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MAKING BETTER LAW

Improving work of committees of National Assembly of Republic of Serbia



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The Center for Research, Transparency and Accountability (CRTA), within Open Parliament initiative and in collaboration with researchers of the Faculty of Political Sciences of the University of Belgrade and by the support of the United States Agency for International Development (USAID) and the British Embassy in Belgrade, has conducted survey "Better Law-making - Improving work of parliamentary committees of National Assembly of Republic of Serbia."

The focal point of this study is an analysis of the functioning of committees in the National Assembly, their political influence and restrictions they face in their work. The research aims to look into the influence committees have on the final text of bills by reviewing deliberation methods in committees, and also to analyze oversight carried by committees. An important element of this study is to evaluate mechanisms of civic engagement in the work of parliamentary committees as well as to assess the influence citizens have on the overall legislative and oversight processes.

The ultimate goal of this research is to find ways to imbue additional political force to the committees of the National Assembly of the Republic of Serbia and enable them to achieve at least part of their potential.

This study, along with all other activities of Open Parliament initiative, is an attempt to bring parliamentary work closer to citizens, civil society organizations and media representatives, researchers and other stakeholders and also to highlight the importance of institutional openness and transparency.

1. Introduction

Parliamentary committees are designed to serve as fundamental and most important working bodies, which are made up of specialized and interested MPs and to enable them to during their term address a particular public policy area in a studious and continuous manner. Committees are positioned as a driving force of parliamentary activities and processes, but also as bodies ensuring expertise, rationality and thoroughness in parliamentary work. In parallel, they represent a platform for quality deliberation, but also a forum for considering the implementation of adopted laws and problems related to the application of laws. Their position, to some extent, is structured to stand in opposition to the work in plenary, where a political performance is staged to target voters and the public. On the other hand, committees are expected to through concrete and subject -focused deliberations prepare plenary sessions and proposals for debate.

Parliamentary practice applied in Serbia over the past 25 years shows that the work of committees is considerably marginalized. The supremacy of the executive over the legislative branch has also reflected on the National Assembly's work – plenary sessions, owing primarily to live TV coverage and political importance, have preserved some influence, while the work in committees has remained out of the public eye and with diminished influence. Everything that affects the quality of parliamentary work, starting with urgent procedures and party discipline, is reflected on the work of committees as it all together additionally disparages their work, especially if compared with the richness in the work practice of parliamentary committees in developed democracies.

That it why this study seeks to learn how committees in the National Assembly function, what political influence they have, what poses restrictions to their work and whether in the background of the differences in the work of committees lies a guideline for improving the current situation.

Also, this study aims to: 1) look into the influence committees have on the final text of bills through an analysis of deliberation methods in committees and 2) examine oversight exercised by committees.

An important component of this research is a scrutiny of tools facilitating civic participation in the work of parliamentary committees as well as an evaluation of the public influence on the overall legislative and oversight processes. Civic engagement can be considered as a goal in itself as it advances work transparency, brings citizens closer to

institutions and contributes to democratization of the society in general. That is why we are interested in finding out which ways can advance civic engagement in the work of committees both, with regard to quantity (boosting participation) and quality, that is, increasing the influence on committees' work.

The study addresses civic participation separately as a tool that could potentially considerably upgrade parliamentary work. Therefore we direct great attention to the so far examples of civic participation in the work of committees - public hearings, sessions outside of the Assembly house, initiatives, petitions and proposals by citizens and Green Chair with the Environmental Protection Committee, as well as to the effects civic engagement produces. Special attention will be paid to pivotal effects of civic participation in the work of committees, that is, whether the involvement of citizens or experts can upgrade the quality of debates in committees, whether their presence can influence the final text of bills, whether the information collected by citizens on the ground can motivate committees to more efficiently perform their control function or to demand certain changes to policies conducted by the ministries responsible. Finally, bearing in mind the parliament's poor reputation with citizens, whether increased civic engagement could change the picture about the parliament and consequently strengthen its political power?

Based on the above-mentioned, the ultimate goal of this study is to seek ways which could additionally empower committees in the National Assembly and enable them to achieve at least a portion of the potential these working possess.

2. Study methodology

The main study question deals with the degree of the influence committees have on the final text of bills, with special regard to civic engagement in legislative processes. Previous studies¹ suggest that this influence is minimal, but that it exists in certain cases. No study has systematically assessed this aspect of committees' work or tried to explain major differences between them.

The research applied a methodology that combines qualitative, quantitative and comparative analysis.

¹ See e.g. *Political parties and legislative activities of the National Assembly of the Republic of Serbia* (2012), Stojiljkovic, Spasojevic & Loncar (editors) Belgrade: Faculty of Political Sciences, the Center for Democracy: United Nations Development Program (UNDP), or *Democratic performance of the parliaments of Serbia, Bosnia and Herzegovina and Montenegro* (2012) by Slavisa Orlovic (compiled), Belgrade, Sarajevo, Podgorica: the Faculty of Political Sciences of the University of Belgrade, Sarajevo Open Center, the Faculty of Political Sciences – the University of Montenegro.

Quantitative component is primarily based on an analysis of a questionnaire answered by committees' secretaries. The questionnaire provided a detailed insight into parliamentary committees' practices related to regular work, organization of public hearings, civic engagement, sessions outside of the Assembly house and citizen requests referred to MPs. The principal research goal was to obtain a clear and comprehensible insight into diverse practices applied by parliamentary committees for to evaluate the importance of the existing tools of involving citizens and critics in committees' work and the influence they have on the final texts of bills and also on the quality of legislative process and the committees' work in general. Quantitative component is additionally enhanced with figures on the number and structure of public hearings, sessions held outside of the Assembly house and other parliamentary practices relevant for the study, as well as with an analysis of accompanying legislation which more closely regulates the studied mechanisms.

Quantitative component served as a guideline for designing **qualitative section** of the study, which looks at good practices so far applied in the National Assembly. Bearing this in mind, it should be noted that our sample focused on better and more active committees which is justifiable in this research as it also focuses on developing recommendations for work improvement and on the examples of the existing good practice in the parliament. But considering that the focus is on the examples of good practices, we will be particularly cautious with the formulation of conclusions on the work of all committees and the parliament as a whole. The basic research question under qualitative segment is: Why the same or similar legal framework exhibits different practices in the work of different committees? Qualitative component was carried through interviews with MPs with high-ranking positions in their respective political parties and in the parliament organizational structure and civil society representatives with longtime cooperation with the National Assembly.² The main goal was to find out how major stakeholders understand relations between the National Assembly and citizens and how they value certain cooperation tools, and in which ways they influence the work of parliamentary committees.

Also, the findings were to some extent affected by the study period. Namely, following a snap parliamentary vote in 2014, the 10th legislature was constituted, in which the parliamentary majority had as many as 210 seats, which significantly shaped the work of both, plenary assembly and committees, considering that the already weak role of the opposition was further marginalized. This disproportion shall also be taken account of in the formulation of conclusions and recommendations.

² For anonymity reasons, interviews with MPs are coded NP and with civil society representatives OCD, with relevant number attached.

Comparative component focused on the examples of good practice in parliamentary work of the countries in the region. The key reason underlining this approach are frequent remarks that institutions in Serbia are imposed high standards compared with institutions in developed democracies and developed economies (for example comparison with the German or British parliaments). That is why we directed attention to the mechanism of the so-called external members, found in the Croatian Parliament, as an example of a transitional and post-communist country, which shares political and institutional experience and heritage with Serbia.

3. Work of parliamentary committees

Parliamentary committees are standing working bodies of the National Assembly. Their

competences are set out in Rule 44 of the Rules of Procedure of the National Assembly stipulating that committees 1) consider bills and other proposed acts, (2) scrutinize the implementation of the government's policy, (3) oversee the implementation of laws and other acts, (4) discuss work agenda and reports of the ministry responsible and other relevant state

institution, organization or body, (5) discuss annual work program of the National Assembly, (6) approve of legal acts which, pursuant to laws, are put forward to the National Assembly by state bodies, organizations or bodies, (7) initiate motions with and make proposals to Plenary, pursuant to laws and the Rules of Procedure, (8) consider citizen initiatives, petitions and proposals in their remit and (9) discuss other matters within the authority of the National Assembly.

Appendix 1: Committees in 10th legislature term:

- 1) Committee on Constitutional and Legislative Issues
- 2) Defense and Internal Affairs Committee
- 3) Foreign Affairs Committee
- 4) Committee on Judiciary, Public Administration and Local-Self Government
- 5) Committee on Human and Minority Rights and Gender Equality
- 6) Committee on the Diaspora and Serbs in the region
- 7) Committee on Economy, Regional Development, Trade, Tourism and Energy
- 8) Committee on Finance, State Budget and Public Spending Control
- 9) Agriculture, Forestry and Water Management Committee
- 10) Committee on Spatial Planning, Transportation, Infrastructure and Telecommunications
- 11) Committee on Education, Science, Technological Development and Information Society
- 12) Committee on Kosovo and Metohija
- 13) Culture and Information Committee
- 14) Committee on Labor, Social Affairs, Social Inclusion and Poverty Reduction
- 15) Health and Family Committee
- 16) Environmental Protection Committee
- 17) European Integration Committee
- 18) Committee on Administrative, Budgetary, Mandate and Immunity
- 19) Security Services Control Committee
- 20) Committee on the Rights of the Child

In the 10th legislature term, 19 committees³ were set up with their powers (with regard to subject matters in the remit) precisely laid down in Rules 47-67 of the Rules of Procedure. Also, as a 20th committee was formed the Committee on the Rights of the Child, which operates as a special standing working body, and is made up of the National Assembly speaker, deputy speakers, representatives of parliamentary groups and the chairperson of the Committee on Labor, Social Affairs, Social Inclusion and Poverty Reduction.

3.1. How MPs elect committees?

Based on the election results, the National Assembly Secretariat allocates quotas for each committee to parliamentary groups, which then hold consultations. MPs apply for committees based on their personal interests, but *"in practice, MPs find some committees more attractive than others."*⁴ *"It also reflects on the quality of work as MPs who are not interested in their committee remit have proved to be inactive. This indifference is also displayed with the lack of quorum in some committees."*⁵ Pursuant to the Rules of Procedure, most committees consist of 17 members, while the Security Services Control Committee has 9, and the Committee on the Rights of the Child in the 10th legislature term had 20 members (the number of this committee members depends on the number of parliamentary groups).

For the work of a committee, the position of its chair is very important. Under the Rules of Procedure, a committee chair *"convenes and chairs a committee session; aligns the work of the committee with that of other committees and the National Assembly; cooperates with the National Assembly speaker, chairs of other committees and representatives of state bodies on issues within its competence; makes sure that all the received material is instantly distributed to committee members; proposes to the committee procedures related to initiatives, petitions, and proposals in the committee's remit; makes sure that committee's conclusions are carried out."*⁶

The allocation of committee chair posts is agreed by the National Assembly Collegium and is determined by the election results, as is the make-up of committees. An important element for understanding the work of committees is the distribution of chair positions between the parliamentary majority and minority, which is displayed in Table 1.

³ See Appendix 1.

⁴ NP 2, Interview, March 8, 2016

⁵ Ibid.

⁶ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 70.

"Unfortunately, the last two legislature terms report a downward trend in the number of committees chaired by opposition MPs."⁷

Table 1: Parliamentary committees chaired by opposition MPs 2008-2016			
	8th legislature term 2008-2012	9th legislature term 2012-2014	10th legislature term 2014-2016
Committees chaired by MPs from opposition ranks	1. Finance Committee 2. Industry Committee 3. Committee on Kosovo and Metohija 4. Local Self-Government Committee 5. Committee on Inter- Ethnic Relations 6. Committee on Relations with Serbs outside of Serbia 7. Education Committee 8. Gender Equality Committee 9. Transportation and Communications Committee 10. Environmental Protection Committee 11. Health and Family Committee	1. European Integration Committee 2. Culture and Information Committee 3. Committee on Education, Science and Technological Development 4. Agriculture, Forestry and Water Management Committee 5. Foreign Affairs Committee 6. Environmental Protection Committee 7. Health and Family Committee	1. Committee on the Diaspora and Serbs in the Region 2. European Integration Committee 3. Culture and Information Committee 4. Committee on Education, Science and Technological Development
Total number of committees per legislature term	30	20	20

Each committee beside Chairman of the committee, at the inaugural session, elects Vice-chairperson. Due to the importance of the oversight function of the Parliament, it is also important insights into how to determine the relationship between the opposition and the ruling majority on the issue of Vice - chairperson. In the 10th parliamentary convocation, opposition MPs were Deputy Presidents of the six committees.

This distribution is particularly important as a mechanism of strengthening control function of the parliament and its committees given that the allocation of chair posts to the opposition demonstrates a clear intention to build up committee' supervisory powers. Also, awarding more roles to the opposition increases its engagement, improves

⁷ Here we have to refer to general remark that the number of opposition MPs in the 10th legislature term is smaller than in most previous legislature terms.

probability of compromise solutions and encourages joint work in the parliament despite political difference and party affiliation.

3.2. Why is work of committees important?

Parliamentary committees are envisaged as expert and operative bodies, focused on clearly specified subject matters, which should facilitate focused and concrete deliberations. This understanding of committees' role is clearly presented by the respondents:

*"Committees should be more operative than Plenary and should consists of MPs who are interested in or deal with particular subject matters, they should be closer to citizens and pick out acts that will be debated at plenary sessions, and that cooperation between MPs be more focused on the committee's matter and less on party policies."*⁸

or

*"A committee should be the most important body in the parliament as it is the place which should gather most qualified and most referential MPs to assess certain subject matter...to be the forerunner and reduce the workload of plenary sessions... to prepare an opinion that will be honored by the entire parliament, to be quality based."*⁹

These statements illustrate a clear perception of committees' role, but also indicate the committees' potential to correct or mitigate problems in plenary arising from party discipline or the lack of democratic political culture and practice.

The work of parliamentary committees can be studied through two fundamental functions – legislative and oversight. Legislative function is primarily exercised through bill deliberation, submission of amendments and organization of public hearings.

*"When we speak about bill deliberation, a first reading takes place at the committee stage. Every bill has to pass a relevant committee which considers the bill from the angle of the area addressed by the bill. The committee considers the bill in general and also in detail."*¹⁰ "Also,

⁸ NP 2, Interview, March 8, 2016

⁹ NP 3, Interview, March 9, 2016

¹⁰ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 156.

all bills undergo deliberation by the Committee on Constitutional and Legislative Issues, which gives an opinion on whether the proposed legislation is in compliance with the Constitution and other laws. Furthermore, bills related to the EU integration must pass the European Integration Committee. After scrutinizing a bill, committees adopt a position and submit a report instructing Plenary to adopt the bill as a whole or with modifications, or to reject the bill in general. If the committee responsible adopts a bill in general, but with certain modifications, those changes are submitted in the form of amendments."¹¹ In the course of this process, the committees responsible can organize public hearings to obtain additional information and expert opinions on a particular bill. Only after the committee responsible submits an opinion and amendments to the National Assembly, a bill is forwarded to Plenary.

*"Still, bearing in mind the supremacy of the executive branch in lawmaking,"*¹² it is unrealistic to expect committees to have special powers in legislative process. The most common obstacle to committees discharging their work properly is a short time available for bill consideration, owing to frequent requirements for the adoption of laws under urgent procedure. In case of urgent procedure, MPs have only one day to get familiar with a bill as the procedure allows for the bill to be distributed only 24 hours before a debate. Also, amendments can be submitted until the opening of a first reading, which raises the question as to whether committees have enough time for quality deliberation they require to be able to adopt an adequate opinion on a bill."¹³ This is confirmed by MPs, who observe that *"when laws are in the form of bills, then there is no time for deliberation. When a plenary session is scheduled within the next 24 hours, it is exactly the amount of time we have for deliberation."*¹⁴ This is especially important bearing in mind the large number of laws passed under urgent procedure. *"In the 10th legislature term, as many as 207 laws, or 54%, of a total of 383 laws were passed in an urgent procedure."*¹⁵ Because of this hastiness and frequent use of urgent procedure, some MPs compare the work in the committees with "a

¹¹ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 155.

¹² Loncar, Jelena, Spasojevic, Dusan & Stojiljkovic, Zoran (2012), "Main assessments and findings" in: Stojiljkovic, Zoran (editor), Loncar, Jelena (editor), Spasojevic, Dusan (editor). *Political parties and legislative activity of the National Assembly of the Republic of Serbia: study under project Strengthening Accountability of the National Assembly of the Republic of Serbia*. Belgrade: Faculty of Political Sciences, the Center for Democracy: UNDP, pg. 17-25.

¹³ Open Parliament (2015), "Making better laws – improving the legislative process by better defined urgent procedure." Belgrade: USAID, CRTA and the British Embassy in Belgrade. Available at: <http://www.otvoreniparlament.rs/aktuelnosti/ka-boljim-zakonima-unapredenje-zakonodavne-procedure-kroz-bolje-formulisanje-procedure-za-hitni-postupak/> (Accessed March 15, 2016).

¹⁴ NP 2, Interviews, March 8, 2016.

¹⁵ Open Parliament (2016), "Laws under urgent procedure - current legislature." Available at: <http://www.otvoreniparlament.rs/statistika-i-zanimljivosti/zakoni-po-hitnom-postupku-aktuelni-saziv/> (Accessed March 15, 2016).

tankless water heater for laws,"¹⁶ noting that in some committees "MPs get annoyed if we want to discuss each amendment individually so we take a vote on all amendments in a package – whether a committee should adopt all the amendments adopted by the government or reject all the amendments rejected by the government...which reduces its role to a mere formality."¹⁷

"Given this, low amendment-related activity does not come as a surprise as it is not the practice found only with the 2014-2016 parliament and government."¹⁸

Table 2: Submitters of amendments by years 2001-2014¹⁹

	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Committees	69	105	88	125	157	210	23	29	71	117	10	18	29	60
Government	3	32	41	62	59	70	19	12	39	118	3	112	110	60
MPs	2634	2684	1045	4725	3874	11635	1372	1321	1200	3460	2326	2727	2587	2804
Others	11	4	14	15	6	8	0	0	51	39	1	45	140	50
Total	2717	2825	1188	4927	4096	11923	1414	1362	1361	3734	2340	2902	2866	2974

It is though possible to observe two types of amendments submitted by committees. **The first group** comprises amendments formally submitted by a committee, while actually those are "amendments which a committee submits only after the deadline has expired for all other stakeholders to submit amendments, but not for the committee."²⁰ Namely, under the Rules of Procedure, "proposers and the committees responsible must submit amendments no later than three days before a first reading, while under urgent procedure, amendments are submitted until the opening of a first reading."²¹ However, "the committees responsible, a bill

¹⁶ NP 1, Interview, February 24, 2016.

¹⁷ NP 2, Interview, March 8, 2016.

¹⁸ NP 1, Interview, February 24, 2016; See Table 2.

¹⁹ National Assembly, Report on number of submitted amendments, <http://www.parlament.rs/narodna-skupstina/narodna-skupstina-u-brojka/broj-podnetih-amandmana.1956.html> (Accessed March 15, 2016)

²⁰ NP 2, Interview, March 8, 2016.

²¹ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 161.

*proposer and the government can submit amendments also during a third reading, but only if the need for an amendment arises from the adoption of another amendment."*²²

The other group of amendments consists of amendments that modify a bill, but do not change its essence, which is illustrated with the figure that *"in 2014 and 2015 absolutely all of 201 amendments committees"*²³ The second group of amendments expectedly provokes different opinions with the respondents, with those more inclined to criticism believing that these amendments do not bear much significance because even *"with the adopted amendments, the legislation remains catastrophic."*²⁴ The ruling coalition MPs stress that *"in most cases, amendments are of technical nature, they cannot be essential...we cannot be diametrically different from what was proposed by the ministry responsible,"*²⁵ but in certain cases *"bills undergo considerable changes at the committee stage,"* and that despite *"conceptual disagreements (with the ministry responsible), a quality step forward in our work was made at the last committee meeting."*²⁶ Here, it is important to remember that the sample focused on more active and politically more powerful committees, which means that amendment-related activity is minimal with a considerable number of committees.

Among important ideas of how to improve legislative process within committees (aside from the required reduction in the number of laws passed under urgent procedure) the interviewed mentioned that *"ministries shall first consult the committee responsible on a draft law before starting consultations with other ministries,"*²⁷ and also *"that a bill should, as a rule, be debated in a package with all accompanying legislation, and not separately provisions as they can be changed by further acts."*²⁸

Another important dimension of the work of parliamentary committees addresses its control function, which primarily refers to scrutiny of the ministry responsible. In this context, a committee is perceived as the crucial stakeholder, which should serve *"far more as an overseer of parliamentary work than the entire parliament"*²⁹ because *"a committee enjoys far higher reputation as it is perceived as a subject matter-focused and expert body."*³⁰

²² Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 165.

²³ Open Parliament (2016), "Activities of committees in submitting amendments to laws." Available at:

<https://www.youtube.com/watch?v=ZRF4aNxT2HM> (Accessed March 15, 2016).

²⁴ NP 2, Interview, March 8, 2016.

²⁵ NP 1, Interview, February 24, 2016.

²⁶ NP 1, Interview, February 24, 2016.

²⁷ NP 3, Interview, March 9, 2016.

²⁸ NP 1, Interview, February 24, 2016.

²⁹ NP 3, Interview, March 9, 2016.

³⁰ NP 3, Interview, March 9, 2016.

Previous studies show that the oversight function of committees is extremely important: *"as many as one third of MPs, precisely 34%, described committee meetings as the most effective mechanism of the parliamentary oversight function, followed by MPs' questions, 25%, and public hearings, 17%."*³¹

*"The crucial control tool are performance reports which ministries submit to committees on a quarterly basis."*³² Also, committees can also request some other reports from ministries. Previous studies reveal that *"ministries do not pay much importance to these reports and that the elaboration before committees is often delegated to lower ranking ministry staff."*³³ MPs complain about excessive administrative and formal elements contained in the reports:

*"Those reports do not mean much - we have done this many decision, complaints resolutions....it falls under daily work of ministries and it should not concern us. I am interested to learn what they have done with the problems we have listed, about plans and strategies, how we implement and apply laws...give us such reports. These reports are neither read by anyone, nor could one understand anything in them."*³⁴

An important prerequisite for effective oversight is the establishing of an adequate relation with the ministry responsible, which is sometimes difficult considering relations between political parties:

*"At committee meetings, MPs can often be offensive to ministries' representatives, particularly in the previous legislature term, and that is how animosity is created. It is not a solution nor will produce anything. We seek a dialogue and debate, not a wrangle. I did not invite you to a committee session to interrogate you, but to talk to you."*³⁵

Another oversight mechanism, also entailing a certain legislative component, refers to the request for an authentic interpretation of laws. Such motions concern *"problems arising in*

³¹ Open Parliament (2014), "How does Parliament scrutinize executive branch?" pg. 4; available at: <http://www.otvoreniparlament.rs/wp-content/uploads/2014/04/ovde1.pdf>

³² National Assembly Rules of Procedure (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 229.

³³ Spasojevic Dusan (2012), "Supervisory powers of the National Assembly of the Republic of Serbia and Democratic performances of the parliaments of Serbia, Bosnia and Herzegovina and Montenegro" and Orlovic (editor), *Democratic performances of the parliaments of Serbia, Bosnia and Herzegovina and Montenegro* (2012). Belgrade, Sarajevo, Podgorica: the Faculty of Political Sciences, University of Belgrade, Sarajevo Open Center, Faculty of Political Sciences, University of Montenegro (pg: 135-147)

³⁴ NP 3, Interview, March 9, 2016.

³⁵ NP 3, Interview, March 9, 2016.

the implementation and application of laws and are sometimes initiated by the civil society,"³⁶, and sometime *"by the committee responsible."*³⁷

In general, the work of parliamentary committee, as observed by the respondents, does not much differ from the work of the entire assembly. Predictably, *"the problems of the assembly are also the problems of committees."*³⁸ Yet, an important aspect of the prospect for work improvement is MPs' opinion that *"despite everything, cooperation within committees is better than in plenary."*³⁹

4. Civic engagement in work of committees

The work of the National Assembly and its committees is public in general. Of course, the Rules of Procedures *"envisage cases when sessions can be closed for public."*⁴⁰ The Rules of Procedure generally also regulates parliamentary transparency in regard to the media presence and the material available, along with the terms of use.

In this study, we are particularly interested in mechanism of active civic engagement in the work of the parliamentary committees. This does not mean that we believe that, for example passive presence of citizens at committee session is unimportant or has no impact on MPs' work or the knowledge of the citizens attending, but that the attention should be particularly paid to active engagement tools.

Pursuant to Rule 43 of the existing Rules of Procedure of the National Assembly *"the speaker of the National Assembly, at a proposal of a working body, can engage scientific or expert institutions, as well as scientists and experts to consider certain issues within the authority of the National Assembly."* This standard is further mentioned with regard to the work of parliamentary committees, in Rule 74: *"The work of committees can, by invitation, involve both, scientists and experts,"* and also in Rule 79, which symbolically underlines the importance of the involvement of experts and scientists by giving them priority over MPS to address committees.

A committee chair grants floor in the following sequence:

- a proposer of an act, that is, a delegated representative of the proposer, is entitled to speak at request;

³⁶ OCD 3, Interview, February 24, 2016.

³⁷ NP 2, Interview, March 8, 2016.

³⁸ NP 2, Interview, March 8, 2016.

³⁹ NP 2, Interview, March 8, 2016.

⁴⁰ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 255.

- scientists, experts and other persons invited to a committee session, in order of seeking the floor;
- committee members, in order of seeking the floor;
- MPs who are not committee members.⁴¹

So, there exists a legal framework which clearly foresees the possibility for involving experts in the work of the parliament and its committees. In addition, Article 65 of the Rules of Procedures provides that one of the responsibilities of the Committee on Administrative, Budgetary, Mandate and Immunity Issues is to adopt the act on employment of parliamentary groups consultants and the compensation of costs for engagement of scientists and experts in the work of the National Assembly. On the other hand, the participation of civil society representative is explicitly promoted only in Rule 63, pertaining to the Environmental Protection Committee: *"The committee can facilitate the presence, that is, the participation of representatives and citizen associations at committee sessions which consider certain environmental protection issues."*

These provisions of the Rules of Procedure could be problematized at several levels: Firstly, how is the category of scientists or experts determined? As we were told by MPs, *"the engagement of civil society representatives is important for the knowledge accumulated in the civil sector,"*⁴² although those persons often do not have formal scientific or academic qualifications. Secondly, our studies have shown that the participation of citizens and representatives of non-governmental organizations (NGOs) in public hearings or sessions outside of the Assembly house is very useful, so there is no reason for not making it possible for committee sessions. Also, based on the review of so far practices, certain committees already invite citizen representatives who do not have the status of scientists or experts. Finally, there is not a single reason for the Environmental Protection Committee to be an isolated case with regard to civic engagement. To the contrary, the majority of MPs we interviewed believe that *"this mechanism can and must be applied in the work of other committees."*⁴³ For all the afore-mentioned, we believe it is necessary to introduce changes to the Rules of Procedure making Article 63 applicable to all committees for to encourage civic participation in the work of all committees.

If we analyze the practice developed under the said legal provisions, a general conclusion is that *"citizen representatives very often participate in regular work of 50% of parliamentary*

⁴¹ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 79.

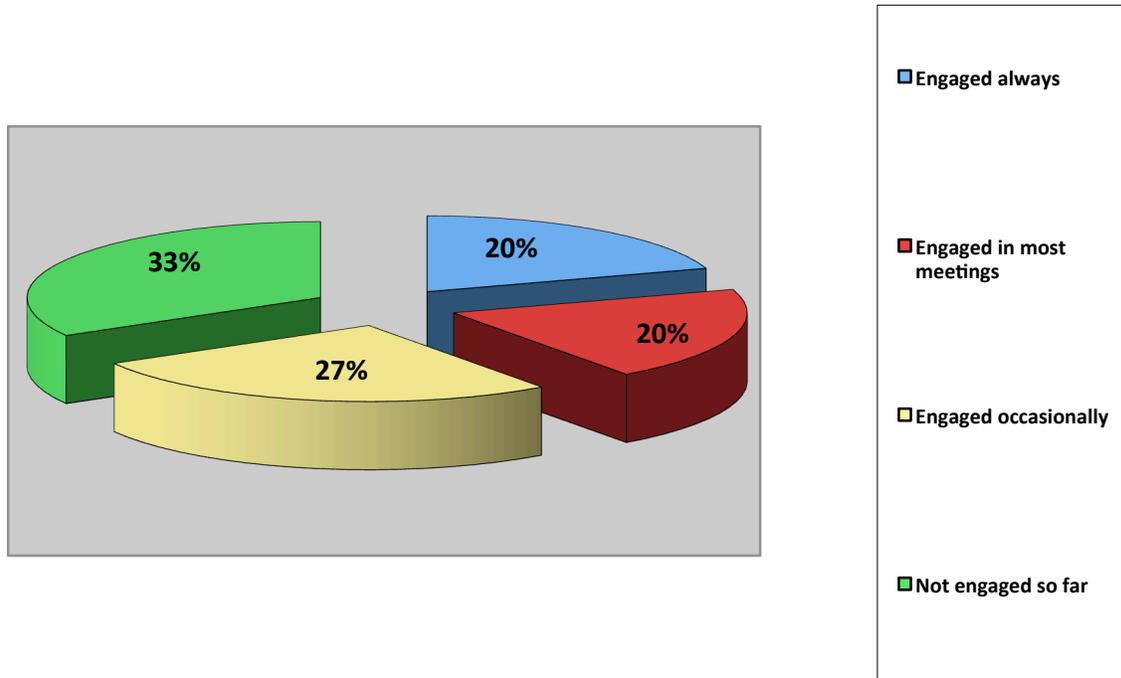
⁴² NP 1, Interview, February 24, 2016; NP 3, Interview, March 9, 2016; and OCD 5, Interview, March 11, 2016.

⁴³ NP 1, Interview, February 24, 2016; NP 3, Interview, March 9, 2016.

committees."⁴⁴ Still, what raises concern is the fact that in the last legislature term, citizens were not involved in the work of as many as five parliamentary committees, not counting special committees, which may have reasons for non-involvement of citizens (such as the Security Services Control Committee).

GRAPH 1: Civic engagement in work of committees

GRAPH 1: Civic engagement in work of committees



Civic participation is usually facilitated by an invitation from a committee chair or his/her approval of requests submitted by citizens, by which the chair is given the opportunity to considerably define or direct the work of the committee. Although in the current legislature there exist committee chairs with clear pro-engagement orientation, it is probably better to have discretionary powers curtailed in the decision-making process.

Civic participation, on the other hand, is also determined by the amount of pressure citizens exert on the National Assembly. In our case, this pressure is not very strong as civil sector activists are well aware that the National Assembly has a rather weak influence on the final text of bills. It is why the largest chunk of their initiatives is addressed to the executive branch through which they attempt to achieve a desired resolution.

⁴⁴ See Graph 1.

4.1. Public hearings

Appendix 2: Public involvement in work of National Assembly: Yugoslav heritage

The involvement of experts in the work of the National Assembly has some tradition and is not any "trendy novelty." The Rules of joint procedure for the chambers of the Federal Assembly of the Socialist Federal Republic of Yugoslavia (SFRY), which among other things, defined the work of commissions (chambers' joint working bodies for considering issues of common interest of both chambers – the Federal Chamber and the Chamber of Republics and Provinces), stipulated that "a chamber, for the purpose of preparing acts or considering certain issues within its competence, can engage scientific or other institutions and individual experts, if so envisaged under work programs of the chambers of the Federal Assembly of the SFRY." The mentioned representatives, that is, experts, were invited to participate at chamber sessions when such issues were discussed.

Also, the Rules of Procedures of the Chamber of Republic and Provinces of the Federal Assembly of the SFRY from 1990, contained similar resolutions:

A working body of the chamber can invite to its session to present an opinion or a proposal representatives of bodies and organizations in the federation..., as well as scientists, experts and public employees.

or

A working body of the chamber can propose to the Chamber that the development of an analysis or other material for the needs of the Chamber, that is, its working body, be delegated to the Yugoslav Chamber of Commerce..., as well as to certain scientists, experts and public employees.

In the National Assembly of the Socialist Republic of Serbia, which was made up of several chambers, all chambers had the right to set up commissions as auxiliary bodies, particularly for "important" issues. Generally, it was a well-developed practice in the delegate system. Practically, no act was forward to any stage in the parliament before undergoing deliberation in those bodies. Experts participated also through advisory bodies at the republican and federal levels and working bodies of social and political organizations that had commissions for various fields, which were made up of relevant experts. This practice was especially employed by the Socialist Alliance of Working People of Yugoslavia and She League of Socialist Youth of Yugoslavia..

The Yugoslav heritage and parliamentary practice enabled colleagues in the Croatian Parliament to from the very inception engage experts and public figures in the work of committees (for more details see section on the so-called external members).

Public hearings are one of the most important mechanisms of public influence on decision-making in the parliament, informing MPs about certain social issues or public policies, improving bills and oversight and control over the executive branch. *"Public hearings were introduced to parliamentary practice in Serbia with the 2010 Law on the National Assembly."*⁴⁵ *"Organization and procedure of public hearings are set out in the Rules of Procedure of the National Assembly."*⁴⁶ Pursuant to the Rules of Procedure, committees organize public hearings for the purpose of:

*"Obtaining information, that is expert opinions, on bills in legislative process, clarification of certain resolutions proposed for proposed or existing acts, clarification of issues important for the preparation of draft acts or other issues within the competence of committees and overseeing the implementation and application of laws, that is, exercising supervisory powers of the National Assembly, committee can organize public hearings."*⁴⁷

In this context, there are two types of public hearings - legislative public hearings are organized to obtain an opinion on a bill or a draft law and oversight hearings are held to supervise the implementation and application of laws.

Pursuant to the Rules of Procedure, *"the right to organize public hearings belongs to committees of the National Assembly of the Republic of Serbia, while a proposal for organizing a hearing can be submitted by all committee members."*⁴⁸ The initiative for a public hearing can also come from citizen associations and representatives of various institutions and organizations. Under Rule 84, Paragraph 2 of the Rules of Procedure of the National Assembly, a proposal for holding a public hearing shall also contain a list of potential guests. Paragraph 5 of the same rule prescribes that a committee chair shall invite to a public hearing committee members, MPs and other persons whose presence is deemed important for the subject matter of the public hearing.

4.1.1. Public hearings in 10th legislature term: topics & participants

⁴⁵ Law on the National Assembly. Official Gazette, No. RS 9/10, Article 27.

⁴⁶ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of Rs, No.20, March 16, 2012.

⁴⁷ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 83.

⁴⁸ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 84.

"In the 10th legislature term, a total of 25 public hearings were held." ⁴⁹ The number of public hearings held along with the number of committees that organized public hearings points to great discrepancies in the work and openness of committees. Table 3 shows that only 9 of a total of 20 committees organized at least one public hearing, while 11 committees did not organize a single public hearing in the 10th legislature term.

Judging by the number of held hearings, the most active is the Environmental Protection Committee. This committee organized 9 hearings, most of which aimed to exercise control function and oversight over the government's work.

Table 3: Public hearings in 10th legislature term (2014-2016)		
Committee	No	Subject
Committee on Human and Minority Rights and Gender Equality	2	1. Work and functioning of national councils of national minorities 2. Aging – life age: from privilege to discrimination
European Integration Committee	3	1. Accessibility and ways of using IPARD funds 2. IPA-2 funds management 3. Information society in Serbia's accession to EU
Environmental Protection Committee	9	1. Methodologies for environmental condition assessment and the removal of temporary and permanent damage to the environment caused by flooding in the Republic of Serbia 2. Communal waste management in the Republic of Serbia 3. Industrial waste management and hazardous waste treatment in the Republic of Serbia 4. Landfills in the Republic of Serbia 5. Recycling in the Republic of Serbia 6. Building windbreaks and shelterbelts for the protection against wind erosion 7. Climate change as reality in Serbia and the EU – challenges, response, possibilities 8. Draft law on modifications and amendments to the Law on Environmental Protection 9. Draft Law on modifications and amendments to the Law on Environmental Protection and Draft Law on modifications and amendments to the Law on waste management
Committee on Education, Science, Technological Development and Information Society	3	1. Draft law on modifications and amendments to the Law on High Education 2. Draft Law on textbooks 3. National framework for educational qualification – interconnecting education and labor market in Serbia
Defense and Internal Affairs Committee	1	1. Cyber security in the Republic of Serbia
Committee for the Rights of the Child	1	1. 25 years of accessing the United Nations Convention on the Rights of the Child – resolving problems of children who live and work on the street
Committee on Economy, Regional	1	1. Possibilities for more efficient biomass-to-energy use in the

⁴⁹ See Table 3.

Development, Trade, Tourism and Energy		Republic of Serbia
Committee on Labor, Social Affairs, Social Inclusion and Poverty Reduction	3	1. Protection of children in Serbia – from legislation to implementation 2. National framework for education qualifications – interconnecting education and labor market in Serbia 3. Dual education as tool for better employment, pros and cons
Culture and Information Committee	2	1. Copyright and collective achievement of copyright and related rights of drama, film, and television artists and interpreters 2. Draft law on modifications and amendments to the Law on Culture

According to the answers obtained from committee secretaries, *"the largest number of public hearings is initiated by a committee chair or members."*⁵⁰ However, an initiative for a public hearing can also come from interested citizens and representatives of certain institutions and organizations. Civil society representatives are of the impression that in most cases public hearings are organized at an initiative of the civil society. Even if an initiative does not formally come from civil society organizations, they suggest topics for potential public hearings and nominate experts who could address participants.⁵¹

Despite this, the figures displayed in Graph 2 show that in the 10th legislature term, CSOs initiated only two public hearings, both with the Committee on Labor, Social Affairs, Social Inclusion and Poverty Reduction. Public hearing "Protection of children in Serbia - from legislation to implementation," was initiated by the Network of Organizations for Children of Serbia, while the Belgrade Fund for Political Excellence initiated public hearing themed "National qualifications framework - How to tie-in national education and labor markets in Serbia."

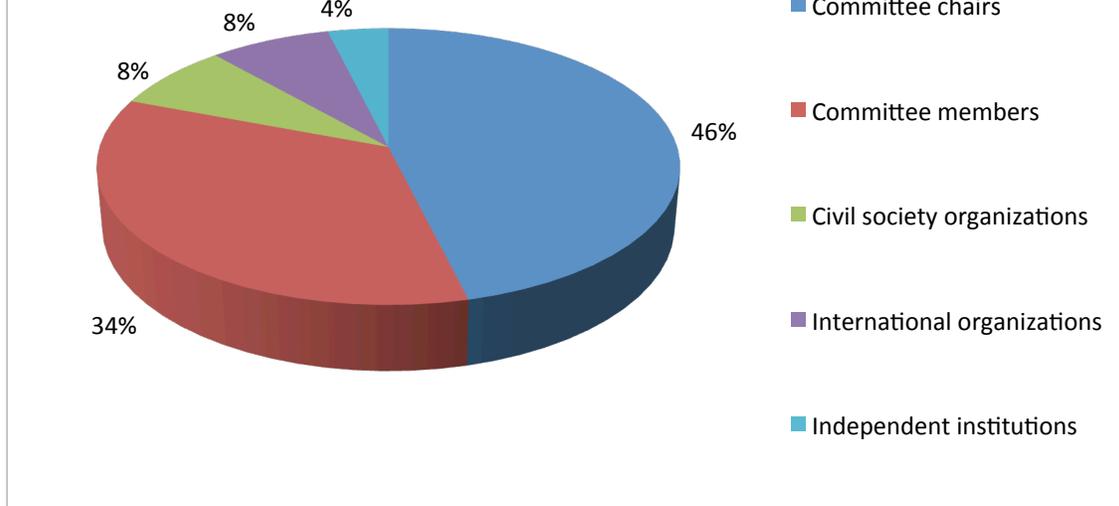
Also, international foundation the Geneva Centre for the Democratic Control of Armed Forces (DCAF) initiated public hearing "Cyber security in the Republic of Serbia," organized by the Defense and Internal Affairs Committee. Public hearing "More efficient biomass-to-energy potential in the Republic of Serbia," organized by the Committee on Economy, Regional Development, Trade, Tourism and Energy, was also initiated by international organizations that cooperate with the National Assembly.

Finally, one out of 23 held public hearings was organized at the initiative of independent institutions. The commissioner for gender equality initiated hearing themed "Aging - years of life: from privilege to discrimination," organized by the Committee on Human and Minority Rights and Gender Equality.

⁵⁰ See Graph 2.

⁵¹ OCD 2, Interview, February 18, 2016; OCD 3, Interview, February 24, 2016.

GRAPH 2: Who initiated public hearings in 10th legislature term?



The question arises as to why CSOs do not demonstrate more initiative for the holding of public hearings. Also, the fact that more than 50% of the committees did not organize a single hearing, but also that all other committees, with the exception of the Environmental Protection Committee, organized one out of three hearings held, requires an additional explanation.

Our study offers several answers to these questions. Firstly, *"in the current legislature, 54% of adopted laws were passed under urgent procedure,"*⁵² which does not leave enough time to MPs to get familiar with bills, let alone organize public hearings. Secondly, as earlier mentioned, it is obvious that MPs are indifferent and lack motivation for their work in committees and also for an extra effort required for initiating or organizing public hearings. Thirdly, some committees are still closed for public and resist cooperation, which greatly depends on the personality of each committee chair. Fourthly, committees as well as CSOs usually face financial obstacles. Organization of public hearings requires extra funds, such as for transport and accommodation costs, which cannot be easily covered by committees or CSOs. That is why CSOs initiate public hearings only after receiving funds exclusively intended for that purpose, mainly through projects that are usually funded by international donors. Fifthly, numerous local organizations are more oriented to their respective local authorities than to committees of the National Assembly. One respondent noted that *"many*

⁵² Open Parliament (2016), "Laws under urgent procedure – current legislature." Available at: <http://www.otvoreniparlament.rs/statistika-i-zanimljivosti/zakoni-po-hitnom-postupku-aktuelni-saziv/> (Accessed March 15, 2016).

CSOs do not have enough knowledge of the work of the National Assembly or possibilities to influence decision-making or oversight over the executive authority through public hearings or cooperation with the committees."⁵³

As regards the participants at hearings, so far practice shows that hearings, as a rule, involve the chair of the committee organizing a public hearing and at least several committee members. Most hearings held so far, involved representatives of the ministries responsible, NGOs, universities or research institutions, experts, and often citizens interested in particular issues.

If public hearings are organized at the initiative of a committee chair or members, invitations in most cases are sent only to organizations and institutions which the committee already cooperates with. Some committees make a list of invited participants after consulting with other committees or the ministries responsible which, based on their previous experience and cooperation, provide information about participants in public hearings or lawmaking process, and also about proposals by potential participants.

If a public hearing is initiated by a CSO, an independent institution or an international organization, they also propose participants and speakers to a committee. Based on the experience of the interviewed MPS and CSO representatives, committees almost always approve of lists of participants and keynote speakers proposed by the hearing initiator.

Also, CSOs give introductory speeches at public hearings and take active part in the debate. Participant in a hearing are often required to submit in writing their presentation ahead of the hearing to enable committee members to get familiar with the subject matter and thereby be able to ask concrete questions to participants during hearings.

CSOs demonstrate great interest in taking part in public hearings. Yet, many organizations, particularly those outside of Belgrade cannot afford to participate for financial reasons, that is, travel and possibly accommodation costs.

While CSOs interest in hearings runs extremely high, MPs participate only when a matter discussed is topical or is of particular interest to them. The data collected during the study show that most of hearings engage a committee chair and several members. One interviewed MP is of the impression that *"due to the lack of interest by MPs, public hearings often look like one-way communication from the interested public to a committee or ministries."*⁵⁴ MPs are much more focused on plenary session because of TV coverage, but for the same reason debates in Plenary are much less focused and argument-based, so *"it happens that we start a debate on environmental protection issues and end it on Kosovo,"*

⁵³ OCD 3, Interview, February 24, 2016.

⁵⁴ NP 1, Interview, February 24, 2016.

*while at public hearings, "you are bound to the subject matter and there is no marketing or promotion."*⁵⁵

To ensure increased participation of MPs, public hearings are, as a rule, organized at the Assembly house during the parliament sittings. A female representative of the civil society observes that *"the largest number of MPs take part in hearings organized at the Assembly house during parliamentary sessions, shortly after a session begins and agenda is adopted."*⁵⁶

4.1.2. Informing public

It is of extreme importance to announce decisions on holding and date of public hearings as early as possible to timely inform interested citizens and allow them to prepare for hearings. A time frame for the holding of public hearings is not set out in the Rules of Procedure, which leaves decisions on dates of notifying the public and holding a hearing at committees' discretion. Most parliamentary committees in Serbia notify public seven to 10 days ahead of the scheduled date for a hearing. Based on information obtained in this study, the European Integration Committee and the Committee on the Rights of the Child are the only committees which schedule public hearings one month in advance.

Unless directly invited by committees, civil society organizations most often get informed about public hearings through other organizations they cooperate with. Invitations to hearings are usually distributed by committees to certain organizations, which then forward them on to other organizations in their networks. For example, the European Integration Committee *"sends invitations to coordinators of the European Movement in Serbia (EPUS), who further disseminate the information to other interested organizations within the Convent."*⁵⁷ The major role in notifying the public about hearings is played by civil society organizations, which either initiate hearings or help committees to prepare them. As it is in their interest to have as many as possible CSOs participating, they distribute information about hearings through various channels, such as mailing lists, NGO bulletins and CSO networks.

While CSOs are relatively well informed about scheduled public hearings, the wider public can learn about them through the National Assembly website once the hearing program is defined. Once in place, a public hearing program is added to the calendar of the National Assembly to inform the interested parties about the date and time of a public hearing and also the subject matter and participants. However, a small number of citizens follow

⁵⁵ NP 3, Interview, March 9, 2016.

⁵⁶ OCD 3, Interview, February 24, 2016.

⁵⁷ OCD 5, Interview, March 11, 2016.

information published on the National Assembly's website and considering that public hearings are not announced in the media, a rather small number of citizens are timely informed about scheduled hearings and possibilities of attending.

After public hearings, citizens can learn about the conclusions and results of a public hearing either on the National Assembly's website or in the media. After a hearing, information about the held hearing shall be posted on the National Assembly's website, but committees do not always abide by this rule. Also, videos of hearings are available under video section on the National Assembly's website.

While on the National Assembly's website it is possible to find a short information on all public hearings which were held, in the form of news, it would be useful to set up on the website minutes from all public hearings in the form of detailed official information prepared by the Parliamentary Service representatives. Also, prior to a public hearing, the National Assembly's Public Relations Department generally invites media outlets to obtain accreditations for their reports interested in attending. What is of concern is that although they are always invited, *"media outlets send reporters only to hearings that debate topical matters or are expected to prompt conflicting atmosphere."*⁵⁸ Therefore it is unlikely to expect citizens to be properly informed about the practice of holding public hearings and their results or the possibilities of attending.

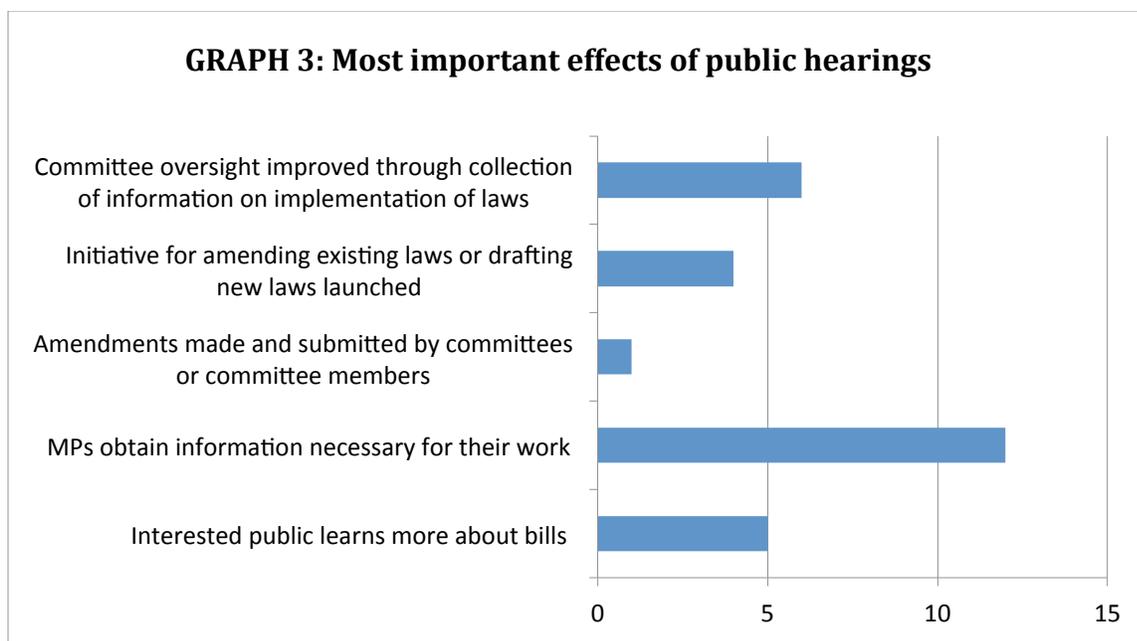
4.1.3. Goals and effects of public hearings

The largest number of public hearings organized in the 10th legislature term aimed to *"either inform MPs or monitor the implementation of laws."*⁵⁹ Hearings serve to MPs primarily as a source of information about social problems and public opinions and for preparing for parliament sessions. Also, hearings contribute to strengthening and exercising the parliament's supervisory powers. Given that most public hearings are attended by representatives of the ministries responsible, committee members and CSOs representatives can ask questions to representatives of the executive authority, highlight problems related to the application of laws or pinpoint the shortcoming in the existing legislation.

⁵⁸ NP 2, Interview, March 8, 2016.

⁵⁹ See Graph 3.

GRAPH 3: Most important effects of public hearings



Committees rarely organize legislative public hearings once a bill is in legislative process. It is because most of laws are passed under urgent procedure and committees do not have the time to organize a public hearing. Also, MPs observe that *"only cosmetic changes take place in the parliament for both, the lack of time and strict party discipline."*⁶⁰ Committees do not have the established practice of proposing joint amendments, which is why public hearings rarely render concrete steps toward modification or improvement of bills. If amendments are submitted after a public hearing, it is in most cases done by MPs individually and primarily by those from the opposition ranks, but the parliamentary majority rarely adopts the amendments seeking substantial changes to bills.

Because of the established practice of adopting laws in an urgent procedure, committees tend to more often organize public hearings during draft law developing process. Thereby MPs can learn about draft laws before they reach legislative process, which leaves them more time to prepare for a parliamentary debate, make amendments, and even more importantly, to along with public pressure, influence changes to draft laws before they are officially in legislative process. MPs stress that they alone *"cannot do anything good without the engagement of the civil society, citizen associations and experts."*⁶¹ This practice points to the dominance of the executive branch and the weakness of the parliament which, although being the supreme legislative body, must use alternative channels to ensure that MPs are timely informed about bills. Also, the largest number of CSOs tries to influence legislative process during law developing process through public debates or direct communication

⁶⁰ NP 3, Interview, March 9, 2016.

⁶¹ NP 3, Interview, March 9, 2016.

with the ministries responsible. As they point out, it is in general much easier to change "a draft law while at the ministry responsible, because once in legislative process in the form of a bill, *not much can be done, there exist only amendments, but if there is something not conceptually good in a bill, it cannot be corrected with amendments.*"⁶² That is why hearings organized outside of legislative process are also important for them.

Finally, CSOs through hearings try to influence the development of future draft laws in the ministries responsible. Suggestions and proposals presented at public hearings can lead up to ministries' representatives and MPs shaping or changing their opinion on certain issues or encouraging them to in the future initiate the adoption of certain laws, strategies or action plans. For example, according to MPs, *"public hearings dealing with climate change encouraged the adoption of a strategy on adaptation to climate change."*⁶³ Also, the Committee on the Rights of the Child, taking into account proposals and suggestion of civil society representatives, initiated changes to Article 108 of the Penal Law, which abolished statute of limitations for crimes of sexual abuse of minors. This campaign resulted in the adoption of the Law on special measures for the protection of minors against sexual exploitation and sexual abuse (so-called Marija's Law).

4.2. Sessions outside of Assembly house

Pursuant to the Rules of Conduct of the National Assembly of the Republic of Serbia, *"committee sessions can be held outside of the house of the National Assembly."*⁶⁴ Sessions outside of the house enable committee members to learn more about local problems and the work of local self-governments. Given high travel and accommodation costs, the majority of local citizen associations cannot afford to participate at committee sessions or public hearings at the house, which is why sessions outside of the house have the potential of becoming one of vital mechanisms of involving citizens the work of the parliament and bringing the parliament closer to citizens.

Despite that, in the 10th legislature term, only six committee sessions outside of the house were held by: the Human and Minority Rights Committee, the European Integration Committee, the Defense and Internal Affairs Committee, the Committee on Agriculture, Forestry and Water Management, and the Committee on the Rights of the Child. According to figures displayed in Tables 4-10, these committees held a total of 17 sessions outside of

⁶² OCD 3, Interview, February 24, 2016.

⁶³ NP 1, Interview, February 24, 2016.

⁶⁴ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 42.

the house, with the Committee on Agriculture, Forestry and Water Management being most active with 10 sessions held outside of the house.

In our research, these committees stressed that the most important benefit of the sessions outside of the assembly house is that MPs get familiar with local problems and improve communication with citizens. One MP said: *"You get closer to people at the local level, local self-governments and people employed with the system and local organizations who want to express their opinion, make a complaint or ask a question. Down the line, (sessions outside of the house) give you the opportunity to talk with citizens."*⁶⁵ Civil society representatives share the opinion, stressing that the biggest importance of these sessions is that they demystify the work of the parliament, but also improve the image of the National Assembly:

*"When committees hold meetings outside of Belgrade, people in some way get closer, you get the impression that those are actually living creatures, you make a contact with them, you realize that you can have some influence somehow, that you can approach them for something else on some other occasion, and committee members also establish contact. Even if they are not personally or professionally interested in a particular subject matter, they make contact with people at the local level, from local communities, organizations, and they can have a much better picture of the problems faced by those people, which should be of assistance for bill consideration, making possible amendments and identifying what needs to be corrected."*⁶⁶

Apart from the Defense and Internal Affairs Committee, another five committees so far involved citizen representatives in sessions outside of the house. At these sessions, citizen representatives were much involved by asking questions and participating in debates. Invitations for sessions outside of the house are usually distributed to the organizations committees already cooperate with, but considering that sessions outside of the house are organized in cooperation with local self-governments, they also invite participants.

⁶⁵ NP 1, Interview, February 24, 2016.

⁶⁶ OCD 3, Interview, February 24, 2016.

Table 4: No of sessions held outside of Assembly house in 10th legislature term			
Committee	2014	2015	Total
Human and Minority Rights Committee	1	4	5
European Integration Committee	1	0	1
Defense and Internal Affairs Committee	2	0	2
Committee on Agriculture, Forestry and Water Management	2	5	7
Committee on the Rights of the Child	1	0	1
Committee on Finances, State Budget and Public Spending Control	0	1	1

Direct communication with citizen associations and representatives of local self-governments could, through mechanisms such as public hearings, serve to MPs to exercise the parliament's legislative and control functions. In this study we were interested to find out whether and to which extent committees exploit these powers. The research however shows that session outside of the house rarely represent an immediate motive for MPs to initiate changes to the legislation or perform more effective oversight by collecting information related to the implementation of laws. Further, MPs very rarely use the information obtained at sessions outside of the house to make amendments.

On the other hand, 14 of 20 committees, or 70%, in the 10th legislature term, did not organize sessions outside of the house. According to our figures, there are two reasons. Firstly, certain committees say that sessions outside of the house *"do not mean much as they do not influence decision-making."*⁶⁷ According to these MPs, it is much more effective to pay visits to local self-governments at their invitation. When a committee organizes a session outside of the house, the focus is on the committee and the agenda items, while visits of committee members at the invitation of local communities enable *"the hosts to be the dominant factor, that we listen to them ...that they conduct the meeting and get to decide on who will speak."*⁶⁸

Secondly, certain committees do not organize sessions outside of the house for financial reasons. Sessions outside of the house require additional funds, such as for per diem and

⁶⁷ NP 2, Interview, March 8, 2016.

⁶⁸ NP 3, Interview, March 9, 2016.

travel costs for committee members. That is why such sessions are usually organized at an initiative and with financial backing of international organizations. In the 10th legislature term, the UNDP and the Organization for Security and Co-operation in Europe (OSCE) covered the largest chunk of the costs of the sessions held outside of the house. For example, the UNDP allocated RSD 611,592 the Committee on Agriculture, Forestry and Water Management for a vehicle to travel to sessions outside of the house. The National Assembly only covered per diem in the amount of RSD 16,524. For the same purpose, the UNDP set aside funds for all other committees, but the Committee on Human and Minority Rights and Gender Equality, which was backed by the OSCE Mission to Serbia. The National Assembly financed the holding of only one session outside of the house - of the Defense and Internal Affairs Committee. However, that session, for the travel costs, was held in Belgrade, at the Palace of Serbia.

Table 5: Sessions held outside of Assembly house of Committee on Human and Minority Rights and Gender Equality 2014-2016			
Date	Place	Financial support	Topic
Nov. 18, 2014	Vrnjacka Banja	OSCE	Roles of gender equality mechanisms and steps taken by relevant bodies in line with protocol on conduct in cases of domestic violence and intimate partner violence against women
April 23, 2015	Sjenica	OSCE	Economic empowerment of women at local level
June 19, 2015	Dimitrovgrad	OSCE	Role of national councils of national minorities and local communities in achieving rights of national minorities and achieving right to information in languages of national minorities
Nov. 27, 2015	Zrenjanin	OSCE	"Zrenjanin model" in combating domestic violence
Dec. 10, 2015	Novi Sad	/	Marking International Human Rights Day

Table 6: Sessions held outside of Assembly house of EU Integration Committee 2014-2016			
Date	Place	Financial support	Topic
Nov. 15, 16, 2014	Topola, Arandjelovac	UNDP	EU accession process: Negotiations Chapter 11 (agriculture and rural development) and Chapter 12 (food safety, veterinary and phytosanitary policy)

Table 7: Sessions held outside of Assembly house of Defense and Internal Affairs Committee 2014-2016			
Date	Place	Financial support	Subject
Oct. 21, 2014	Novi Sad	UNDP	Public security in the Republic of Serbia in the wake of incidents at Serbia-Albania UEFA qualifier on Oct. 14, 2014
Nov. 26, 2014	Belgrade	/	Information on work of Ministry of Internal Affairs for July-September 2014

Table 8: Sessions held outside of Assembly house of Committee on Agriculture, Forestry and Water Management 2014-2016			
Date	Place	Financial	Topic

		support	
Sept. 12, 2014	Ivanjica	UNDP	Agricultural situation in western, central and southern regions of Serbia
Nov. 17, 2014	Bajina Basta	UNDP	Draft law on financing and ensuring funds for agricultural production; Agricultural policy devoted to development of small and medium-sized farming households through development of cattle breeding, fruit and vegetables growing
Feb. 3, 2015	Krusevac	UNDP	Production and foreign trade in area of cattle breeding, current situation in food safety and import of agricultural and food products
March 13, 2015	Novi Pazar	UNDP	Information on situation and prospects of agricultural production, food processing and placement and organic food production
April 24, 2015	Knjic	UNDP	/
Sept. 18, 2015	Backa Topola	UNDP	Information on work of Agriculture and Environmental Protection Ministry for July - September 2014, and Information on draft rule book on small producers as entities in industry of products of animal and plant origin
Oct. 8, 2015	Leskovac	UNDP	Information on work of Agriculture and Environmental Protection Ministry for October-December 2014, and problems in agricultural production in the region of Jablanica district

Table 9: Sessions held outside of Assembly house of Committee on the Rights of the Child 2014-2016			
Date	Place	Financial support	Topic
Dec. 12, 2014	Sremski Karlovci	UNDP	Problems of children living and working on the street

Table 10: Sessions held outside of Assembly house of Committee on Finances, State Budget and Public Spending Control 2014-2016			
Date	Place	Financial support	Topic
Sept. 17, 2015	Belgrade	UNDP	Work and activities of the Republican Commission for the protection of rights in public procurement procedures

4.3. Citizen initiatives, petitions and proposals

This is an important mechanism of civic engagement and possible public influence on the work of the National Assembly. What distinguishes this mechanism from others covered in this study is that it is available to all citizens and is most often used by those who are not affiliated with any organization, association or NGO, which makes it very democratic and participative. On the other hand, the use of this mechanism by citizens with very little political or advocacy experience makes it rather personalized and limits its general influence on legislation and the application of laws.

The procedure for putting forward initiatives, petitions and proposals is laid down in *Instruction for considering initiatives, petitions and proposals addressed to the National*

Assembly. Citizens have several options of submitting their initiatives, petitions and proposals: in writing or electronically (using form requiring basic information about the submitter and a proposal for a problem resolution and mechanism used so far) and also by phone or directly (reception of initiatives, petitions and proposals is organized on Monday, Wednesday and Friday from 10 am to 2pm). For the latter two, a responsible officer takes a note about the submitted initiative, petition or proposal which contains all relevant information and forwards it to the committee responsible.

In practice, citizen address requests to committees and committee chairs, but also to MPs directly. Also, smaller working groups, made up of three to five MPs, are set up within committees. These groups consider citizen initiatives, petitions and proposals and depending on the committee's practice, they organize further debates. Some committees (e.g. the Health and Family Committee) consider all the received initiatives, petitions and proposals at its session, while some other (e.g. the Committee on the Rights of the Child and the Environmental Protection Committee) consider only those of systematic or general nature for which they represent a politically relevant problem. Also, there are committees whose all members are informed about the requests referred to them, but they usually do not discuss them at sessions (e.g. the Agriculture Committee).

However, the impression is that there is no essential difference in practices applied by of committees and that small differences that exist are determined by the number of initiatives, petitions and proposals received: some committees receive a small number of requests (e.g. the Security Services Control Committee in 2014 and 2105 received about 20), while other committees are annually addressed by hundreds of citizens (e.g. the Committee on Education, Science, Technological Development and the Information Society or the Environmental Protection Committee).

In all cases, committees try to ensure that initiatives, petitions and proposals are answered in the shortest time possible. The instruction gives the committees 30 days to offer an answer, but this period is much shorter in practice. Often, initiatives, petitions and proposals submitted do not fall within the competence of the addressed committee, but the ministry responsible, so these documents are forwarded to executive authorities for further consideration (while in parallel notifying the submitter). In such cases, certain committees request from the ministry responsible the feedback on how it handled the request, by which the committee exercises its control function and also protects the interest of citizens who addressed the National Assembly. Anonymous requests, as a rule, are not taken into consideration.

The MPs interviewed for this study stressed that initiatives, petitions and proposal usually address concrete problems bearing no systematic character or importance. Even such, they

represent a mechanism of resolving citizens' problems and a tool which the parliament can utilize to help them, while in parallel boosting its reputation and strengthening influence.

Still there exist examples where initiatives, petitions and proposals by citizens brought about changes to laws or amendments as was the case with the adoption of the s-called Aleksa's Law (an anti-bullying law) or changes to Articles 64 and 65 of the Law on health insurance, resulting from an initiative of the Association of kidney patients (proscribes that a health insurance card holder undergoing chronic hemodialysis program, while on a private trip abroad, can use services of international dialysis centers, with costs covered by the health insurance in full). Also, the respondents said that at committee sessions, certain ministers promised to resolve problems addressed in initiatives, petitions and proposals submitted, with the next changes to the relevant legislation.⁶⁹

The greatest influence of initiatives, petitions and proposals on the parliament's work is that they serve as a mechanism of collecting information on the ground and are therefore very important to MPs: *"That means a lot to us as they provide information that are important for us. Such information may exist in ministries, but are not available to us."*⁷⁰ Here, we have to underline that like public hearings, MPs exploit mechanisms of involving public to overcome their problems with having insufficient information and insufficient access to the information collected by the executive authority.

Finally, citizens' requests produced another, rather unusual function of the Environmental Protection Committee: based on the requests submitted, MP Ivan Karic asked a number of questions and thereby, by using other parliamentary mechanisms, empowered the influence of citizens' requests.

5. Examples of good practice

In this section we study two examples of good practice.

The first example refers to *Green Chair with the Environmental Protection Committee*, which facilitates continuous and coordinated involvement of civil society representatives in the work of this committee.

Another example are the so-called *external members, found in the Croatian Parliament*, which enables equal participation of a large number of experts, scientists and public figures in the work of all Croatian parliamentary committees.

⁶⁹ NP 2, Interview, March 8, 2016.

⁷⁰ NP 3, Interview, March 9, 2016.

The analysis of both examples will especially look at the development of these institutes, ways in which they function and influence they have on the work of the parliament, but also at possible problems and controversies associated with them. The main goal is to, through a detailed review of these institutes, consider possibilities for an improved application of these mechanisms in the work of the National Assembly of the Republic of Serbia.

5.1. Green Chair

The Aarhus Convention was ratified by the Republic of Serbia on May 12 2009 by adopting the Law on Ratification of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Based on this in the Rules of Procedure of the National Assembly was entered provision states according to which the Committee on the Environment can enable the presence or participation of citizens representatives and citizens' associations at the meeting of the Committee in a discussion about specific issues in the field of environmental protection.

Green Chair is one of the most important mechanisms of civic engagement in the work of parliamentary committees, applied by the National Assembly. Green Chair was established in 2013, by Rule 63 of the Rules of Procedure of the National Assembly, referring to the work of the Environmental Protection Committee: *"The committee can facilitate the presence, that is, the participation of representatives of citizens and citizen associations at committee sessions which consider certain matters in the environmental protection area."*⁷¹

The way in which Green Chair came to life speaks of the preconditions required for setting up this mechanism in other committees.

Green Chair was established following a four-year effort and cooperation between the National Assembly and civil society representatives. It all started back in 2009, when a group of NGOs, under a campaign striving to change environmental protection policies, set up a network of organizations. This network brought about three initiatives.

First initiative sought the formation of the so-called Green parliamentary group - a group of MPs particularly interested in environmental protection issues. This informal parliamentary group is elected with each new legislature. The existence of informal thematic groups in the parliament can be of great significance for it promotes cooperation

⁷¹ Rules of Procedure of the National Assembly (consolidated text), Official Gazette of RS, No. 20, March 16, 2012, Article 63.

between MPs from different political parties, which is extremely important in the countries with pronounced party discipline, like Serbia.

Second initiative of the network of environmental organizations was directed at establishing cooperation with the line ministry. This initiative led to the signing of a Memorandum on cooperation, but cooperation was unstable and conditional on numerous factors, but primarily on the ministry's interest in cooperating with civil society organizations.

Third initiative aimed to introduce Green Chair with the Environmental Protection Committee, with the goal achieved after the network had obtained the backing from then committee chairwoman Milica Vojic Markovic. It is important to note that the institute of Green Chair continued to operate successfully under chairmanship of Dr Branislav Blazic, and that the new chair is from a party different from that of his predecessor, which in a "feudalized" political system (empowering absolute control over a certain area to a single party) in Serbia often tends to bring to an end an initiative started during the rule of another party or the government. The interviewed civil sector representatives especially emphasize *"the important role of the committee's secretary for the continuous work of Green Chair."*⁷²

5.1.1. How does Green Chair work?

Formally, it consist of two brown chairs in the hall where the committee convenes. At meetings, these two chairs are occupied by representatives of organizations, who hold no voting right, but have the right to participate in the work.

Once a meeting is scheduled, the committee's secretary notifies one of three organizations which at the time coordinates the network's activities – the Center of Modern Skills, Young Researches or the Belgrade Center for Political Excellency, which then disseminates the invitation to the network members. Representatives for the upcoming session are selected *"based on the capacity, expertise and preferences."*⁷³ Unfortunately, given that committee meetings are scheduled at short notice, organizations outside of Belgrade often cannot deploy their representatives in time for meetings. Also, in such situations, there is no time to seriously prepare for meetings, which puts in the forefront the expertise and knowledge of the network member organizations.

⁷² OCD 1, Interview, February 10, 2016; OCD 2, Interview, February 18, 2016.

⁷³ All network organizations answered questionnaire at accession and expressed thematic preferences and degree of expertise.

Representatives of Green Chair maintain that the network or the coalition of organizations is especially important as an organizational mechanism also because it decentralizes the access to the parliament and prevents one organization or one individual from clinging on to the position of power. Unfortunately, unfavorable financial situation of numerous civil society organizations in reality limits the number of possible participants in the committee's work and narrows the circle down to larger, national organization from Belgrade.

5.1.2. What is the influence of this mechanism?

Green Chair's formal influence on the committee's decisions is not strong, which is not surprising bearing in mind the findings of the conducted studies that the parliament's influence on the final text of bills is not particularly considerable. On the other hand, the influence on the committee's work is evident.

The committee chair in the legislature term when Green Chair was established (2012-2014), Milica Vojic Markovic, believes that the introduction of Green Chair was of great importance: *"It seems to me that the biggest portion of the quality work of the committee stemmed from joint meetings which brought together MPs, ministers and administrative officers, and representatives of local self-governments, public companies and the civil sector."*⁷⁴ The interviewed MPs see civil society representatives as "serious organizations which have existed for years and which have taken roots in the society," and as such represent "a serious party" in committee debates.⁷⁵

Green Chair representatives believe that their engagement enables MPs to be better informed. Also, some of the proposals put forward at meetings are used by MPs for making amendments or as additional argumentation for already submitted amendments. Criticism and suggestions made, via the committee, also reach the line ministry, which offers detailed and concrete answers accordingly.

For the civil society, Green Chair represents *"huge progress,"*⁷⁶ as before its formation, they had no possibility whatsoever of addressing the National Assembly. For example, during

⁷⁴ Milica Vojic Markovic (2015), "The Environmental and National Assembly of Republic of Serbia" in *Manual for male and female MPs – The Environmental in EU accession process*, pg. 56. Available at: <http://www.zelenidijalog.rs/wp-content/uploads/2015/08/Prirucnik-ZPG.pdf> (Accessed March 12, 2016)

⁷⁵ NP 1, Interview, February 24, 2016.

⁷⁶ OCD 1, Interview, February 10, 2016.

the legislative process for the Law on Environmental Protection in 2010, representatives of environmental organizations did not even manage to obtain approval to attend committee meetings. Civil society representatives believe that today they are much more informed as they have access to documents and can directly communicate with the line ministry at committee sessions, and that Green Chair mechanism "*demystifies the work of the parliament and improves openness and accessibility.*"⁷⁷

5.1.3. Coordination problem

Arguments often used against the engagement of civil society representatives include the coordination issue and advocacy of different stands within the civil society. The interviewed admit that certain problems existed in the beginning, but that along the way confidence was built between the network member organizations. Given a wide range of issues in the environmental protection domain, the organizations often tackle different areas so there are no overlaps or confronting positions. Finally, if views need to be accorded, but cannot, then at committee sessions the organizations indicate that they speak in the name of their own organizations and that certain disagreements exist.

Still, bearing in mind the role of civil society representatives or experts in the work of committees, this problem is not insurmountable: a final decision is made by MPs as their job is to represent citizens and formulate their political will. On the other hand, the role of civil society representatives is not to represent, but to participate and use arguments with a view to enhancing the dialogue, drawing attention to possible problems and providing additional input to MPs.

5.1.4. Why Green Chair?

The Green Chair experience can be very important for further development of parliamentary practice in Serbia. One of the questions asked during this study was why it was the environmental protection field first to institutionalize cooperation. Answers provided were rather similar – there were several important prerequisites which facilitated the process: (1) the introduction of the Green parliamentary group which promoted the importance of environmental issues and their specificities; (2) previously

⁷⁷ OCD 1, Interview, February 10, 2016.

established cooperation and confidence between the civil society, MPs and the National Assembly, and (3) strength, experience and expertise of the civil sector in the environmental protection area. Still, what is seen at the key element for the success of this process is the interest of the MPs on the Environmental Protection Committee in the committee's remit and the willingness of the committee chairs in the last two legislature terms to back the initiative not for the sake of formality, but for to give it a meaningful purpose.

Also, the quality of this mechanism is implicitly exhibited in the work of some other committees which in similar ways involve citizen representatives. So it can be said that the European Integration Committee has an informal *"European Chair"* occupied by representatives of the European Movement in Serbia, who in a similar way coordinate the work of the civil society sector interested in the EU integration.⁷⁸ Before considering suggestions for a negotiating position, this committee *"necessarily reviews proposals and recommendations put forward by civil society representatives, that is, the National Convention on Serbia's EU Integration."*⁷⁹ The Committee on the Rights of the Child maintains active cooperates with UNICEF representatives, who are not part of the civil society in the "narrow" sense, but are experts in the field and thereby can contribute to the committee's work. Also, *"similar mechanisms have been initiated at the local level (offices at local self-governments), but in practice these organizations often tend to lack the capacity to keep these office going for long."*⁸⁰

On the other hand, some MPs believe that the idea of Green Chair cannot be imported by other committees given a wide range of subject matters in their remit, which is why regular involvement of citizens would be rather complicated and demanding organization-wise, and also that in other areas *"there exist conflicting CSOs for which reason it would be difficult for them to agree on coordination and representatives."*⁸¹ It is important to underline that MPs who are critical of the Green Chair model offer strong backing to citizen participation in their respective committees, that is, they do not disapprove of this model in general.

5.2. Regional experience – external members of Croatian parliamentary committees

⁷⁸ OCD 5, Interview, March 11, 2016.

⁷⁹ Decision of the European Integration Committee from June 4, 2014. Available at: <http://eukonvent.org/wp-content/uploads/2014/08/Odluka.pdf> (Accessed March 8, 2016).

⁸⁰ OCD 3, Interview, February 24, 2016.

⁸¹ NP 2, Interview, March 8, 2016.

As we mentioned in methodology section, comparative analysis in this study deals with the so-called external members found in the Croatian Parliament (Sabor), which is undoubtedly represents the most developed mechanism of expert participation in the work of parliamentary committees in the countries that could be compared with Serbia by the state of democracy.

External members are usually representatives of universities, expert and professional organizations, NGOs, labor unions and churches, who with their expertise contribute to the work of the Croatian Parliament. This institute was introduction to parliamentary practice from the inception of a multi-party system, but it relays on the tradition developed in the SFRY. These expert bodies, which provide support to representatives of the people, existed in the National Assembly of the Socialist Republic of Serbia.

Legal basis for involving citizen representatives is provided in Rule 52 of the Rules of Procedure of the Croatian Parliament: *"A working body of Parliament may include scientific and other organizations and individual experts in the preparation of legislation or the consideration of individual matters within their competence if the relevant funds are secured. A working body may propose to the Government that these tasks be entrusted to ministries or other state administration bodies."*

In practice, most Croatian parliamentary committees have external members. Exceptions are the committees dealing with specific issues, such as the Domestic Policy and National Security Committee, or those concentrated on the parliament's work rather than public policies, such as the Elections, Appointments and Administration Committee. In other committees, the number of external members ranges from 3 to no more than 6, who are usually termed *"public, scientific and expert employees."*⁸² It can be observed that the denomination contains category "public employees," which was used in the SFRY and which resolves the problem of expertise that we earlier mentioned and enables the engagement of citizens without formal education, but with experience in the civil society sector.

Some committees have a more defined structure of external members. For example, the Finance and Central Budget Committee has 3 representatives of concrete organizations or institutions: one from a union organization of a higher level, the employer's association and the Croatian Chamber of Economy each, while other three members are representatives of expert institutions. Similarly, the Health and Social Policy Committee envisages representatives of the Croatian Medical Chamber and the Croatian Nursing Council.

⁸² Rules of Procedure of the Croatian Parliament, 2013, Article 57. Available at: <http://www.sabor.hr/font-size3poslovnik-hrvatskoga-sabora-radna-tijela> (Accessed March 1, 2016)

There are also committees with more precise requirement for electing external members. For example, the War Veterans Committee elects all its external members from the ranks of war veterans and war veteran organizations, while the Committee on Human and National Minority Rights engages two representatives of religious communities (one from the Catholic Church) and two representatives of organizations dealing with human rights protection.

Of particular interest is the Local and Regional Self-Government Committee, which aside from MPs, foresees another 9 members who are nominated by a representative body of local, that is, regional self-governments - one from Zagreb, Osijek, Split and Rijeka each, two from regional self-government units, two from local self-government - municipalities (one from continental and one from coastal part of Croatia) and one jurist. Although by their nature and role these representatives are not identical to external members, they pursue the goal of improving parliamentary transparency and try to integrate the parliament with local self-governments and to bring it closer to citizens.

The procedure for the election of external members has changed and improved. Following the initial model, under which members were appointed by a cross-party agreement, in the last several legislature terms (since 2008), a public vacancy procedure was introduced, allowing applications from interested parties. *"The procedure for appointing members of a working body starts with the announcement of a public invitation for nomination of candidates. Candidates can be nominated by expert institutions, expert associations, civil society organizations and individuals."*⁸³ Invitations are normally open two weeks, but unfortunately they are published subsequent to the formation of the parliament. For example, the current Croatian Parliament was constituted on December 28, 2015, but a public invitation has not been published by the time this report was composed (March 2016), *"while appointments in the previous two legislature terms"*⁸⁴ had a delay of a whole year.

Given that application procedure or requirements place no restrictions, individual can also apply. Once this procedure is completed, parties start negotiations, while decisions are formally made at the plenary assembly by a vote on each committee individually.

⁸³ Rules of Procedure of the Croatian Parliament, 2013, Article 57. Available at: <http://www.sabor.hr/font-size3poslovnik-hrvatskoga-sabora-radna-tijela> (Accessed March 1, 2016.)

⁸⁴ Obris- defense and security (2012), Political trade-in for external members of parliamentary committees, available at: <http://obris.org/hrvatska/politickom-trgovinom-do-vanjskih-clanova-saborskih-odbora/>, (Accessed March 4, 2016)

External members have all the rights to participate in the work of committees, but the right to vote. External members do not receive any remuneration for the months the parliament is sitting.

Representatives of the civil society who have participated in the Croatian Parliament's work through the mechanism of external members believe that this is a very useful platform for advocacy groups as it provides access to the parliament, which facilitates (1) communication and lobbying with MPs, (2) access to information and documents available to committee members and (3) access to media outlets which cover committee sessions and which often require an additional opinion or expert interpretation of matters deliberated at committee meetings.⁸⁵ Added value is provided by the committees that take part in public vacancy procedures for certain public positions, such as the Ombudsman, the information commissioner or Constitutional Court judges (which falls within the competence of the Committee on the Constitution, Standing Orders and Political System). In this case, candidates are interviewed by the committee, which enables external members to take part in interviews on an equal footing to committee members.

Based on our interviews, MPs also believe that the presence of expert members is useful as they bring in a different perspective and additional expertise, which is why MPs often use arguments and information obtained from external members.

Despite this developed mechanism of involving experts and advocacy groups in the work of committees, not even the Croatian Parliament can boast about having achieved a high degree of influence on the final text of bills. Like in other countries, also in Croatia there exists the supremacy of executive branch in legislative process, *"so one is most likely to influence legislative process by engaging in working groups which draw up draft laws."*⁸⁶ On the other hand, deliberation by the committees can bring about changes to a bill, but to a lesser extent. As external members have no right to propose amendments, the most efficient mechanism would be to occupy an MP with the idea and have him/her put it forward as his/her own amendment. That is how some important changes were made to bills, like the provision governing the collection of signatures for a referendum petition (facilitates the gathering of signatures in public places).

External members also cause certain controversies. Major objections are that *"these posts are used as extra spoils which political parties share in post-election deals and to which they*

⁸⁵ OCD 4, Interview, March 7, 2016.

⁸⁶ OCD 4, Interview, March 7, 2016.

appoint people close to them,"⁸⁷and that the process of electing external members is not transparent enough, that is, that the requirements are not clearly set out. This resembles the procedures of inviting applications for funds intended for the NGO sector in Serbia, in which grants are awarded to organizations close to the ruling parties or to those which have been founded by party members only for the purpose of receiving grants.

However, problems that arise in practice should not overshadow the evident value of civic engagement in decision-making. Finally, as the respondents insist, *"the goal of an external member is not to represent citizens, which is why they do not have the right to vote or electoral legitimacy. Their goal is to, with their knowledge and expertise, contribute to improving the quality of debates and finding better resolutions and to assist the representatives of the people."*⁸⁸

6. Recommendations for work improvement

In the introduction, we underlined that the study's clear intention is to look at ways to improve the work of parliamentary committees. Based on our empirical evidence, interviews with a large number of qualified individuals and a review of national and regional good practices, we developed recommendations for three crucial segments: general work of committees, civic participation in the work of committees and enhancing transparency of committees' work.

6.1. Work of committees

- 1) It is necessary to additionally educate MPs about the importance of committees and their potential to influence decision-making and scrutiny of the executive branch for to motivate MPs to take more active part in the work of committees'.

This education shall particularly be focused on new MPs, who will be elected to the 11th legislature term. This education (through training courses, seminars, workshops...) can also involve international organizations and national NGOs with

⁸⁷ Obris- defense and security (2012), Political trade-in with external members of Croatian Parliament committees, available at: <http://obris.org/hrvatska/politickom-trgovinom-do-vanjskih-clanova-saborskih-odbora/>, (Accessed March 4, 2016)

⁸⁸ OCD 4, Interview, March 7, 2016.

longtime cooperation with the National Assembly as well as more experienced MPs through mentorship work with younger fellow MPs.

- 2) Improve legislative process by reducing the number of laws adopted in an urgent procedure through regular submission of Government's annual work program to the parliament.

If MPs are at all times informed about the number of bills introduced into the legislature, they could prepare adequately for deliberation, which would consequently result in improved legislation.

- 3) Request officially from ministries to, before commencing consultations with other ministries and submission of a draft law, consult the committees responsible on a draft law.
- 4) Through changes in the Rules of Procedure introduce the practice of bill consideration involving all accompanying legislation (If at that moment exist drafts of bylaws) to enable committees to learn about a propose legislation as a whole.
- 5) In the Rules of Procedure make reporting to committees on the implementation of laws mandatory, which would make ministries more seriously approach the drawing up of reports.
- 6) For to upgrade the quality of quarterly reports ministries submit to committees, it is necessary to officially demand that the inclusion ministries' plans and as well as the level and quality of the implementation of laws, along with the feedback on earlier made complaints and suggestions by committees, be made mandatory.
- 7) Through changes in the Rules of Procedure and introduction of a quota system encourage the appointment of committee chairs from the opposition ranks as the study shows that committees perform more efficient oversight over the executive authority when chaired by an opposition MP.

6.2. Public involvement

- 1) Institutionalize CSOs engagement in committees' work through changes in the Rules of Procedure. Rule 43 and 74 of the existing Rules explicitly mentions only the participation of scientists and experts at committee sessions, while Rule 63 envisages the participation of civil society representatives at Environmental Protection Committee session. It is desirable to explicitly facilitate CSOs engagement

in the work of other committees to additionally motivate committees to involve them.

- 2) Upgrade organization of public hearings through changes in the Rules of Procedure, prescribing that public hearings are scheduled at least **15 days** in advance. It would enable the interested public to be better informed and prepared for hearings.
- 3) Increase the number of MPs at public hearings through additional informing about the importance of public hearings for raising quality of debate in the plenary sessions.
- 4) Increase the number of sessions outside of the Assembly house as one of crucial mechanisms for involving local organizations and citizens at local level in the work of committees. Also, predict resources in the parliamentary budget for this session.
- 5) Encourage committees and MPs to use public hearings, sessions outside of the Assembly house and citizen initiatives, petitions and proposals for preparing amendments, initiating changes to legislation and improving committee oversight.
- 6) Educate local CSOs about the importance and possibilities of influencing decision-making by initiating and participating at public hearings and committee meetings. Education can be conducted by the National Assembly and NGOs which cooperation with the parliament.

6.3 Improving transparency

- 1) Advance transparency of committees by publishing transcripts and conclusions of public hearings on the parliament's website.

Although in the official Parliament website, in the section committees, exists published short news from the held public hearings, only sporadically it is possible to find official information from these public hearings prepared by Official Parliament Service. Also, it is possible to find reports / minutes of committee meetings for certain committees, but this is not uniform practice for all committees. Voting results of the committee members shall not published on the website of the National Assembly.

- 2) Considering that committees are the most important segment in control of and oversight over the executive branch, improved transparency of their work is

necessary, which aside from the established useful practice of webstreaming meetings on the parliament's website also requires more presence of committees in the media through more active approach of the parliament's Public Relations Department and also of MPs.

- 3) Enable access to requests, complaints and questions MPs or committees address to the ministries responsible as part of their control function.

7. Final remarks

The study on the work of committees unequivocally showed that committees face all the problems faced by the parliament at plenary sessions. Party discipline and the adoption of laws in an urgent procedure hinder committees in achieving their considerable democratic potential, primarily with regard to their influence on legislative process and control function. Still, considering that committees are smaller in size and more of expert bodies gathered around concrete subject matters and problems, certain differences are observed in their work from that of Plenary, but also certain positive trends.

Positive trends are visible with several committees, which stand out for their activities and the use of available mechanisms provided by the Rules of Procedure, relations with the ministries responsible and cooperation with the civil society sector. Examples of good practice are particularly evident with the committees which involve civil society organizations, either through public hearings (which atop their basic function also enable MPs to get familiar with a draft law before it arrives through regular legislative procedure also provide a forum for debates between MPs, the ministry responsible and civil society representatives) or by enabling NGOs representatives to participate at committee meetings (example of Green Chair). The engagement of the civil society has proved to be very useful as it contributes to improved quality of the work in committees and brings the National Assembly closer to citizens.

Our main finding is that activities of a committee mainly depend on its chair, political power and experience of MPs on the committee, the civil society strength in the committee's remit, as well as the committee's focus on cooperation with the National Assembly. A synergy between these three elements produces results which indicate that under the existing institutional and political circumstances it is possible to considerably improve the work of parliamentary committees.

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