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Draft Law on Local Self-Government still violates the independence of cities and municipalities

The Draft Law has not prescribed the judicial protection for the presidents of the dissolved assemblies, which can now be dissolved by the National Assembly of the Republic of Srpska upon the proposal of the Government. TI BiH believes that only the judicial protection is the appropriate guarantee for the interference of central government bodies into the work of local self-government.

Banja Luka, 11th October 2016 – The National Assembly of the Republic of Srpska starts today with the 14th regular session at which it will consider the Draft Law to the Local Self-Government. The proposed solutions again question the issue of independence in the work of local self-government, the issue that Transparency International in BiH (TI BiH) warned about during the public hearing. The novelty compared to the solution provided in the Draft is that the National Assembly of RS, upon the proposal of the Government, may dissolve the assemblies of municipalities and cities, on the basis of the decision which must be grounded. Previously the Draft prescribed that the Government itself is allowed to do it, upon the proposal of the Ministry. In addition, the reasons for dissolution have been made stricter, i.e. the deadlines have been prolonged so now the assembly can be dissolved if, for example, it is not constituted within six months from the confirmation of the election results (previously the deadline was three months). The Draft Law brings better solutions compared to the Draft obtained as a result of wide public hearing, but the most important remarks still remain unaccepted.

Thus the Draft did not prescribe the judicial protection for the presidents of the dissolved assemblies. TI BiH believes that the Law should provide special legal protection allowing the presidents of local self-government parliaments to initiate an urgent procedure and conduct the administrative dispute. The court protection is the only appropriate guarantee for the interference of central government bodies into the work of local self-government. Also, the Interim body that replaces the Assembly is still composed of mostly the representatives of ministries (two out of three members) and all decisions are made on the basis of the majority of votes.

Assembly as the representative body of cities and municipalities is an expression of the democratic will of citizens and should not be replaced by ad hoc body without the appropriate and precisely defined legal protection. The European Charter of Local Self-Government guarantees independence to the cities and municipalities and allows interference of the central government, but only based on the principle of proportionality. TI BiH submitted its comments regarding the Draft Law on Local Self-Government of RS (attached below) to the parliamentary bodies, urging the MPs use the amendments at the sessions to protect the electoral will of the citizens that is violated by the dissolution of the their elected representatives.

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