegovina. The same survey shows that in case of some other European countries (Norway, Germany, Slovenia, Latvia, Belgium, Serbia, Croatia), MP's salaries do not exceed amount of three average monthly incomes in those countries. Without any intention to put a price on the work of any parliamentarian, we are convinced that the level of MPs' incomes should follow general economic conditions in the country.

¹² CCI, Monitoring rada Parlamenta Federacije BiH za mandatni period 2006-2010.

¹³ CCI, Monitoring rada Parlamenta Federacije za period 01.01.2011.-30.09.2011.

In 2010 only 40 laws have been adopted (and only 160 in last four year's term). PF's performance in terms of accountability is also decreased due to the strong dominance of the executive power. Research show that almost half of the 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.¹² Unfortunately, not much has changed even after the October 2010 elections - in first nine months of the new convocation of the PF, only 23 laws were enacted in both Houses with 9 of them being adopted following the urgent procedure, 10 of them being adopted following shortened procedure and only 4 being adopted in the ordinary procedure. Urgent and shortened procedures drastically reduce time for quality debates and drafting amendments and they do not allow parliamentarians to thoroughly consider and discuss proposals. Most importantly they do not provide any possibility to the interested groups of citizens and NGOs to engage in discussion during the procedure within the Parliament. Another important issue which reflects poor results of the Parliament, but also shows how responsive MPs are to their electorate needs is the fact that number of laws initiated by the MPs is very low - only 2 out of 46 laws have been proposed by members of the HoR.¹³ This shows lack of personal initiative and almost complete dependence on the executive power. That is also the reason why parliamentarians are negatively assessed by the public.



4.1. Information

Existing mechanisms for ensuring transparency, proactive informing and accessibility of the Parliament of the Federation are not developed enough or are simply not used, neither by the Parliament nor by the parliamentarians. Access of citizens to plenary and working bodies sessions, as previously said, is guaranteed by the Rules of Procedures of both Houses. However, those are only framework provisions that determine that concrete details of their attendance will further be regulated by the Regulation adopted by the Collegium of the House. Such rules, either do not exist or are simply unavailable and unknown to citizens. Regulation itself does not solve the problem of inability of citizens to attend sessions should they wish to do so. As a response of the Information and Documentation Service of the PF to the question of the author of this study regarding the existence of clear procedure that regulates attendance of citizens to the parliamentary proceedings, we have received a simple quotation of the previously mentioned provisions of the Rules of Procedures. No reference to any other text or regulation of PF on this issue, nor any other information has been provided. We know that some NGOs such as CCI regularly attend parliamentary proceedings, but what is happening with the people who want to attend sessions for the first time? Could they simply show at the door and say "We know that Rules of Procedures of both Houses of the PF provide a possibility for any citizen to attend the session"? The answer is probably not - there is a need to announce one's presence earlier, there are security checks and facilities related issues. But how an ordinary citizen can get these information remains unknown." I am not sure that citizens know that they could register to attend the sessions. It is also complicated due to the need for a prior announcement and need to meet certain requirements. A while ago, while I was giving a statement for Bonaventura.ba in the restaurant of the Parliament, an internal security officer approached and asked me if I had a permission for video recording of the statement. When, as a sign of protest I went out of the building to continue, a police officer approached me and asked the same thing. I could not believe it. If this is happening to the parliamentarians, who knows what can happen to citizens".¹⁴

Still, there has been some progress in terms of opening the Parliament of the Federation more to citizens. In October 2011, PF has opened the door of a new Visitor Center with the support of the USAID Parliamentary Assistance Program. The main purpose of the Center is to be the contact point where individuals and organized groups of citizens will be able to find out more about the work of the Federal Parliament and to talk to their elected representatives.¹⁵ At the opening ceremony of the Center, head of the USAID Office in BiH, Allan Reed said the new Visitor Center will contribute to the transparency and accountability, i.e. to the right of citizens to information. Since the Center was established following the example of the State Parliament, we expect that it should have positive impact on Parliament-citizens relations. Only in 2011, Parliamentary Assembly of Bosnia and Herzegovina has recorded a visit of more than 3000 people¹⁶ and if this could be achieved at the Federal level too, it would represent a great improvement. Of course, this is still not the form of active participation and it does not give many possibilities for consultancy, but it definitely represents a step forward in establishing contacts with people. Advantage of the Visitor Center is that it will most likely host organized groups of students and young people in general who could be timely and properly informed about the importance of active interest in the political process. On the other hand, its disadvantage lies in the fact that it is reactive, rather than proactive form of communication with citizens and most of the visits will be initiated by other actors such as schools and NGOs.

¹⁴ Besima Borić, Member of the HoR, personal communication, January 2012

¹⁵ www.sarajevo-x.com, 27.10.2011.

¹⁶ https://www.parlament.ba/sa-drzaj/vijesti/2011/default.aspx?id=33102&langTag=bs-BA&template_id=5&pageIndex=1

Transparency of the Parliament of Federation has to be analyzed from several different aspects, but we will focus on three aspects: media broadcasting, publication of information and official documents and website. As we have already noted, Rules define the work of the Parliament as public. This means it is open to public and media coverage. Radio-Television of the Federation of BiH as the public broadcaster in FBiH according to the Law on RTV FBiH has the right to broadcast sessions or parts of sessions of the Parliament of the Federation, and is obligated to broadcast parts of sessions that Collegium of one of the Houses finds necessary. Furthermore, RTV FBiH has an obligation to inform public of the parliamentary activities through parliamentary chronicles at the latest three to five days after the sessions.

Parliamentary sessions are not broadcasted on television or the internet and this deprives citizens of the possibility to scrutinize the work of their elected representatives and to hear variety of opinions on the matters of public interest. After each session of the Houses of the PF, TV FBiH prepares a special program "Today in the Parliament" which highlights the main issues discussed. However, fifteen to twenty minutes is not nearly enough for citizens to assess the quality of work of the Parliament and individual parliamentarians. Alternative solution for broadcasting parliamentary sessions that many countries have applied is webcasting. It usually covers plenary sessions and can be easily found on parliaments' websites. Parliamentary Assembly of Bosnia and Herzegovina has introduced this practice a few years ago as a way of compensating the fact that its sessions are not broadcasted by the public broadcaster. Additionally, World e-parliament Report for 2010 shows that the number of parliaments using webcasting of plenary sessions is growing and 43% of parliaments use this method of communication with citizens. The Report anticipates that webcasting of plenary sessions will be provided by over 70% of parliaments in the next few years and this will have significant impact on transparency.¹⁷

¹⁷ World e-parliament 2010 is focused on national parliaments, and even though Parliament of the Federation of BiH is not a national, but an entity parliament, this is still a very good example of what could be done to increase transparency and improve knowledge of citizens about the legislative process

Research on the years-long implementation of Laws on Freedom of Access to Information at all levels of authority in Bosnia and Herzegovina show that there is significant room for improvement of the level of implementation of these laws. Most recent research conducted by Transparency International BiH in September 2011 show that public institutions do not respect statutory terms for providing requested information. Additionally, significant number of institutions does not provide administrative acts in a form of a decision. Since we do not have individual data for the level of implementation of the Law on Freedom of Access to Information in FBiH for the Parliament of Federation, we have sent a request to access information. Among other questions, we requested information about the number of requests from citizens to access information from 2006 to 2011. Response is that 39 requests have been sent to the PF and that they have all been replied. Experience of the author of the study with the request sent to the PF show that not only was the reply partial and incomplete, but it also contained false information. Only one out of 8 questions has been completely answered. Reply was sent as a simple information, not in a form of a decision (as provided by the Law) and no instruction on legal remedy has been provided. The fact that the legislative body that enacted the Law on Freedom of Access to Information does not apply its provisions in practice is very worrying. The table below gives an overview of the questions posed by the author and answers received from PF. We can clearly see that replies have been intentionally avoided.



Question	Reply from PF
Please provide exact number of the public hearings and public discussions, as well as number of laws initiated by citizens within the legislative procedure in PF for the period 2006-2011. How do you publicize and announce public hearings and discussions?	A total of 6 public discussions within the legislative procedure in PF has been held in the period 2006-2011. All the data can be found on the PF's web site.
Is there a clearly determined procedure for citizens to attend the sessions of the houses of PF and what does it imply (earlier announcement of one's presence, a request for presence, security procedures). In what way is the possibility to attend sessions presented to citizens? How often do you receive citizens' request to attend session of the Houses or other working bodies?	Article 31. of the Rules of Procedure of the House of Representatives states that a free access for citizens to attend the sessions of the HoR and working bodies is ensured in line with the Rules enacted by the Collegium of the HoR. Citizens can follow parliamentary debates in the part of the session hall foreseen for visitors. The same rule is determined by the Article 28. of the HoP.
Do the members of the PF have official e-mail addresses (such as name.surname@parlamentbih.gov.ba). If the answer is negative, what is the reason?	Members of HoR and HoP have their official e-mail addresses and they are available on the web site of the PF.
How is the maintenance of the PF's web site financed? What are the costs of the monthly maintenance and who is in charge of this maintenance – PF's staff or external associates?	Maintenance of the web site is financed by the Parliament of Federation and PF's staff is responsible for the maintenance.
Is there an Information and Communication Strategy of the PF? If the answer is positive, please provide the link where we can access the content of the Strategy's text, or enclose the copy of the text.	There is an Information and Communication Strategy of the PF, but it has not been adopted by the Collegium of the House of Representatives yet. ¹⁸
What activities does the PF undertake in sense of proactive informing of the public about its work?	There is a Visitors Center within the PF's building as well as an official web site.
How many requests according to the Law on Freedom of Access to Information has the PF received in the period 2006-2011 and how many requests have been replied to?	Parliament of Federation has received and replied to 39 requests for access to information in the period 2006-2011.
What NGOs and International Organizations have cooperated with PF and in what way (joint projects, education of MPs, support to the PF's capacities)?	Parliament of Federation has so far cooperated with US-AID on drafting the Strategy of development of information and communication technologies in the PF BiH for the period 2011-2014 ²⁰

Question of publication and accessibility of official documents and information about the activities of the Parliament and individual MP's activities is another important aspect and precondition of a transparent Parliament. For analysis of the PF's performance in this sense, we will concentrate on the information available on the official web site of the Parliament. At the time of writing of this study, Parliament's website includes only basic information about the PF, its structure and composition, Rules of Procedures and general contacts of the leadership of the Houses and secretaries general. Most of the links do not function at the moment. As regards to the HoR, photographs of 74 members out of 98 are posted, while there are only twelve CVs. In 6 CVs we found contact e-mail address of parliamentarians and only two parliamentarians have put their contact phone numbers. No references to personal websites have been found. The situation has improved since October 2011 when only 28 photographs and only 8 CVs of elected representatives in HoR were online on the official web site. When it comes to the HoP, situation is much better – there are photographs and short biographies of all 58 MPs. Thirty nine members of the HoP have their e-mail addresses on the website, but none of them has any kind of contact phone number.

¹⁸ No additional data as to where and how we could access the text of the Strategy has been provided

¹⁹ According to this response, PF has never cooperated in any way with NGOs. However, in the course of the research we have found examples of this cooperation. Interviewed MPs also confirmed having had cooperation with many NGOs. Therefore, we find it interesting that Secretariat of the PF does not have record of this cooperation or does not want to provide information about it.

We find it interesting to note that according to the response received from the Parliament of Federation, all members of HoR and HoP have official e-mail addresses of the PF in the following format: name.surname@parlamentfbih.gov.ba, and all those e-mails can be easily found on the website. At this point, only official PF's addresses of the members of the Collegiums of both Houses can be found on the website. All other e-mails are either commercial or they belong to MP's party's domain. Additionally, during the interviews with MP's they all confirmed that at this moment they do not have an official e-mail account at the PF's domain and that they have never been offered one. Anyway, most of them agree that Parliament's website has been significantly improved in terms of its content and appearance and as compared to previous convocations.

Although working bodies are listed, there is no contact for most of the bodies. The same applies for the parliamentary groups in both Houses - members are duly listed, but contact details are still missing. Good practice should not be looked for far away - State Parliament, for example has set high standards in terms of availability of contact details. Anyone can easily find contact of individual MPs, their parliamentary groups and working bodies as well as contact details of the Parliament's staff.

As for the documents available on PF's website, we can find agendas for plenary sessions, but not the ones for the meetings of committees. Minutes of the proceedings as well as draft laws and other documents issued by the Parliament are not posted. Perhaps most importantly, there is no record of the individual votes of MP's on the issues discussed. CCI has been repeatedly calling upon Parliament of Federation to finally start using the system of electronic voting which would allow easy insight in individual votes and put an end to the practice of unjustified absence of MPs. As the latest CCI report notes, during the session MPs have voted by simply raising hands thus depriving the public of the information on the way in which MPs have voted on certain issues.

Important aspect of the insight into the work of parliamentarians, without any doubt, is the possibility of citizens to oversee how does interpellation, or the right of the Parliament to submit formal questions to the government work in practice. Citizens of the FBiH currently have no information of the questions asked by their representatives nor of the replies received. Recent initiative of Mirza Ustamujić, member of the HoR for all the questions and replies to be posted on the web site has been adopted in the PF and the deadline for its implementation was December 30 2011, but this initiative has not yet been implemented. Another MP, Ljilja Zovko, claims to have asked why the web page with the questions and replies has not been launched and to have received an answer that it represented an „unnecessary cost“. Answers such as this one are quite worrying because it is through the questions and initiatives posed by MPs that citizens can assess responsiveness of MPs to their needs. Parliamentarians are entitled to ask questions on behalf of citizens, although this instrument is not used too often by the citizens. Still, through the insight in the questions asked, those who wanted to find out certain information via their elected representatives can get a clear sign if their voice was heard or not. Furthermore, they can raise questions that their representatives might never thought of asking - not because they do not want to, but because they could simply be too occupied by other issues or too concentrated on limited number of areas. As one of the interviewed parliamentarians said: „Through problems and questions raised by citizens, we, as parliamentarians, sometimes open the door for issues that were completely unknown to us“.²⁰

²⁰ Ljilja Zovko, personal communication, January 2012

Assesment of the NGOs who replied to the questionnaire show that 45% of organizations see the work of the PF as non-transparent, while the other 55% find it to be transparent but



with room for improvement. Interviewed parliamentarians also agreed that more could be done to improve transparency of the PF in practice. As former member of the HoR, Nermina Kapetanović has said, important role in ensuring a greater transparency belongs to the media. Media should put more emphasis on draft laws instead of simply reporting on laws just before or right after their adoption.²¹

²¹ Nermina Kapetanović, personal communication, March 2012

4.2. Consultation and accessibility of parliamentarians

The issue of posing questions on behalf of people, brings us to the question of accessibility of Parliament and parliamentarians to citizens. As we have previously shown, it is not easy for an ordinary citizen to find MPs' contacts simply by trying to use contacts provided by the PF. Therefore, should they wish to contact an MP they will most probably have to try via MP's political party or simply, which is not a rare case, by using personal contacts and acquaintances. Author of this study sent e-mails to two general e-mail addresses provided by the PF (info@parlamentfbih.gov.ba, parlamentfbih@parlamentfbih.gov.ba) to ask for the contact numbers of all the parliamentary groups in the PF. No reply has ever reached author's inbox.²²

Experiences of the interviewed parliamentarians show that those who want to contact an MP use variety of ways to get in touch with them - mostly by e-mails, personal contacts and acquaintances, official correspondence sent to the Parliament's address, by phone, or simply by stopping an MP on the street. „People usually contact me regarding some kind of personal problem rather than to propose some initiative, although this happens too. Situation is the same with NGOs, although there are some profiled NGOs in the areas I am active in, and those organizations often contact me when they have a need to convey a certain opinion, attitude or request.“²³

²² E-mails to info@parlamentfbih.gov.ba and parlamentfbih@parlamentfbih.gov.ba provided on the PF website as general contacts were sent on 14 December 2011, but we still have not received any reply. Additionally, acting head of the Common Service of PF (joint service for both Houses of PF) has been asked for the short interview on January 3, 2012 via e-mail provided on the official website. No reply has been received so far. Our intention was to find out how successful our attempts to contact PF as ordinary citizen will be.

Given the complexity of the current political and economic situation, it is highly probable that most of the people that do get in touch with MPs will try to solve their very personal social problems such as unemployment or poor living conditions. This, however can not be used as an excuse to avoid contacts with citizens as Parliament, together with other institutions is responsible for the general condition in the country and parliamentarians have the duty to deal with complexity of the situation and troubles of an ordinary citizen. When people want to propose an initiative, then they usually look for the most active and media exposed parliamentarians. „When citizens see and feel that you are working, they will find a way to contact you. It depends on each parliamentarian individually and his will to work“²⁴

²³ Besima Borić, personal communication, January 2012

Use of the social media in citizen-parliamentarians networking as a global trend has started to grow in Bosnia and Herzegovina too, even though its level of usage is still low. We will take only example of HoR - only 26 out of 98 MPs have their facebook profiles, or, at least, only 26 are easy to find by simply typing their names and to recognize them as MPs due to the data they provide. Most of these profiles are still used for private purposes and as such they can not be accessed without a friend request. There are, however, several profiles that are used as public profiles and for expression of MPs opinions on current affairs, parliamentary proceedings and communication with citizens.

²⁴ Mirza Ustamujčić, personal communication, December 2011

Closer look at some of the profiles reveals that MPs have been active during the campaign, but activities stopped after the election day. It is possible that a number of MPs are not to happy with using social networks because of the possible criticism and negative comments of the

potential visitors, but public profiles can be very helpful tool in connecting with citizens. „I have been on Facebook for quite a long time, I post much of what I do and I comment many events. I believe this is a good way to communicate with citizens. SDP has just created a profile of our parliamentary group in PF and I hope it will be useful. Many people are trying to avoid this kind of communication, but I am of the opinion that there are more advantages than possible damages or inconveniences“.²⁵ One of the advantages of profiles on social networks is that it gives parliamentarians relatively easy and direct opportunity to seek for comments, opinions and feedback on the work they have done. „Discussions that develop after I post some comment or opinion help me to look at the certain issues from different perspectives and sometimes even help me to correct my position on some issue“.²⁶

²⁵ Besima Borić, personal communication, January 2012

²⁶ Mirza Ustamujčić, personal communication, December 2011

Obligation to communicate with citizens in Federation of Bosnia and Herzegovina is not determined by the Constitution or any other legal act. „Generally speaking, the practice in communication between the citizens and elected representatives in Bosnia and Herzegovina has not been institutionalized. There are numerous reasons for such a situation, but what deserves to be especially highlighted are the insufficiently regulated systemic procedures and the absence of a respective infrastructure in representative bodies, insufficiently developed participatory culture and significant absence of interest of citizens in public affairs during the period between the elections, the absence of greater pressure by the public in terms of solving of the problem at the institutional level, and certainly, the low level of confidence of the citizens in the political institutions“²⁷.

²⁷ Edin Hodžić, Is Government Responsive to the Concerns of its citizens, Democracy Assessment in BiH, Open Society Fund BiH, Sarajevo 2006. p. 357

In the absence of regulations, contacts of individual MPs with citizens are left at MP's own discretion and discretion of their political parties. Since parliamentary groups in the Parliament of the Federation have very limited facilities and financial resources, most of the contacts with citizens are maintained through the cantonal or municipal headquarters of political parties, although some parties have opened special offices for this purpose and advertized working hours for the consultation with citizens.²⁸ According to the interviewed MPs, most of responsibility for this kind of interaction lies on MPs as individuals and their proactivity. People tend to contact those whom they perceive as hard working and responsible. During his visit to Sarajevo in April 2011, Josip Juratović, a member of Bundestag held a workshop in the State Parliament of Bosnia and Herzegovina on his experience in direct communication with citizens. Some examples of his practice include: regularly monthly meetings in his constituency that are timely announced in the newspaper, publishing of the monthly brochure on his activities, regularly updated personal website, regular e-mail communication with citizens. Of course, Parliament of the Federation BiH could hardly be compared with the German Bundestag in terms of financial and human resources allocated to parliamentary groups and MPs, but some of the good practice and proactive approach could definitely be useful. We agree with the assessment of Marinko Čavara, member of the HoR that parliamentary groups in PF BiH simply lack resources for more active engagement in dialogue with citizens. As Čavara said, PF's parliamentary groups do not have nearly enough resources as those in the State Parliament. This refers not only to the money allocated for the work of the parliamentary group in the Parliament and in constituencies but also to the possibility to finance the necessary staff who could channel at least one part of communication and citizens requests.

²⁸ SBB Party has introduced such a practice. Their office in Sarajevo works every day from 10 a.m to 1 p.m. MPs talk to citizens and convey their messages and concerns at the meetings of the SBB Parliamentary group. Apart from this, whole SBB Parliamentary group has paid visits to several Cantons (HNK, USK, SBK). SDP also has the practice of contacting with citizens through SDP's municipal offices, as well as in the SDP headquarters.

Being aware of the limited capacities of parliaments and political parties to ensure necessary facilities for contacts with citizens, National Democratic Institute worked with elected representatives and political parties on opening parliamentary offices in Bosnia and Herzegovina



between 2004 and 2008 within the framework of the USAID financed program. Twenty seven offices were open by 2008 when NDI completed its project. At the end of 2010 and beginning of 2011, NDI made an assessment of the work of those offices and found that 18 of them are still functioning to some extent (10 of them in FBiH). Though this assessment does not state which of the offices are used by members of the PF and which are used by representatives on lower levels, we can be sure that some of the offices were used by MPs from PF, considering the content of the Memorandum of Understanding signed between representatives of the parties in the HoR and NDI in the course of the project. Offices that are still working are mostly financed by political parties, staff is composed of the party volunteers and they are usually located in party's facilities.

Parliament as an institution and its working bodies can do a lot in enhancing direct contact of parliamentarians with citizens. A very recent and positive example comes from the representatives of the Youth Committee of the Parliament of Federation which several municipalities and Cantons (Bosnian - Podrinje Canton and Una-Sana Canton). These visits were an opportunity to meet representatives of the lower level of authority and representatives of the civil society and to get familiarized with the problems young people are facing in those communities. Chairperson of the Committee said that visits, first of this kind by any working body of the PF, were greatly accepted and have sent the message to the people from other parts of the country that they are not left alone.²⁹

In contacting the PF, experiences of NGOs that replied to our questionnaire show that Organizations in most cases use personal contacts with MP's, followed by „official“ and private e-mail addresses, social networks and official correspondence through the PF's services. Obstacles they are usually facing are occasional responsiveness, low interest of parliamentarians for dialogue, difficulties in finding adequate contact details, passivity of parliamentary services and insufficient use of electronic communication by the MPs.

²⁹ Mirza Ustamujić, personal communication, December 2011

4.3. Active participation and consultation

Participation mechanisms in the Parliament of the Federation include public discussions and possibility for any citizen or organization to initiate proposal of a law. Other possibilities for citizens and civil society organizations to participate in decision-making process that are not foreseen by the Rules of Procedures refer to monitoring, consultancy and common projects. All these mechanisms, however, are rarely used. „In order to have citizens involved at all in discussion and creation and implementation of the governmental policy and legislation, they must be, first of all, sufficiently informed.³⁰ As we have seen from the previous section, informative side of the Parliament is not the strongest one.

Public discussions are organized only for the laws considered to be of a particular interest for citizens and the Parliament is the one to decide what represents a law of a particular interest, which leaves room for manipulation and non-transparency.³¹ As authors of the ACIPS 2010 study note, practice has shown that public discussions are being organized in cantonal centres when the public invitation to the interested stakeholders is announced. But, it happens very often that citizens and NGO's miss such invitations, so the turn out at the discussion is very low. Exact number of public discussions or their frequency are unknown. „Public discussions are still very rare in the Parliament of Federation. Besides, opinion that little can be changed

³⁰ Rebeka Kotlo, Is Government Responsive to the Concerns of its citizens in Democracy Assessment in BiH, Open Society Fund BiH, Sarajevo, 2006. p. 354

³¹ Selma Osmanagić-Agović, Zehra Kačapor, Učestvujem, dakle doprinosim, ACIPS, 2010, str. 18.

³² Besima Borić, personal communication, January 2012.

in public discussions is very common”.³² In the course of our research, PF has been asked to provide information on the number of public discussions held in the period 2006 to 2011 and the reply was that there were only 6 public discussions in the framework of the legislative initiative in PF and they were initiated by the citizens. On the other hand, as CCI reports, only in first nine months of 2011, 10 out of 15 draft laws have been referred to the public discussion which represents improvement in comparison with the previous convocations of the PF. Ljilja Zovko, MP in the HoR is of the opinion that problem with public discussions is that suggestions raised during discussions are rarely accepted and that is repulsive to citizens. Zovko believes that the only way to attract people to participate more in public discussions is to accept their suggestions. Furthermore, public discussions should be more advertised and published in all the media and local communities.

As one of the respondents to the questionnaire sent to the NGOs in the course of this research put it, „legislative process is not limited solely to the work of parliament or relevant committees. Huge role is also played by the Government and competent ministries which are often entrusted by the Parliament to conduct public discussions. And that is a very closed process. Ministries are not obliged to conduct prior research or feasibility studies of the issues that are to be regulated by the law, nor to assess the influence of the law adoption on the economy, citizens or the budget.”³³

³³ Response to the questionnaire by the „Rights for All”, January 2012

Initiative to propose a law is most rarely used as a participatory mechanism mainly because people are not familiar with this possibility. „On the other hand, MPs are also not sufficiently familiar with this mechanism, so it happens that initiatives are sometimes lost and are paid attention to only after multiple reactions and persistence of the initiator.”³⁴ Although not very common, there are still positive examples of the usage of this mechanism. Most famous one is the initiative of the CCI for the adoption of the Law on Direct Election of Mayors in FBiH which was supported by strong advocacy.

³⁴ Selma Osmanagić-Agović, Zehra Kačapor, *ibid*, p. 17

More examples of the participation of citizens in decision-making process in PF through NGOs can be found in advocacy of NGOs as for example, in case of the adoption of the Employment Strategy in the FBiH, Law on Youth in FBiH, major restructuring of the FBiH Law on Social Security into four separate laws.³⁵ Law on Local Self-Governance in FBiH is another example of strong NGOs advocacy. Most recent example is cooperation of the Youth Committee of the PF with the Institute for Youth Development „Kult” in drafting the Law on Volunteerism which was recently approved as a draft law by both Houses PF and referred to public discussion.

³⁵ USAID 2010 NGO Sustainability Index for Central and Eastern Europe and Eurasia, November 2011, p.50.

Rules of Procedures of the HoR and HoP of the PF provide possibility of publishing draft laws in the daily newspaper or as separate publications. But what does this mean for citizens and NGOs except pure information about the text? Further mechanisms such as how citizens can give their comments and objection are not developed. Even if draft laws would be posted on the official website, consultation mechanisms are still lacking. At this point, PF website simply does not offer opportunities for interaction and e-consultation and it is the instrument of one way communication.

Example of good practice of e-consultation can be found in Estonia where an e-participation tool called Osale has been developed and showed excellent results. „The Osale integrated electronic environment has three functions. Firstly, citizens and interest groups can launch initiatives for new legislative proposals, present ideas and critique to government and submit petitions. Any such proposal undergoes voting and commenting by other users. Then the proposal is forwarded



to the relevant government department, which then posts an official response explaining what action was or was not taken and why. Secondly, citizens can participate in public consultations/hearings. Citizens and NGOs can publicly give their opinion about draft legislation prepared by government agencies. All government agencies have been advised how to publish their draft policy papers, development plans, laws or provisions on the consultation website. Submission is however voluntary and is not regulated by administrative procedures. Thirdly, there is also a search function for legal acts according to their stage of preparation (i.e. since policy proposal to adoption in the parliament).³⁶ This tool costs around 49 000 Euros per year. Though we are aware of the fact that introducing such a system in PF could be too expensive, this should be considered as a possibility that could be introduced in long term planning of ICT development in PF.

³⁶ <http://www.osale.ee>

Significant actions of the civil sector also imply parliamentary monitoring. Several organizations have developed quite an expertise in this area by monitoring Parliament's performance and raising awareness among citizens about importance of monitoring of legislative authorities. A Global Survey of Parliamentary Monitoring Organisations conducted jointly by the World Bank Institute and National Democratic Institute and published in September 2011 identifies two main Parliamentary Monitoring Organizations in BiH - CA „Why not“ and CCI. Among other activities, „Why not“ has developed a „smart voting“ tools that allows visitors to take a questionnaire and compare their votes or policy positions to those of MP's.³⁷ According to the same survey, CCI has established a quality system for monitoring performance and work of key institutions at all levels. CCI collects a variety of information such as details about the performance and conduct of individual government members and information about political parties the government belongs to (measures they propose, conclusions, amendments, how they vote on different issues, questions, initiatives).³⁸

³⁷ National Democratic Institute and World Bank Institute, A Global Survey of Parliamentary Monitoring Organisations, September 2011, p. 37.

In order to explore experiences of civil sector in cooperation with the Parliament of the Federation, a questionnaire has been sent to 30 NGOs and we have received 11 replies. Nine organizations have experienced some kind of cooperation with the PF (mostly participation in legislative process, joint projects and initiatives for adoption of laws) while two of them have never had any kind of cooperation with PF. One NGO has stated that its cooperation with the PF was excellent, five NGOs have stated that this cooperation was good, one that cooperation was very good, and four organization said that the cooperation was not satisfying. However, they all agree, like the interviewed parliamentarians that the current level of the NGOs and citizen participation in decision making process in PF is not satisfying. Additionally, majority of respondents at the same time believe that citizens in FBiH are generally passive in terms of engagement in decision-making process and exercising their rights.

³⁸ *ibid.*, p. 130

5. Possible solutions to overcome the existing gap between Parliament of the Federation and citizens

There are several possibilities to improve the current status of PF-citizens relations and they all include different stakeholders. As multiple stakeholders bear responsibility for the current situation, positive change must come from those stakeholders. Therefore we will assess options of change with different stakeholders in the role of the agent of change. Advantages and disadvantages of every stakeholder will be assessed based on the criteria of public acceptance, political acceptance, infrastructure and capacities, connection of citizens with stakeholder. Particular attention will be devoted to the option that includes Parliament, parliamentarians, NGOs and political parties as partners.

5.1. Current option

Current option for contacts of citizens with Parliament of Federation relies almost exclusively on the responsibility of the Parliament to ensure all the necessary mechanisms for regular cooperation with citizens as individuals and with NGOs. At the same time, NGOs participation in the process is very low and therefore public acceptance of this option is significantly reduced. As research has shown, citizens in FBiH trust civil sector more than they trust public institutions. Consequently, achieving connection with the Parliament is much more difficult than connecting with NGOs.

Furthermore, PF has the necessary infrastructure (in terms of having existing working bodies and possibility to establish new ones) to acquire better contacts with citizens, but it lacks capacities in terms of financial resources, facilities and staff. As for the political acceptance of this model, no objections by the relevant political actors have been raised regarding the current situation which leads us to the conclusion that this model is politically acceptable.

5.2. NGOs as engine of the change

Even though civil sector enjoys rather high level of trust and people are more likely to accept initiatives and changes supported by NGOs (which gives it a high rank in terms of public acceptance), there is still one of the main disadvantages of this sector: lack of infrastructure and coherence of the civil society. Besides, most NGOs are project oriented and lack long term commitment as they are financially dependant on different donors and state itself. Potential pressure on the Parliament by stronger advocacy and involvement in decision-making process could be rejected by political actors since there is always a fear that certain NGOs are politically motivated.

5.3. Political parties as engine of the change

Most MPs in the Parliament of Federation are members of political parties and it would be logical to assume that they could take over more proactive role in improving relations with citizens. Parties usually have very developed infrastructure and capacities which could and should be used more in maintaining ongoing contacts with people, but model which implies dominant role of political parties would perform badly in terms of public and political acceptance. Political parties rank very low on the scale of institutions people in FBiH have a trust in. Perception of political parties as closed, corrupted and elitist does not allow establishment of closer connections with citizens. On the other hand, political acceptance of such a model is questionable since opposition parties might be left out of this process of improvement of relations and introduction of new mechanism, as the process, although initiated by the parties, would still have to be conducted in the Parliament.

5.4. Parliament, parliamentarians, NGOs and political parties as partners in introduction of the change

Having considered previous options, it is clear that no stakeholder can fulfill the gap between citizens and Parliament by itself. While some of them lack capacities and others public and



political acceptance, all of them have valuable advantages. Besides, none of them could be completely left out of the process since they are all closely connected to the issue in matter. 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.

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 by 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.

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 introduction 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.

It is clear that there is a need to join not only capacities but also responsibilities of Parliament, parliamentarians, NGOs and political parties to recover public confidence in the highest legislative and representative body of the Federation of Bosnia and Herzegovina.

6. Conclusion and recommendations

This study has detected several deficiencies in existing practice of communication between PF and citizens. Among other things, we have identified that there are serious shortcomings in transparency of the Parliament's work and its informative activities, accessibility of parliamentarians is decreased due to the fact that their contacts remain pretty unknown to public. Additionally, participatory mechanisms are not sufficiently used by the citizens and NGOs. Overall assessment is that level of participation of citizens and civil society organizations is not at all satisfying, despite several positive examples of civic engagement.

As capacities of stakeholders relevant for bridging the gap between representatives and represented are individually weak to induce meaningful change, we appeal for the joint action of multiple stakeholders. In that sense we point out following recommendations.

In order to demonstrate its greater accountability, Parliament of the Federation of Bosnia and Herzegovina should do the following:

In terms of information

- Provide full texts of draft laws, minutes of proceedings, MPs questions and government replies, draft agendas of all working bodies and other relevant documents on the web site;
- Publish voting results after each plenary session;
- Publish summaries of each plenary session or publish a monthly bulletin highlighting the most important events in the Parliament;
- Provide replies to requests for access to information with accordance to provisions of the Law on Freedom of Access to Information;
- Approve and implement Strategy on Development of Information and Communication Technologies in PF 2011-2014;
- Provide contact details of each MP, parliamentary groups and staff
- Consider webcasting of plenary sessions;
- Open the parliamentary information office on a permanent basis that would allow individuals to get information about Parliament, unlike the Visitors Center which is more on demand service for organized groups.

In terms of consultation

- Introduce possibility of e-consultations;
- Introduce web based polls on the issues under the Parliament's jurisdiction;
- Provide each MP with an official e-mail address;
- Advertise existing possibilities for citizens and NGOs to give comments on draft laws when public discussion is not being organized;
- Ensure education programs to enhance use of ICT by MPs;
- Open the parliamentary information office which will serve not only as an information point but also as a place where at least one MP should be present every working day for possible contacts with citizens. This would compensate significantly for problems related to the lack of facilities where MPs can meet citizens.

In terms of active participation

- 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;
- Make a publicly available list of relevant NGOs for all the areas of Parliament's jurisdiction and invite them to public discussions accordingly;
- Provide public with the 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;
- Inform citizens about the possibility and necessary procedure for attending the sessions of the Parliament (through brochures, information posted on websites and other media).

Individual parliamentarians should:

- Increase their responsiveness to the electronic communication;
- Use social networks as a way of communication with citizens;
- Make sure that 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 (for example, put announcements in their municipalities about the dates when they are available since municipality premises are most visited administrative places);
- Emphasize every positive example of their interaction with citizens and NGOs as this practice could attract more people to participate.

Civil society organizations should:

- 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.

Political parties should:

- Provide their caucuses in PF with more staff support to help them better organize their activities and channel at least one part of communication and citizens request. This would increase MPs' responsiveness to the demands of citizens;
- Determine and publish internal regulations 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 web sites, brochures and pamphlets posted in the local communities).

Bibliography

Centri civilnih inicijativa, *Monitoring rada Parlamenta Federacije BiH za mandatni period 2006.-2010.*

Centri civilnih inicijativa, *Monitoring rada Parlamenta Federacije za period 01.01.2011.-30.06.2011.*

Code of Conduct for Members of the Irish Parliament

Colin Robson, *Real World Research*, Blackwell Publishing, 2003

David Beetham, *Parliament and Democracy in the Twenty-First Century - A guide to Good Practice*, Interparliamentary Union 2006

Eóin Young, Lisa Quinn, *Making Research Evidence Matter: A guide to Policy Advocacy in Transition Countries*, Open Society Foundations, Budapest, 2012

GEA, Centar za istraživanje i studije, *Izveštaj o utvrđivanju plata poslanika i delegata u parlamentarnim tijelima BiH uz prijedlog uspostavljanja dugoročno održivog modela, maj 2010.*

Ispitivanje javnog mnijenja o medijskim slobodama u BiH, Agencija Prism Research za Media Centar Sarajevo (april 2011)

National Democratic Institute and World Bank Institute, *A Global Survey of Parliamentary Monitoring Organisations*, September 2011

NDI, Procjena kancelarija za rad sa biračima, Bosna i Hercegovina, 2011

OECD Handbook on Information, Consultation and Public Participation in Policy-Making, 2001

Open Parliaments: Transparency and Accountability of Parliaments in South-East Europe, edited by Daniel Smilov, Friedrich Ebert Foundation, Office Bulgaria, Sofia 2010.,

OSCE: Public Hearings Manual - Committee Consultations with the Public, 2006.

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

Selma Osmanagić-Agović, Zehra Kačapor, *Učestvujem, dakle doprinosim, Učešće građana i organizacija civilnog društva u donošenju odluka na entitetskom, kantonalnom i opštinskom nivou vlasti u BiH*, Asocijacija Alumni Centra za interdisciplinarnu postdiplomske studije (ACIPS), 2010.

Srđan Dizdarević, et. al, *Democracy Assesment in BiH*, Open Society Fund BiH, Sarajevo, 2006

Timothy Hellwig and David Samuels, *Electoral accountability and the variety of democratic regimes*, British Journal of Political Science, Vol. 38, 2007.

USAID 2010 Sustainability Index for Central and Eastern Europe and Eurasia, November 2011

USAID Country Assistance Strategy for Bosnia and Herzegovina 2009-2013

World Bank, Country Strategy Partnership for Bosnia and Herzegovina for the period FY08-FY11

<http://www.osale.ee>

www.izbori.ba

www.parlamentfbih.gov.ba

www.parlament.ba



Appendix one

List of interviewed personalities

1. Mirza Ustamujić, Member of the HoR of PF, SBB
2. Besima Borić, Member of the HoR of PF, SDP
3. Ljilja Zovko, Member of the HoR of PF, HDZ BiH
4. Marinko Čavara, Member of the HoR of PF, HDZ BiH
5. Nermina Kapetanović, former Member of the HoR, SDA

Appendix two

List of organizations who replied to the questionnaire:

1. Centri Civilnih Inicijativa (Centers of Civic Initiatives)
2. Budi moj prijatelj (Be My Friend)
3. Žene ženama (Women to Women)
4. Prava za sve (Rights for All)
5. Eko-element Bugojno (Eco Element Bugojno)
6. Udruženje žiranata BiH (Association of Loan Guarantors BiH)
7. Omladinski resursni centar (Youth Resource Center)
8. Institut za razvoj mladih KULT (Institute for Youth Development „Kult)
9. Obrazovanje gradi BiH (Education Builds BiH)
10. Hope and Homes for Children
11. Savez općina i gradova Federacije BiH (Association of Cities and Municipalities in FBiH)



Edina Vejzagić

was born in 1983 in Sarajevo. She graduated from the Faculty of Political Sciences, Department of the Political Science at the University of Sarajevo, where she is currently finalising her Master's thesis in diplomacy. Edina works in the Parliamentary Assembly of Bosnia and Herzegovina, in the Department for Cooperation with International Organizations (Multilateral Cooperation).



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.