

Newsletter

PARLIAMENTARY INSIDER

Issue 18

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THE OPEN PARLIAMENT INITIATIVE

The Open Parliament Initiative has been monitoring the work of the Serbian Parliament every day since 2012. The Open Parliament collects and publishes data on the Parliament's work and results and deals with the analysis of various processes from the perspective of transparency, accountability and participation.

The main goal of the Open Parliament Initiative is to increase transparency and accountability of the work of the Parliament, to inform the citizens about the work of the Parliament and to establish regular communication between citizens and their elected representatives. Our work is based on the values contained in the international Declaration on Parliamentary Openness, and the Open Parliament took part in the development of this initiative.

Since January 2018, the Open Parliament team has increased the focus of this initiative's activities on democratism and accountability in the conduct of MPs and the work of the institution.



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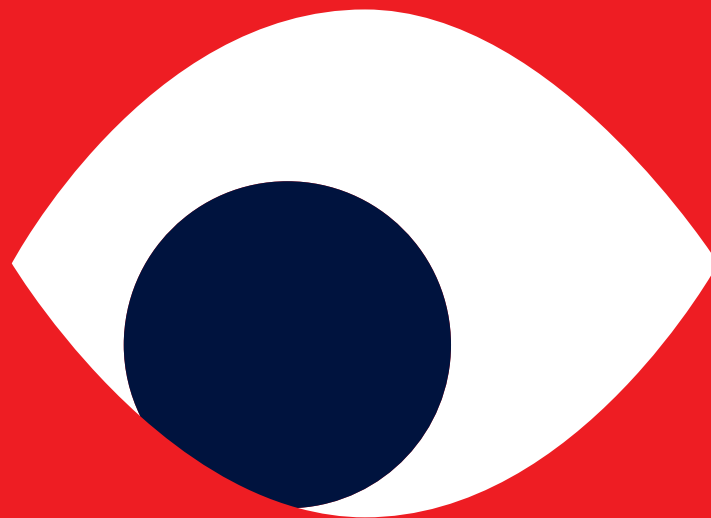
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● INTRODUCTION

A fresh start?

The previous convocation of Parliament was dissolved by an announcement by the President of the Republic only a year and a half after it began. The elections for new MPs were held on 3 April 3, 2022. Three months after the elections, we still do not have the final results, and the establishment of the new convocation is still pending. The absence of an operational parliament encouraged us to take steps to overcome the obstacles that “burdened” the work of the last convocation. Through these texts written by eminent experts who follow the work of the parliament from their specific fields, we want to draw the attention of the public and future MPs onto how the work of Parliament can be improved and the quality of laws and executive control can be raised to the highest quality. Before you are the expectations of the next convocation from journalists, representatives of civil society, former officials, and university professors. The Bulletin shows where omissions have been made in Parliament's work up to now and how to prevent them in future.



● EXPERTS' OPINIONS



Prof. dr Irena Pejić
Professor, Faculty of Law, University of Niš

Challenges of parliamentary law in the new convocation

With the constitution of the new parliamentary convocation, the thirteenth in a row, Parliament will get more parliamentary groupings, among which, unlike the previous convocation, there will be opposition parliamentary groups. Although the legal status of the parliamentary opposition is not regulated, its presence in the parliament is vitally important. It represents a strong guarantee of parliamentary autonomy, primarily concerning the executive branch. So far, the parliamentary majority has subordinated its purpose to executing the Government's policy. During the last two convocations, Parliament has become the embodiment of political support for the Government, i.e., the President of the Republic. This attitude by the parliamentary majority contributed to the erosion of the reputation of the highest representative body and the weakening of its power in the constitutional arrangement of the division of powers.

The new Parliament can be expected to restore voters' confidence in the integrity of the representative body, which has become very shaky and to ensure efficiency and effectiveness in the legislative process. This can be achieved through work in the plenum and in parliamentary committees, where it is possible to engage with arguments from experts. Debates should be brought closer to citizens, not only through the plenum but also through the broadcast of public hearings at which different political views will be expressed, as well as the views of the scientific and professional public. Following the example of European Parliaments, the Serbian Parliament should become a "working parliament" that will spend most of its time working in parliamentary committees and other parliamentary bodies. Parliamentary committees should be expected to exercise full control over their duties. Instead of ministers being "honorary members" of parliamentary committees, committees should request the relevant information and data from the state body or organization that they are supervising. This aspect of the oversight function of Parliament should become good parliamentary practice.

The new Parliament should break from the infamous tradition in the parliamentary law of Serbia that MPs rarely question ministers and the Prime Minister. Instead of asking parliamentary questions, MPs tend to use their parliamentary pulpit for speeches either in support of or attacking the Government's policies. This erects an even higher wall between voters and Parliament than is necessary. Due to the nature of proportional representation, voters feel

powerless to influence their elected officials in any way and even seldom recognize their elected representative. MPs should use their time effectively to ask parliamentary questions. This refers primarily to opposition MPs, who should review the Government's activities and point out the problems that citizens have reported to them. However, this control activity also concerns members of the ruling majority, who can also ask questions received from citizens. This practice could lead to a double benefit: not only will voters see that the representatives they have chosen are sitting in parliament, but also that the Government can affirm its own actions. Unfortunately, so far, Parliament has not used its controlling function, so Serbia has remained at the bottom of the European average in terms of the number of questions asked in Parliament. MPs and parliamentary groups should spend at least a third of their resources on parliamentary question time. Instead of elected representatives exhausting themselves in futile discussions and trying to discount each other's claims, it would be good for them to try to answer the basic problems and day-to-day concerns of their voters.

The central expectation of the new parliamentary convocation follows from the previous one: the affirmation of all requests that citizens send to their elected representatives. Bad practice by MPs has led to the gathering of Parliament being widely perceived as the final step to cutting the umbilical cord with citizens, which completely relieves MPs of any responsibility towards them. MPs are assumed to have a free mandate: complete freedom from the electorate and blind subordination to a political party. The attitude towards the citizens is the same as the attitude towards their petitions, criticisms, people's and civic initiatives, as well as towards any kind of protest or disagreement with what Parliament does. It is especially important to protect people's initiatives, which must be put on Parliament's agenda, and not as before, neglected by the rules of procedure and lost in the administrative labyrinth. In comparative law, this is called "accountability" of the representative body before the citizens. It would be desirable for the new legislature to start activities that show it is aware of its responsibility to the electorate.



Dušan Spasojević
Professor of Political Sciences, University of Belgrade

New convocation - new beginning (from the lowest point)

The new convocation of Parliament is certainly not a cause for excessive optimism. Parliament has been marginalized for years, subordinated to the executive branch, and often does not fulfil even the minimum of its constitutional functions. In the last few years, it has become a testing ground for the ruling party's superiority over the opposition, which led the opposition to boycott parliamentary work, and then a (futile) boycott of elections, and so an additional two years of degrading the reputation of this representative institution. Praises sung to the President, insults to the opposition and civil society, and failure to perform their duties characterized the convocation elected in the July 2020 elections.

Therefore, everything that follows in the coming years will be better than the period that is behind us. Although at first glance my thesis may seem to be that we have reached rock bottom so it cannot get any worse, I think that there has been a fundamental change in the situation. The next convocation of Parliament will be completely different from what we have been used to seeing since 2012. The scale of this change will depend on the ability of the opposition MPs.

First, for the first time since 2012, an opposition will enter Parliament that is determined to question and challenge the ruling party. Due to divisions within the Democratic Party, since the 2014 elections the opposition has been reduced to uncoordinated and short-lived attempts that end in failure. This goes both for the old parties in their attempts to breathe new life into their new leadership and by new stars of the opposition and movements like *Dosta je bilo* (*Enough is enough*). Although the presence of the opposition in Parliament was not negligible, their battling with each other over who is the centre of the opposition, and constant switching between cooperation and conflict allowed the regime to prevent any coordinated work by most of the opposition.

Of course, this does not mean that the opposition parties that entered parliament after the April 2022 elections are without such shortcomings (as evidenced by the interactions after the "agreement" between Vučić and Đilas on new early elections in Belgrade). But they are certainly more homogeneous groups, among which there is a certain dynamism, combined with the experience of many years of cooperation in protests and some outlines of a hierarchy. Ideological profiling of the opposition parties (i.e., parties that declare themselves to be opposition parties) confirms this - from the far-right actors representing the three parties, through the People's Party to the pro-European centre led by the SAA group, to the new green-left coalition *Moramo* (*We Must*). Even if extremely unfavourable circumstances and different lines of division emerge, this ideological and organizational structure has been strongly developed in the last few years and with minor changes could be a solid basis for the work of the opposition moving forward.

An important part of this initial assumption stems from the parliamentary status of opposition parties. Although the opposition scene is atomized, all parties will receive money from the budget that will be enough for the consolidation and development of their organizations. In this aspect, the small size of the organizations will be an advantage – *Ne Davimo Beograd (Do not let Belgrade drown)* will be able to build a respectable organization with sufficient finances for its 5 MPs; if it was a country-wide party with branches from Subotica to Preševo, this amount would not be enough. Second, MPs will have institutional mechanisms at their disposal - from formal ones such as parliamentary questions, political ones like greater media coverage (although one should not have lofty expectations) and communication with the international community, to informal opportunities in emergencies such as communication with police at protests. This does not add up to that much, but it is still much more than what the opposition has had so far.

Of course, all this is still far less than what the *Serbian Progressive Party (SNS)* have. However, in this convocation the Progressives have less than they have had up to now. Every time the cake is shared, every time the demands of coalition partners are fulfilled, every granting of requests to individual MPs reduces the SNS' supremacy. Also, since 2012, the SNS has not faced a serious challenge within the institutions. Regardless of whether there are "only" fifty active MPs or over eighty, this redistribution of power will present a new situation to the Progressives who, it is now certain, are not the best at coping with situations that they do not fully control. All this will make the plenary sessions more interesting for both the media and citizens. Putting specific political issues on the agenda can only strengthen the opposition forces.

So, although the convocation of 2022 will not completely fulfil anyone's wishes or expectations, it could bring a completely different political dynamic and be part of the democratizing process. It might be an exaggeration to say that a light can be seen at the end of the tunnel; however, we now have some elected representatives in parliament who may witness the emergence of such a light.



Tara Tepavac

External Associate for Parliamentary Research, CRTA

On waiting for, and expecting a new convocation of Parliament

Two months after the general elections in Serbia, we are still waiting for the announcement of the election results, and so the composition of the new parliament is still in question. This kind of wait is not new to us. In the past twenty years, from the election day to the first session, an average of 35 days passed, and for the last two convocations, about 40.^[1] It seems that the new thirteenth convocation is all set to break the record set a quarter of a century ago, when the fourth convocation of Parliament was formed two and a half months after the 1997 elections.

Most of us are not too worried about that, the Parliament has not been a major talking point for a long time, except for the price of coffee and Karadjordjeva schnitzel in Parliament's restaurant. Increasingly, acquaintances jokingly ask me why this procrastination is a problem at all, when everything is working well without Parliament? Indeed, in the past ten years, Parliament's role as the highest representative body has been shaken by various blows, from early elections and politicians regularly switching parties, the failure to use of Parliament's important mechanisms, bypassing burning socio-political issues in the plenum, and the latest experience of "deparliamentarization" during the state of emergency. During the two months of crisis conditions after the outbreak of the coronavirus pandemic, Parliament de facto suspended itself, leaving decisions solely to the executive, centralized mostly in the hands of the President of the Republic.

The long-term trend of marginalization and gradual collapse of the institution of Parliament has greatly diminished citizens' expectations of the country's highest representative body. The most important task before the new, and each subsequent, parliamentary convocation is for Parliament to once again carry out its fundamental roles in society. Under the freshly painted facade and colourful spotlights lie shaky foundations and truncated walls that need to be reinforced.

In our political system, MPs can play a powerful role, but to achieve their full potential, they must be aware of and accept their role and power. So far, unfortunately, we have rarely seen this. There cannot be a strong and influential Parliament without responsible MPs with integrity, ready to use all parliamentary mechanisms and procedures at their disposal to improve the legal solutions they adopt, raise key socio-political issues, ask questions on topics that affect citizens, control the executive and demand that it accounts for its work and performance.

From this (and every) new convocation of Parliament, I "only" expect that Parliament's leadership and MPs should do their job responsibly, according to the institution and the citizens they represent. This means putting the interests of citizens and the public ahead of the individual

interests of their political parties. With MPs' work and behaviour, they can help Parliament to step out of the shadows of power, restore its reputation and strengthen the balance of power. Parliament's leadership and MPs should use all the opportunities at their disposal in the committees and the plenum to open the legislative process, involve all stakeholders, hear their comments, and improve draft laws, thus saving us from multiple changes to half-hearted and flawed solutions that they hastily adopted. To improve the functioning of Parliament and parliamentary committees, to tackle all informal and formal practices that have hampered it so far - among other things, to improve the parliamentary rules of procedure and require the regular adoption of the annual program of work.

They must persistently ask the members of the Government to pay the bills instead of constantly applauding them, asking friendly questions, and faking parliamentary oversight with a superficial imitation of it. To cooperate with independent institutions, insist on regular review of their reports and conclusions with meaningful recommendations, respect their opinions, and proactively use their findings to improve the functioning of institutions and the quality of life of citizens.

They should bring dialogue back to Parliament, use their speeches in the plenum for a meaningful, substantial discussion on proposals, laws, and decisions on the agenda, as well as on the work of the Government, and problems and social issues that citizens face. From environmental protection, illegal landfills of toxic waste and the fight for clean air, water, and land that thousands of people have been protesting about across Serbia for years, to the steps taken and planned progress in the EU accession process, Parliament must take an active role in addressing key socio-political issues.

They must put an end to unacceptable rhetoric in the plenum, to insults, intimidation, discrediting and campaigns to sling mud at opponents of the ruling regime. For that, for a start, good will is needed that Parliament's Rules of Procedure and the Code of Conduct MPs will actually be applied, the revision of these rules would not hurt either. The door must be opened for more direct communication with citizens and the civil sector.

The experience of the past ten years does not leave us with much room for optimism, few people place a bet on this Parliament making the necessary improvements. Jean Monnet noted in his Memoirs: "People accept change only when faced with necessity and recognize necessity only when faced with crisis." The new convocation will begin its work amid multiple crises, from international instability to the crisis of parliamentarism, but the question is whether they will recognize the necessity to put an end to the marginalization and collapse of Parliament.

When (future) MPs recognize and accept the power that comes with the parliamentary mandate, we will finally be able to start expecting the new generation of politicians to build their reputation and legitimacy through parliamentary work and accountability to the citizens they represent.

[1] Open Parliament, "Vremeplov čekanja: koliko smo čekali na konstituisanje saziva Skupštine?", 13.08.2020, accessible at: <https://otvoreniparlament.rs/aktuelno/173>.



Tamara Klarić
Legal Adviser and Activist, NURDOR

Parliament in Serbia - between unknowns and expectations

The previous convocation of Parliament was officially formed on August 3, 2020, at the constitutive session held that day. The next time the MPs met was on October 22. So, after elections held in a year of epidemics and global and local challenges faced by almost every country in the world - the highest legislative body in Serbia only met and started its first working session 120 days after the elections. What makes this situation stranger still is that in these elections, 188 mandates for MPs went to the ruling and largest party, and 32 mandates to its then partner in government. So, a total of 212 out of 250 parliamentary seats went to the parties of the then ruling coalition in a year of crisis and problems, and yet, parliament did not start working until four months after the elections. The broader socio-political picture post-election, which on paper looked stable, clear, and ready to respond to current problems, in reality showed a series of inconsistencies and uncertainties.

From autumn 2020, the parliament slowly started to work, while in 2021 activity in terms of the number of working days and the number of adopted acts noticeably increased. However, the critical and corrective role of the parliament in relation to the Government and the acts that came before MPs was completely missing. 70 percent of the laws were adopted without amendments, while almost half of the parliamentary committees' sessions lasted less than 10 minutes. MPs often thanked the representatives of the executive branch merely for attending meetings, while parliamentary sessions were frequently dedicated to confrontations with political dissidents who are not in parliament and even to representatives of the non-governmental sector. The normal role of Parliament in a parliamentary democracy was completely moved into the background, in favour of debates on day-to-day political topics.

When we talk about the expectations from the new convocation of Parliament, first we should say that it may not be the best moment for them, having in mind that almost two months after the parliamentary elections on April 3, 2022, the Republic Election Commission has still not announced the final results. As stated in an announcement - election activities are still in progress and when they end, the results will be announced. So, it is very possible that we are witnessing the longest elections ever held. Nevertheless, the most important indicators regarding the future work of Parliament are clear.

First of all, after a two-year break, the political parties from the opposition bloc (which boycotted the previous elections in 2020) will be in Parliament again. This should be the most important result of the elections on paper, concerning the work of Parliament. Since May 2020, it has been almost impossible to hear a word of criticism or even ask questions about the work of the executive branch from the parliamentary pulpit. Also, as already mentioned, a substantial number

of laws were adopted without any amendments. This means that the proposed acts made by the Government did not pass through the “filter” of Parliament at all, but the legislative role, paradoxically, was performed by the executive branch. This practice that degrades Parliament should be changed in the new convocation, in which MPs from opposition parties (or at least those who presented themselves as such to citizens in the elections – (editor’s comment: there is a history of opposition parties joining or supporting the government in Serbia.) have a considerable number of parliamentary mandates.

Accordingly, Parliament should partially rebalance its role, as defined by the Constitution. Of course, it is not realistic to expect opposition MPs to have the power to block or stop the adoption of the law, nor does it mean that all legal solutions proposed by the new government will be bad. But what can be expected is that Parliamentary sessions will look different than in the previous two years and will not serve as a mere “rubber stamp” that blindly approves laws that have already been adopted by the Government.

Due to the distribution of parliamentary mandates and the larger number of parties that entered the parliament, there has been a noticeable decline in the numerical superiority of the mandates of those parties that have formed the ruling coalition. This is particularly striking given that two of the three parties that achieved the best result in terms of the number of seats won in the 2020-2022 elections have merged. For these parties, the impact on the number of parliamentary seats of the most recent elections will likely see a drop of 30% (from 223 to 155). Of course, the projection of these figures assumes that after the announcement of the final election results the new Government will be formed by the expected coalition. However, as the political reality in Serbia has defied expectations so many times, we must wait for the end of the “2022 elections saga”, the final distribution of mandates, and the formation of post-election coalitions, before drawing certain conclusions.

What we can say for certain will bring about some change in the life of Parliament is the entry of the “green coalition” for the first time, which consists of relatively young and new political organizations. According to the current election results, those parties that focused their election campaign, as well as a good part of their regular activities, on issues of ecology and environmental protection that gathered in the “Moramo” (“We Must”) coalition, won 12 parliamentary seats. Bearing in mind that this is the first time they have entered parliament, that (especially outside Belgrade) they have very limited resources and infrastructure, and that the topics they deal with and the views they advocate may not seem close to “popular politics” in Serbia – a double digit number of mandates is indeed a very good and significant result. Whether this is a chance to really hear a new, fresh voice from the parliamentary benches remains to be seen. It has been a long time since a new party has had the opportunity to be the voice of citizens at this level.

In the end, perhaps the only overall expectation from the new convocation of Parliament is that it will be significantly different from the previous one. This should not be such an arduous task, bearing in mind that the previous two years of parliamentarism in Serbia would be difficult to repeat, even if they were trying. Also, as things currently stand, any coalitions that will be formed in the upcoming period will not be particularly stable or homogeneous.

Given the situation, there are many more unknowns than well-founded, realistic expectations. In addition, it will be extremely interesting to observe how the current economic and geo-political situation at the global level will affect the unpredictable socio-political terrain in Serbia and thus the work of Parliament. Challenge is perhaps the best word for what awaits us both in Parliament and outside it.



Rodoljub Šabić
Lawyer

The importance of the assumption of authority

Many years of chronic, negative trends in the work of Parliament have led to a serious, and very worrying collapse of its authority and overall position in the system of government. Parliament has ceased to be a space for democratic dialogue. It has been turned into a voting machine and the scene of fierce confrontations between the government and the opposition, in an atmosphere with vocabulary and manners that are extremely inappropriate for the body that holds legislative and constitutional power.

The reputation, role, and influence of Parliament have been reduced. Citizens' trust in the institution of Parliament and MPs has been reduced to an unacceptably low level. Significant changes in Parliament's functioning are a necessary precondition for it to fulfil its function as determined by the Constitution.

Verbal proclamations and empty political promises, which can often be heard, cannot bring the required changes. Qualitative changes that are not merely "cosmetic" require much more than this.

Firstly, it is necessary to make an effort towards concrete solutions that lead to changes and improvements in Parliament's functions, articulate them, and turn them into binding rules. The draft of the Rules of Procedure prepared by CRTA, and the accompanying meeting provides an opportunity to exchange opinions on new solutions, which is a welcome chance to engage with this issue.

However, without downplaying the importance of finding good solutions, we must not forget that even when they are of the highest quality, they cannot in themselves provide the desired goal. In this regard, it is useful to remind ourselves of some facts that are easily forgotten in our country.

As the Commissioner for Information of Public Importance and Personal Data Protection from 2005 to 2018, I submitted a total of 13 reports to Parliament on the application of two laws, i.e., the situation in two areas that are within the Commissioner's purview. The practice of considering reports in the plenum was only established by Parliament in 2011. Parliament reviewed three of the reports, before stopping this practice, so the reports for 2014, 2015, 2016, and 2017 were not considered.

Parliament's failure to consider ten of the thirteen submitted reports had negative consequences for its two most important functions – legislating and oversight.

In the legislative process, MPs missed the opportunity to get acquainted with the factual situation and shortcomings of the regulations and adopt quality solutions instead of bad laws. A typical illustrative example is the new Law on Personal Data Protection (ZZPOL). By directly taking provisions from the General Regulation on Personal Data (contrary to the principles of that Regulation itself) and their clumsy compilation with another EU act, the so-called Police Directive resulted in a law that is significantly inconsistent with the legal system of the Republic of Serbia. It is burdened with numerous provisions that are either too extensive or too general. It is incomprehensible to ordinary citizens and places restrictions on an enormous number of their rights. Despite the excessive and unnecessary extensiveness of many of the provisions, the ZZPOL left some critical areas and issues inadequately regulated or even unregulated. Even the brief period during which it has been in force has already shown that ZZPOL is exceedingly difficult to apply, that it places citizens' rights at risk, and that significant changes and additions are much needed.

In the context of oversight, by ignoring the Commissioner's reports, Parliament missed the opportunity to face the justified warnings that public control over the disposal of public money and resources is increasingly being circumvented and suppressed. Thus, the indisputable cause and effect connection between the dramatic, rapidly declining level of transparency in the work of government and corruption has been systematically underestimated. A good illustration of the concrete consequences of this is the position and assessments of Serbia on the Global Corruption Perceptions Index, which confirm a continual decline in the same period. From year to year, Serbia recorded a worsening place on the ranking list and a decreasing number of points. With the latest result, 38 out of a possible 100 points, Serbia has a whole 5 points fewer than the world average, 19 fewer than the European average, and a huge 26 fewer than the EU average. Although it was supposedly a priority for the state, the latest assessment of the fight against corruption in Serbia was the worst in the last decade.

It is good that in the last few years one practice has been re-established. Parliament, perhaps merely as a box-ticking exercise, does at least consider the reports of the Commissioner in the plenum. But it is bad that backsliding towards the previous, extremely irresponsible attitude to application of the Rules of Procedure has not been made impossible.

The oath that MPs take immediately after the confirmation of their mandate does not explicitly mention the Rules of Procedure of Parliament. However, the words that they undertake to work "devotedly, honestly, conscientiously and faithfully to the Constitution" certainly imply respect for these rules.

It must become indisputable that Parliament will respect the rules that it commits itself to follow. When Parliament does not do that, it inevitably destroys its own authority and the authority of the acts it passes.



Robert Sepi
Lawyer

Parliament will be constituted, but what then?

Our attitude towards Parliament's work is subject to the "cooked frog" syndrome. We have been gradually accustomed to the fact that our hopes will likely be betrayed. At best, they will be fulfilled to a lesser extent than we expected. One of them is the expectation that Parliament will finally begin to see independent state institutions as its "long arm" to help control the executive, which is what their role should be according to the law. In particular, that Parliament will begin to pay due attention to the reports of these bodies, which they are legally obliged to deliver to Parliament.

The existing regulations have divided up the responsibilities in such a way that parliamentary committees play the leading role. However, apart from the consideration of draft laws and other acts, the committees do not use the other powers at their disposal, such as the control mechanism, to a sufficient extent or in the right way. Even a superficial glance at the publicly available data confirms this conclusion. There are far more committee sessions and public hearings where bills that enter the parliamentary procedure, which are mostly submitted by the Government, are discussed and presented, than sessions that review the quarterly information on the work of ministries and annual reports of independent state bodies.

Part of the reason lies in the way the committees are organized. For the most part, the powers of the committees correspond to the ministerial departments in the Government. In the absence of political will to fulfil their purpose, the committees turn into the "long arm" of the ministries to which they correspond. That is why the consideration of the reports of independent state bodies has been a "black hole" of parliamentary life in Serbia for many years. This is the case regardless of the questionable nature of Parliament or who heads the committees. The most striking illustration of this situation is the repeated non-compliance with the prescribed deadlines for reviewing independent state bodies' reports, which in some cases, due to the extremely long delay, leads to the reports becoming out-of-date and redundant.

The situation was not any better concerning the previous elections of officials who managed independent state bodies. The causes of this situation were the shortcomings of the provisions governing the procedure of their election, namely that parliamentary groups were the only nominators of candidates for public office. It is "unknown" how the candidates' proposals are "obtained" in a situation when there is no obligation to announce a public call for applications or letters of interest from those who would like to become candidates. Nor to hold a special session of the committee at which the candidate is interviewed and the draft decision on the selection is

determined and sent to Parliament for consideration and adoption. Instead, there should be an obligation to publicly present the candidate and their plans and programs.

What needs to change for expectations to be at least partially met?

All indications are that there are enough reasons to establish, following the example of the existing Committee on the Rights of the Child, a special permanent working body - the Committee for the Control of the Work of Independent State Bodies. Concerning independent state bodies, this would be the "parent" in relation to other committees. It would control the work of the independent state bodies. The task of this "control" committee would be to continuously monitor the work of independent state bodies and a special role – the thorough and substantial consideration of their regular reports, as well as formulation of draft conclusions which are sent to Parliament for consideration and adoption. At the same time, other interested committees should also be able to consider other committees' reports, as well as submit their proposals and opinions to the "control" committee. The "control" committee would consider the reports of independent state bodies together with the proposals, opinions, and conclusions of other interested committees, with the obligation to include the opinions and proposals of the other committees in its report. To establish a comprehensive control mechanism, its role should be to monitor the implementation of these conclusions by public authorities. Its efficient implementation requires the granting of a special authority - to request and consider periodic reports from the Government on the activities undertaken by ministries to fulfil the recommendations contained in the conclusions adopted by Parliament.

The deadlines for considering the reports of independent state bodies must be specified and respected. Currently, there are no sanctions for "breaking" these deadlines, probably because prescribing them would not be expedient for the Government and would only lead to duplication of the provisions, which would again not be respected. Therefore, it is worth considering obliging the competent committees to inform the Speaker of Parliament, the Secretary General, and the relevant independent state bodies, about the delays of committees in considering the report, i.e., the breach of the prescribed obligation, as well as the reasons that led to this occurrence. An identical obligation in relation to independent state bodies would apply to the President and the Secretary General of Parliament in the event of a delay in holding the relevant Parliamentary plenary session. It should be ensured that this is made public by requiring the details of these delays to be published on Parliament's official website.

Given a situation in which several laws regulating the election of officials to independent state bodies have been changed over the last two years, amendments to the Rules of Procedure of Parliament, the text of which has not been changed for ten years, are inevitable. If for no other reason, then it is necessary to elaborate or at least "translate" several provisions of those laws. First of all, the provisions that envisage announcing a public invitation to all interested persons to apply to be a candidate for a position. No less necessary are the provisions according to which the board determines and publishes on Parliament's website a list of registered persons who meet the conditions for election to office. Also needed are provisions that will regulate in more detail how parliamentary groups "arrive at" proposals of candidates from the list of registered persons who meet the conditions for election to office. In the end, the most creative tasks will be designing the provisions to ensure that the committee fulfils its obligation to conduct a public interview with candidates nominated by parliamentary groups before determining the election proposal.



Nemanja Nenadić
Program Director, Transparency Serbia

Expectations from the new convocation of Parliament and priorities in the fight against corruption

Expectations

The only thing known about the new convocation of Parliament, which will sit in the parliamentary benches perhaps three months after the elections, is that it will better represent the support that certain political entities enjoy in the electorate than most, and possibly all, previous convocations. The lowering of the election threshold from five to three percent of the votes received, was an opportunity that was used for the first time by the opposition parties, after they boycotted the 2020 elections, when the 3 percent threshold was first applied. Thanks to that change three electoral lists (*Moramo*, *Zavetnici* and *Dveri*), which taken together have over 12% of votes cast, will have MPs. According to the old rules, their votes would have been allocated to other parties. Nevertheless, the political will of about 7% of voters who voted in April 2022 will not be represented in Parliament, (editor's comment: as their chosen party fell below the 3 per cent threshold).

Even though the distribution of 249 out of a total of 250 mandates has been known beyond doubt for a long time, it is still unknown who will make up the future parliamentary majority. There is currently speculation about the possibility that the majority will be made up of Aleksandar Vučić's electoral list, in coalition with all previous partners (SPS, national minority lists), but also with the *Savez vojvođanskih Mađara* (Alliance of Vojvodina Hungarians) or some parts of the opposition that went to the polls under the name United for Victory of Serbia. Realistic expectations from the new parliament depend on the final political agreement. Previous experiences, especially those related to the 2016 and 2020 convocations, indicate the possibility that Parliament will continue to act primarily as a battlefield on which members of the ruling majority compete in defending the old-new president from real or imagined attacks, and in which the opposition will be suppressed by holding discussions on unrelated points "eat into the time" for real debate. It is possible that these phenomena will be used less in the new Parliament if the old government reaches a political agreement with the main opposition, and if, due to the changed global balance of power, the government strives to present itself as committed to European values.

Whatever the parliamentary majority, it is certain that parliamentary debates will be more diverse, that significantly more draft laws and amendments will be submitted by the opposition, that debates on committees will be more substantial, including those concerning reports of

independent state bodies. Government representatives will have to answer more questions about their actions, and finally, citizens and associations that monitor certain areas will have more opportunities to raise certain issues through MPs. In this regard, significant innovations in the work of the new convocation of Parliament can be brought by people's initiatives, which according to the provisions of the new Law on Referendums and People's Initiatives, must be presented to MPs.

Priorities for the fight against corruption

The prEUgovor coalition has published a detailed list of priorities for the new government and the new Parliament. ^[1] Transparency Serbia, a member of this coalition, has made similar proposals to numerous previous parliamentary convocations ^[2], and many of them are repeated, because they have not been implemented in practice. The main priorities are legal certainty, publicity and participatory decision-making, respect for the role of independent bodies, and consideration of these bodies' reports. Among other things, Parliament should completely abandon the practice of adopting "authentic interpretations" that retroactively change the meaning of legal provisions and adopt "special laws" for single use. Parliament should not decide on draft laws that have not passed through an adequate public debate or for which the opinion of the competent bodies has not been obtained (e.g., the Anti-Corruption Agency's opinion on corruption risks). Parliament should conduct public hearings to consider the effects of the most important laws and the need to adopt new ones, it should publish on its website all submitted amendments, as well as information on contacts with registered and unregistered lobbyists, improve the rules of the Code of Ethics and implement them in a timely manner, to oblige the Government to solve the problems pointed out by independent state bodies in their reports and call the Government to account when it fails to do so.

Furthermore, Parliament should approve laws granting state aid to businesses or citizens only if clear and relevant criteria for allocating funds have been set in advance, if all relevant decisions have been published and if supervision over the actions of the authorities granting state aid has been ensured, as well as supervision over the fulfilment of the obligations of the recipients of such assistance.

Parliament (not the Government) should also adopt a new National Anti-Corruption Strategy and discuss reports on the implementation of current planning documents in this area (e.g., the part of the annual report of the Anti-Corruption Agency related to AP 23, subchapter "Fight against corruption").

Parliament should adopt amendments to regulations that would ensure the cessation of the practice of purchasing media influence or squandering public funds through the procurement of media services. In the field of public procurement and public-private partnerships, Parliament has the opportunity to stop the current practice of negotiating the most valuable public works through interstate agreements or special laws (instead of applying the Law on Public Procurement and the Law on Public-Private Partnerships and Concessions), but also to improve the provisions and implementation of the Public Procurement Law itself (e.g. to start organizing a public hearing on the Public Procurement Office's monitoring report).

The main task facing Parliament at the beginning of its work will be to pass judicial laws and resolve those issues that remained unresolved in constitutional amendments. The main goals here must be to reduce the space for discretion in the election of members of judicial councils and to ensure maximum publicity of the work of these bodies.

Insufficient results in prosecuting corruption so far require a more Parliament, which will supplement and clarify regulations and create conditions for public prosecutors to proactively prosecute a number of corruption cases ^[3].

When it comes to Serbia's international obligations, a new GRECO report and recommendations are expected to be published soon (the fifth round of evaluation). Given the huge delays and damage to the country's reputation due to the recommendations from the previous round (from 2015, which are still partially unfulfilled), active oversight of Parliament from the outset could be helpful in ensuring that these commitments are met on time. A key role in this aim could also be played by the permanent parliamentary committees, and by the national branch of GOPAC, whose work should involve representatives of new parliamentary groups.

Finally, bearing in mind that the electoral legislation reforms were conducted in 2020 and 2022 at the last minute before the elections, the dialogue on changing these regulations should start immediately. This dialogue should be open not only to political parties, but also to all other relevant actors (like state bodies, NGOs monitoring certain aspects of the election process). It could begin with a public hearing on the ODIHR report on the April elections

[1] <https://preugovor.org/Prakticne-politike/1725/Predlozi-za-prioritete-nove-Vlade-i-novog-saziva.shtml>

[2] E.g. <https://www.transparentnost.org.rs/images/stories/inicijativeianalize/prioriteti%20antikorupcijske%20politike%20maj%202012.doc>
https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/TS_predlozi_za_novu_skupstinu_i_vladu_april_2016.docx
https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Prioriteti_u_borbi_protiv_korupcije_u_Srbiji.pdf

[3] https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Grand_Corruption_and_Tailor-made_Laws_in_Serbia.pdf



Mirjana Nikolić
Journalist for Istinomer

The new Parliament has a chance to show how things should be done

The last convocation of Parliament lowered the criteria of perception of parliamentary life to such an extent that the new convocation (when we can welcome it, reportedly at the beginning of July) will be better than the previous one from the very beginning. After the experience of an almost one-party Parliament, which clearly could not last, now both the government and the opposition have a chance to show what Parliament should look like. Can we expect them to take this chance? No.

Expectations are much more modest. For a start, if nothing else, the corridors of the parliament building will no longer be eerily empty, and someone will probably be allowed to talk spontaneously to a range of journalists, rather than MPs only speaking to journalists who have been chosen in advance. Above all, life is expected to return to the “temple of democracy”, which includes dialogue, dynamic interactions, and press conferences where journalists' questions are actually allowed.

When it comes to parliamentary process, the return of opposition MPs itself promises that the work will be more dynamic, but also more difficult. The new opposition MPs, as well as those who are returning to Parliament, will have a difficult task - to impose themselves, to become recognizable, to use their 15 minutes of fame to make citizens remember them and thereby prepare for the next elections. The ruling majority's task is to try to prove that Parliament was a much better place while there was no opposition and to convince the citizens that they were wrong to give anyone else a chance. With this stark division of roles, anything and everything can be expected.

From the point of view of a Parliamentary reporter, the work of Parliament in the previous year and a half was, to put it mildly - unusual. When the composition of Parliament is diverse when the government proposes a law, MPs (often lawyers) from the government praise the law, and MPs (also lawyers) from the opposition criticize the disputed articles of the law and point out which areas of it could be abused. Even if they are not lawyers, each parliamentary group has a team of people who help them prepare for the session. In the last convocation, journalists had to look outside Parliament for even the slightest doubts, about the proposed law. The ruling coalition “built a wall”; almost no one gave statements about laws, except ministers. They kept silent even when they subsequently withdrew or changed the same laws at the request of the President. So, another expectation from the new convocation of the parliament is that MPs

are better prepared for debate. To understand exactly what they are voting for and to speak in debates in a manner so that even someone who is watching the parliamentary broadcast for the first time in their life understands them.

It is too optimistic to expect that Parliament's work will regain its full meaning overnight, but it would be good for MPs to at least start working on it. To start acting as representatives of citizens, as legislators, as regulators of the executive's power. Each new convocation produces some "heroes", some bright examples of how an MP should act, speak, propose solutions, and treat political opponents with respect. If several of them appear in this convocation, they may manage to embarrass those MPs who only fight for media attention using senseless insults and attacks. If the government MPs and the opposition agree and adopt at least one law by consensus for the benefit of all - we will consider it a success. It is not impossible. Recall how in 2015, 175 MPs voted for "Zoja's law" on the prevention and diagnosis of rare diseases, even though it was proposed by Dušan Milisavljević, a member of the opposition Democratic Party. But it is devastating that there are few other examples.

Things that made our work easier during the last convocation can no longer be expected. The current Speaker of Parliament, Ivica Dačić, introduced the custom of telling MPs at the beginning of the session what was agreed at the collegium - how much work will be done that day, how much the next day, whether there were amendments and when the vote could be expected. Plus, there was no doubt about whether the proposal would be adopted. Sometimes, when all the speakers were on the same side, the time of the vote would be announced in advance. At the set time, the MPs would stop debating and relinquish their time to vote. This practice will not continue because no one can limit the number of times that MPs can claim a violation of the rules of procedure or issue a reply. Therefore, the Parliamentary day will last much longer, and so the new convocation will not surpass the previous one in terms of efficiency.

It is in these mentioned areas of amendments and replies that the expectations from the new convocation are highest. The opposition, which has not been around for a long time, will probably exercise its right to submit numerous amendments to the law and thus provide itself with additional time for discussion. However, we must remember that the hundreds of amendments submitted by the opposition in the convocation before last, provoked the ruling majority to retaliate by submitting an even larger number of amendments. This made the work of the Parliament completely meaningless and led the opposition to boycott the elections.

A calmer tone cannot be expected from the new Parliament. Just by looking at the electoral lists, we can see that a good part of those we remember launching fierce attacks on the opposition are sitting in the parliamentary benches again. I do not believe they will change their style, and some opposition MPs almost got into physical confrontations with these MPs are also returning. So, the chairperson will finally have the opportunity to apply the MPs' Code of Conduct, but only to the opposition since he has shown so far that he will not apply it to himself.



Milan Petrović

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One possible lesson in civic education

Civic education has been taught in Serbia for over twenty years. We teach it to children from the third grade of primary school. We try to teach those little citizens from the earliest days to know their rights and obligations. We teach them what democracy is, what the rule of law is, and later what the three branches of government are, how the electoral system works and finally, what their role is in the democratic society that we build together.

We teach them, but they do not believe us! According to the Alternative Report issued by the KOMS, last year young people's interest in political events was somewhere in the middle, almost very good, with 3.42 out of a possible 5. They are increasingly interested in the environment, corruption and crime and youth policy, and less and less the functioning of democracy in Serbia, economic issues, and even external and internal national issues. More than half would not or do not know whether they would vote in the next elections. They give two major reasons: that they currently have no time to vote and that no party suits them ideologically. They believe that the elections are not fair. If we gave them the opportunity to grade their trust in Serbia's institutions, they would rarely give 3 out of 5, although they would give most institutions a passing grade of 2 out of 5. What is it that young people are not telling us?

Once, when I was still working in a school, I had the opportunity to teach a civic education class. They heard that a new professor was coming, so honestly, it is no joke, everyone came. I entered the classroom first, freshly shaved at the beginning of my thirties; I could pass as a fresh graduate. I set up the tables, collected some papers, and when one of them asked if the civic education class would be in that classroom, I told them to wait, and that the professor would come soon. They were relaxed, they talked to me, they openly said that the subject made no sense, that it was superfluous, that they had not learned anything useful in those classes for years, and that after six "serious" classes they really did not need this one. I listened to them carefully, then I stood behind the chair. They said no more; silence replaced the laughter; the emergence of authority had put things back in place. They quickly found their seats and buried their faces in the pages of a notebook that probably served every function other than taking notes. We started a conversation on the topic: *why do we need civic education?*

Civic consciousness. Civic pride, which at times might have been lost temporarily. Civic education today - what good is it if you must bow your head to a person who merely describes your effort rather than giving a proper grade? Why an hour on the topic of civic behaviour, where we learn about participation in civil society, if you do not have the courage to ask just one,

essential question? By the end of the year, we came to the answer - it is not a matter of courage, and it is not a matter of fear. It is a matter of experience that no one has ever listened to them, and that no one really hears them; everyone thinks and wants to speak on their behalf.

The House of the Parliament of the Republic of Serbia (and here all words must be capitalized, which is against Serbian spelling rules) is a parliament, a place of representatives of the people, but also a place where the people can speak directly, using the rights of civic initiative and public hearing. A place of discussion and rights for those who think and speak freely, representing hundreds, sometimes thousands, of those who cannot be in that building. The way we behave, how we speak, when, how much, and how we listen shows the essence of our society. Dialogue must sometimes be long and difficult, but it must always be united around two key words: *public interest*.

As an activist and representative of an organization that has been thoroughly dealing with this topic for six years, not only regarding innovations in education, but also with systemic problems that our educational system suffers from, I can say that they often heard us, but they did not listen often enough. I would like to see a different, broader, and more inclusive dialogue on various issues of public importance. I believe that until the quality of education, the mission and vision of the education system is raised and thoroughly discussed, as a society we will not have a clear vision of our own future. The conversation about this does not end but begins in the House of the Parliament of the Republic of Serbia. Us activists among teachers and students would have something to contribute to that dialogue. Whether the door in front of us will open or close will depend on those that arrived in that classroom a little earlier and who they show themselves to be.

