

Political involvement is the fundamental mechanism through which citizens are included in democracies, and it is frequently linked to increased democracy, higher accountability, and more effective policy decisions. Open government reforms are built on effective citizen engagement in policymaking, which has the potential to renew the connection between policymakers and citizens. Citizens' participation in policymaking is a crucial component of successful governance because it provides a new source of ideas, knowledge, and resources while also bolstering public confidence in the government. Complete, objective, and relevant information, defined consultation goals, and enough time and flexibility should all be part of the process.

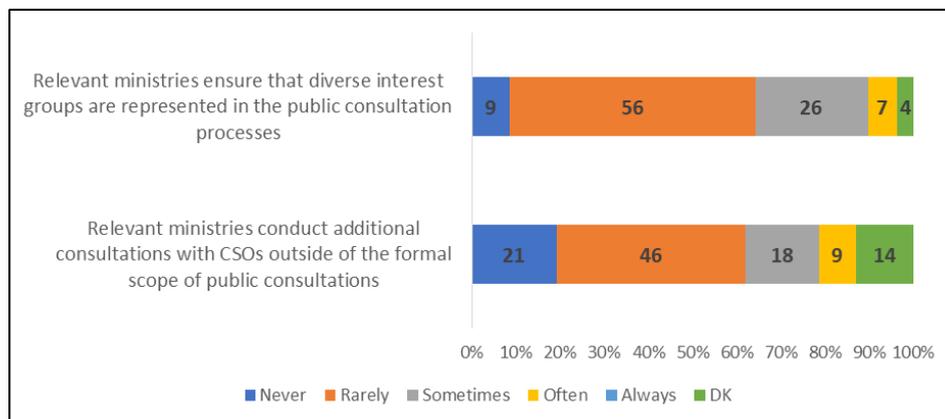
The citizen, according to public administration theory and practice, is increasingly at the center of policymakers' discussions, not just as a target, but also as an agent. The goal is to provide policies and services that are tailored to individuals' needs and appropriate to their circumstances. Terms such as "co-creation" and "co-production" have emerged to reflect this systematic goal of ongoing collaboration among government agencies, non-government organizations, communities, and individuals.

Bosnia and Herzegovina

It is impossible to have only one central government entity in charge of policy development and coordination in Bosnia and Herzegovina because decision-making authorities are distributed between the State, Entities, and the Brcko District. This means that each level of government has its own legal framework in place to oversee this subject. The Bosnia and Herzegovina Council of Ministers is an executive body that exercises its powers and conducts legislative functions in accordance with the BiH Constitution, statutes, and other rules. The Law on the Council of Ministers of Bosnia and Herzegovina, the Rules of Procedure of the Council of Ministers of Bosnia and Herzegovina, the Unified Rules for Legislative Drafting in the Institutions of BiH, and the Regulations on Consultations in Legislative Drafting in BiH are the key legal acts defining

the legislative framework and governing the decision-making processes at the state level.

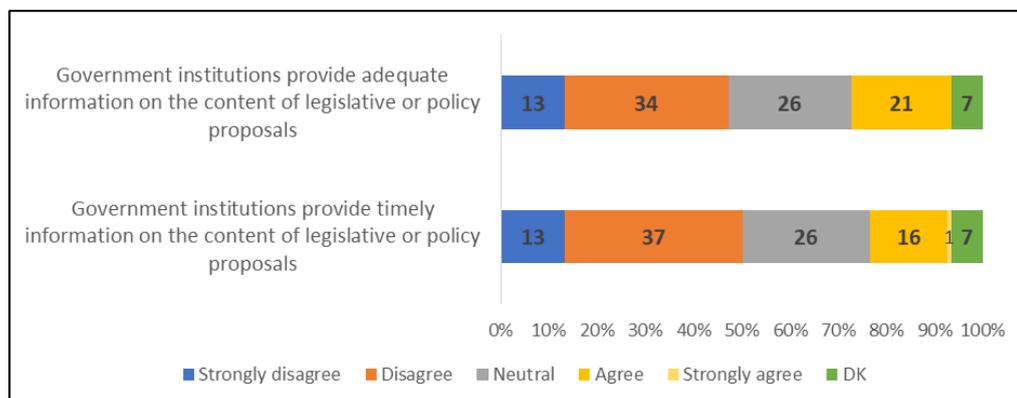
Chart 1: CSO perception of the inclusion of diverse interest groups in the consultation process and the application of additional consultation sessions



Note: Results are rounded to the nearest integer. Due to rounding, percentages may not always appear to add up to 100%. The base for these questions was n=122.

In addition, the policy-making framework is disjointed. The legal basis for the development of medium-term policies is weak and inconsistent. Bylaws regulating annual, three-year, and strategic planning is adopted by the Federation entity. Aside from that, no progress has been made toward developing uniform legal requirements or methodological guidance for national strategic planning. There is still no harmonization between central planning documents such as medium-term and yearly government programs, the framework budget document, and the goal-setting action plan, as well as between such documents and sector strategies. The quality of the analysis is still inadequate. The legislative basis for enacting inclusive and evidence-based policies is weak, and it is applied inconsistently. For lawmaking, the entity Republika Srpska streamlined regulatory impact evaluation procedures. The impact and quality of the analyses supporting policy proposals must be improved at all levels. The expenditures aren't calculated in a systematic method, and the collection and use of administrative data for policymaking aren't ensured. The legal framework for public consultations needs to be reinforced and enforced more consistently. Public oversight of government activities is limited because the legislative framework does not fully establish rules for monitoring and reporting on major government planning documents at each level of government. Beyond legislative measures, more efforts are needed to create awareness about various methods of public engagement. Building technical capacity at all levels of government on how to use public consultations as a policymaking tool on a regular basis is essential.

Chart 2: CSO perception of the timeliness and adequacy of information by government institutions to the public for consultation purposes

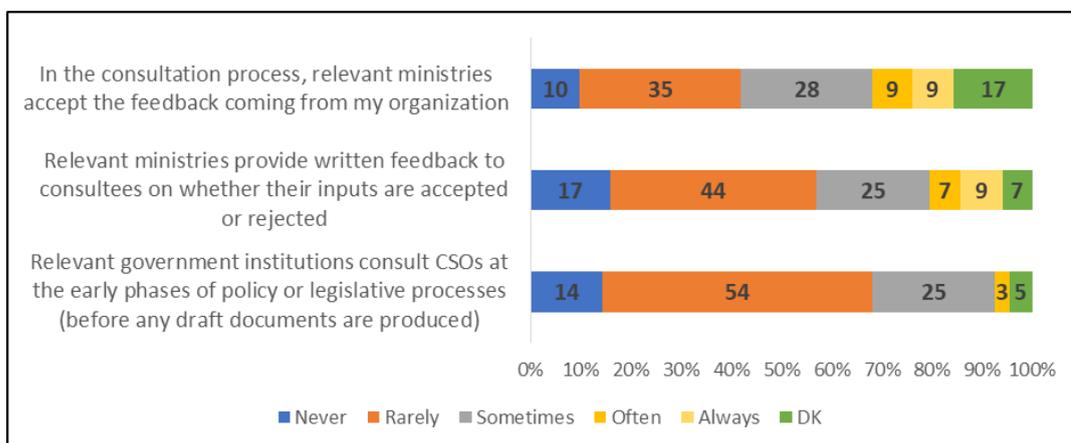


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The only three policy documents adopted in Bosnia and Herzegovina in the second half of 2019, as well as the three legislative measures adopted in the same timeframe, were subject to public consultations. Because there were no pre-consultations in the early stages, all consultations took place at the late phase. As stated in the National PAR Monitor Bosnia and Herzegovina Report 2019-2020 [1], negative impressions and opinions prevail in CSO’s perceptions of how public consultations are conducted in practice, like the results of the baseline PAR Monitor from 2017/2018. Approximately a third of respondents (33%) believe that the formal procedures create preconditions for the effective involvement of the public in policymaking processes, while only 15% believe these procedures are applied consistently by relevant institutions. Furthermore, just about 3% believe CSOs are often or always involved in the early phases of legislative or policy development – which is a significant drop from 2017/2018 period (10%). Additionally, 17% of respondents believe that CSOs are provided with information on policy proposals in a timely manner, whereas approximately 21% of them report that consultees are provided with adequate information on the content of these proposals.

[1] <https://weber-new.s3.us-west-2.amazonaws.com/wp-content/uploads/2021/08/16154153/BIH-PAR-Monitor-2020.pdf>

Chart 3: CSO perception of the government’s handling of CSO feedback through the public consultation process



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At the same time, survey results once again showed negative impressions from CSOs regarding ministries’ handling of specific aspects of consultations. More specifically, only 7% of respondents noted that ministries ensure that diverse interests are represented in the consultation process, and only 8% noted that ministries often or always provide written feedback on accepting or rejecting consultees’ inputs.

Analysis of the functionality of the national e-consultation portal was mostly satisfactory. The portal does have various basic search functionalities, with an available database of debates/consultations that dates to 2017. Nevertheless, most consultations have no participation from third parties. That said, during the period of monitoring this indicator, there was only one active public consultation underway, and it was on the e-consultation portal and the website of the institution holding the consultation. Furthermore, CSOs and other interested stakeholders should be informed on time, meaning the call to be publicly available (all the available channels should be used to announce consultations - including websites of responsible body, E-government portal, Office for Cooperation with Civil Society, social media of all the involved institutions etc.) and to have enough time for preparations and all the consultations are announced in a timely manner at the eConsultations portal. However, most of the institutions do not publish the announcements through other available channels which results in a poor participation by CSOs and citizens.

Conclusion

The Ministry of Justice of Bosnia and Herzegovina announced an initiative in 2014 to make online consultations the minimum standard for public consultations. In the second part of 2014, Bosnia and Herzegovina's Council of Ministers amended the rules for public consultations to considerable extent. As a result of these revisions, online consultations have been established as a minimum requirement for public consultations.

Most institutions use the national e-consultation portal to hold consultations during the process of adopting legislative and policy documents, as required by law, but the vast majority only do so at the final stage – CSOs and citizens can send their proposals and comments to the final text and not many include the third parties at early stages, even though they are encouraged to do so. Some institutions and government agencies hold early consultations while adopting documents (like PARCO and Ministry of Justice) but unfortunately, it remains an exception.

As long as institutions hold consultations solely to fulfill their statutory obligations, the consultation process will be insufficient. The BiH Ministry of Justice should adopt a promotion strategy for the eConsultation portal in order to reach a larger number of participants in consultation processes and find a way to make the process easier and more citizen-friendly. Comments, suggestions, and recommendations from civil society and the general public should be solicited as early in the process as possible, preferably during the policy formulation phase. Furthermore, when consultations are unresolved, additional consultation should be considered.

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