



Report

Table discussions about the National Assembly of Serbia, June 28th, 2022

“How to improve the oversight and the electoral functions of the Parliament?” &

“How to improve the legislative and representative functions of the Parliament?”

Conference “Democracy; A Minimal Consensus”

How to improve the oversight and the electoral functions of the Parliament?

The working table on the topic “**Parliament: How to improve the oversight and the electoral functions of the Parliament**” aimed to offer and find solutions for strengthening the Parliament's control over the work of executive authorities and to reflect on the practice of electing officials. The round table was moderated by Rodoljub Šabić, lawyer, former Commissioner for information of public importance and protection of personal data and deputy speaker of the assembly in the 5th convocation. The discussion was attended by members of the Working Group for drafting the Model Rules of Procedure of the National Assembly, and within the framework of the Open Parliament initiative, members of the academic community, representatives of civil society and experts on the work of the parliament. In addition to members of the Working Group, representatives of international institutions, members of the judiciary, future MPs, representatives of the civil sector and journalists participated in the discussion.

The basis for the discussion at this round table was the proposal of the Open Parliament initiative to amend the existing Rules of Procedure of the National Assembly in the areas of oversight and electoral functions. The main conclusions of the discussion were related to:

- strengthening the obligation to review the reports of independent bodies;
- strengthening the institute of parliamentary questions,
- the need for more detailed discussions on the structure of parliamentary committees and their essential role.

At the end of the round table, the participants were invited to study in more detail the proposals of the Open Parliament to amend the existing Rules of Procedure and to get involved in the process of creating the Model Rules of Procedure by submitting their comments on the existing solutions.

This report presents key recommendations from the round table, many of which will require further consideration.

The discussion began with consideration of the possibility of finding a good normative framework that would be applicable in practice, but also with the remark that a quality normative framework does not necessarily ensure changes in practice. That being said, the regulation does not have a decisive effect on MPs being more active in fulfilling their role, and it is therefore necessary that they grasp the significance of the role they play as representatives of the citizens.

In addition to the lack of understanding of their own function, MPs lack professional support to ensure their better work, i.e. a professional service that is not related to the political party from which the MPs come, and which could prepare proposals for amendments, perform proofreading, facilitate access to data and their verification, namely which could provide essential support for the daily MPs' activities.

The very Parliament should build its own capacities when it comes to the employment of personnel in the professional service, since the nature of the work in the Parliament is specific and different from the work of the executive authorities.

For the purpose of better oversight over the executive branch, it is necessary to provide support for the work of committees. Committees should create their own work plan and not be bound only to the Assembly sittings. In comparative practice, there are examples of consultative committee councils, which include, for instance, members of the academic community.

In terms of providing support for the work of independent institutions, it is necessary that the Parliament has an open door for representatives of independent institutions at all times, regardless of the practice of annual review of reports. In this sense, it is necessary to reconsider whether it is a good way to establish a special parliamentary committee that would deal only with independent institutions and that would ensure continuous cooperation and accountability of the executive authorities according to the recommendations and proposals of independent institutions. MPs should make more use of the institute of parliamentary questions and should initiate public hearings, in connection with issues recognised by independent institutions.

With the institute of parliamentary questions, it would be important to find a way to oblige the authorities of the executive branch to submit their answers.

How to improve the legislative and representative functions of the Parliament?

The round table “**Parliament: how to improve the legislative and representative functions of the Parliament**” moderated by Tanasije Marinković, professor of the Faculty of Law of the University of Belgrade, offered a space in which the attitude of MPs towards citizens and the quality of the laws adopted in the Serbian Parliament were discussed. The discussion was attended by members of the Working Group for drafting the Model Rules of Procedure of the National Assembly, and within the framework of the Open Parliament initiative, members of the academic community, representatives of civil society and experts on the work of the parliament. In addition to members of the Working Group, representatives of international institutions, members of the judiciary, future MPs, representatives of the civil sector and journalists participated in the discussion.

The basis for the discussion at this round table was the proposal of the Open Parliament initiative to amend the existing Rules of Procedure of the National Assembly in the areas of representative and legislative functions. The main conclusions of the discussion were related to:

- improving the quality of the debate on legislative proposals and changing the practice that only Government proposals enter the parliamentary procedure,
- the necessity of changing the electoral system in order to achieve a more adequate representative role of the Parliament,
- changing the practice in which MPs are accountable to their political parties and not to voters.

At the end of the round table, the participants were invited to study in more detail the proposals of the Open Parliament to amend the existing Rules of Procedure and to get involved in the process of creating the Model Rules of Procedure by submitting their comments on the existing solutions.

This report presents key recommendations from the round table, many of which will require further consideration.

The discussion started with the dilemma within the representative function of the Parliament about how accessible the MPs are to citizens. The question was raised whether citizens are well informed about the work of the Parliament and about the number of journalists who are professional parliamentary reporters or have adequate knowledge to report on the work of the Parliament. A small number of existing parliamentary reporters need help in terms of interpreting acts adopted in the Assembly and their effects on society.

The quality of legal solutions, which have recently been adopted in the Serbian Parliament without adequate debate, is low. The justifications of the bills are strictly formal and do not offer enough information to understand the intentions of their authors. Before the bills enter the parliamentary procedure, the process of drafting the law and public hearings is non-transparent and does not include all interested parties.

The quality of laws has been significantly impaired in recent years by the too frequent and inadequate use of the institute of authentic interpretation, as well as by the fact that laws are adopted without substantive amendments.

Only regulations directed by the Government are put on the agenda of the Assembly, while the proposals of parliamentary groups and MPs remain unconsidered. It is possible, like in some solutions from

comparative practice, to prescribe the competence of the Constitutional Court to remind the Assembly to put MPs proposals on the agenda. A major limitation for the quality of the legislative process, which should be based on timely notification of the legislative agenda and essential preparation of MPs, lies in the lack of an annual work plan of the National Assembly.

In terms of strengthening the role of opposition political parties in the Parliament, it is possible to formulate a proposal to amend the Rules of Procedure, which would ensure that a greater number of committee presidents be from the ranks of opposition political parties.

The quality of the law can be improved by making an analysis of the effects of the law, which has been applied for a certain period, that is, by introducing the obligation to prepare a report on the previous application of the law in a period of 6 – 12 months after the beginning of the application of the law. Furthermore, it is necessary to prepare Regulatory Impact Assessment.

It is possible to improve the transparency of the Serbian Parliament even though it has also shown its negative effects in practice. The negative aspect of the broadcasting of parliamentary sittings is based on the fact that it enabled individual MPs to strike the viewers with inappropriate performances.

In the future, it is necessary to consider strengthening the online mechanisms of the Assembly, especially in terms of holding sittings outside the headquarters, submitting petitions and people's initiatives, and the like.

The current electoral system, which creates representation in such a way that every MP is also a representative of all citizens of Serbia, blurs the concept of their accountability. Therefore, it is necessary to think in the direction of changing the electoral system, for which a long-term discussion and consensus between all relevant actors of society is indispensable.