



FINAL EVALUATION OF THE UNDP PROJECT:

STRENGTHENING THE ACCOUNTABILITY OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SERBIA

.....
FINAL REPORT ON THE EVALUATION

Evaluated and written by: Slobodan Vukadinović
E-mail: slobodan.vukadinovic@pravnifakultet.rs
www.slobodanvukadinovic.com

The report is submitted to:
UN Development Programme - Office in the Republic of Serbia

Belgrade, January 2012



**FINAL EVALUATION OF THE UNDP PROJECT:
STRENGTHENING THE
ACCOUNTABILITY
OF THE NATIONAL
ASSEMBLY OF THE
REPUBLIC OF SERBIA**

.....

FINAL REPORT ON THE EVALUATION

Evaluated and written by: Slobodan Vukadinović
E-mail: slobodan.vukadinovic@pravnofakultet.rs
www.slobodanvukadinovic.com

The report is submitted to:
UN Development Programme - Office in the Republic of Serbia

Belgrade, January 2012

SADRŽAJ

1. SUMMARY	6
2. A SHORT DESCRIPTION OF THE PROJECT AND THE PLANNED OUTCOMES	10
3. EVALUATION GOAL	12
4. EVALUATION CRITERIA, EVALUATION QUESTIONS, EVALUATION SCOPE, RISKS AND LIMITATIONS	14
4.1. Evaluation Criteria and Evaluation Questions	14
4.2. Evaluation Scope	16
4.3. Risks and Limitations	16
5. APPROACH AND METHODOLOGY	18
5.1. Concept Framework	18
5.2. Data Collection Methods	18
5.3. Data sources	19
5.4. Analytical Approach	19
5.5. Evaluation Plan and Programme	19
6. EVALUATION FINDINGS AND EXPLANATIONS	21
6.1. relevancy	21
6.2. Effectiveness	22
6.3. Efficiency	37
6.4. Sustainability	41
6.5. Impact	46
6.6. Support for the policy of dialogue on the issues of human development	47
6.7. Support for gender equality	47
6.8. Equality issues (social inclusion)	49
7. CONCLUSIONS	50
8. RECOMMENDATIONS	54
9. LESSONS LEARNT	72
APPENDICES	75
Appendix 2 Stakeholders List	80
Appendix 3 Examined documentation list	80
Appendix 4 Interviewed interlocutors list	82

TABLES LIST

Table no. 1:

A review of the consultation workshops held on public hearings with the number of participants

24

Table no. 2:

Participants' expectations and implementation – participants' evaluation

25

Table no. 3:

A review of the public hearings held in the National Assembly of the Republic of Serbia.

26

Table no. 4:

A review of the reports of the independent state bodies considered in the sessions of the commissions of the National Assembly

32

Table no. 5:

A review of the sessions of the National Assembly Commissions held away from the National Assembly seat

34

Table no. 6:

A review of the public hearings held in the National Assembly after the completion of the UNDP project

43

Table no. 7:

A review of the sessions of the National Assembly commissions held away from the NA's seat after the completion of the UNDP project

45

Table no. 8:

A review of the gender structure of the participants of the consultation workshops on public hearings - employees of the National Assembly Service

48

Table no. 9:

A review of the gender structure of the participants in the consultation workshops – deputies

48

Table no. 10:

A review of the gender structure of the participants of the study visit

49

ABBREVIATIONS LIST

CPD - Country Programme Document
SAI - State Audit Institution
NA - National Assembly
NGO - Non-governmental organisation
UK - United Kingdom of Great Britain and Northern Ireland
UNDAF - United Nations Development Assistance Framework
UNDP - United Nations Development Programme
UNHCR - United Nations High Commissioner for Refugees
UNICEF - United Nations Children's Fund

All the terms used in this report as masculine nouns also refer to their feminine equivalents.

1. SUMMARY

The UNDP Project: Strengthening the Accountability of the National Assembly of the Republic of Serbia is relevant for national priorities and users' needs and its concept is tailor-made according to the needs of the National Assembly, which was not able to implement it independently due to the lack of means of the limited Assembly's budget. The project is formulated and implemented within the UNDP mandate (in accordance with the CPD and UNDAF for the Republic of Serbia). The National Assembly was actively involved in setting up the project activities during the project preparation phase.

The planned project outcomes were fully realised (100%). All the envisaged project activities were realised in full-scope. In practice, the project made a big difference in regard to all three outcomes of the project, i.e. a visible advance was made in respect to the National Assembly work and the normative framework regulating it. The project beneficiaries evaluated that the project was very useful and that it enabled sustainable results to be used in the NA parliamentary practice in future.

Bearing in mind that one outcome of the project, among others, was the institutionalization of public hearings, it is important to emphasise that the project achieved an important innovation, i.e. introduced a novelty in the parliamentary development of Serbia, making a strong contribution. This achievement is very significant as, under the impact of the project, public hearings were introduced into the legal system of the Republic of Serbia for the first time. The legal framework created enables public hearings to be organised and held, and during the project duration, a total of 33 public hearings were held in the NA, of which 10 were directly supported by the UNDP and the others were held using the legal framework that is one of the project's outcomes. The need for the UNDP's support for an increased number of public hearings was expressed by the NA, though the limited project budget did not provide for that.

The project developed recommendations for the treatment of the reports of independent state bodies when submitted to the Assembly and contributed to creating a legal framework in Serbia that regulates the submission of the state bodies' reports to the National Assembly and the treatment of the reports by the NA. Aimed at presenting the supervisory processes used in other parliaments to the deputies and employees of the

NA Service, a study visit was organised to the UK Parliament, which was well planned and perfectly implemented. With the included appendices containing the participants' viewpoints, comparable experiences, practice and recommendations for regulating this relationship, as well as with the studies of the university scholars included who provided a general overview of some issues, the bilingual publication, as a result of an international conference held previously, offered a wider framework of the NA and independent bodies' relationships, which extends its use value.

The project supported the deputies in their contact with citizens at a local level. During the project's duration, a total of 23 sessions of the NA commissions were held away from the NA's seat, of which 7 sessions were held with direct UNDP support while 16 sessions were independently organised by the NA commissions. Some sessions of the commissions held away from the NA's seat were organised in the form of public hearings, thus achieving a synergy of the realised project's outcomes.

The National Assembly took part in the decision making procedure in all the project activities during the project implementation. In accordance with the rules and procedures of the UNDP, the national project director was selected prior to the project's commencement. Bearing in mind that the NA Secretary General is simultaneously the head of the National Assembly Service, and that the function of the Secretary General is *de facto* the most operational function in the NA, the national director of this project was the NA Secretary General. All key (i.e. crucial) decisions related to the project implementation were made by the project commission at its meetings, which were held regularly.

When comparing the budget size with the outcomes and the results of this project, the well-founded conclusion can be made that the achievements outweigh by far the modest funds invested in the project. A part of the project's implementation was realised through national procedures (NIM).

The presence of the project team office within the Assembly's building made a significant contribution to advancing the cooperation between the National Assembly and the UNDP, enabling easier and faster communication with the national partner and increased efficiency in the project's implementation. The project manager and project assistant were holders of the Assembly's passes, which significantly contributed to having direct contact with the deputies and employees of the NA Service. Simultaneously, the presence of the office in the Assembly enabled the project team to gain a much better knowledge and understanding of how the National Assembly functions in practice.

A more efficient use of the limited means was assured through the good decisions to hold the consultation workshops at public hearings and the conference on the NA and independent state bodies' relations in the NA's premises.

In the course of the project implementation, the UNDP initiated the establishment of mutual cooperation and maintained excellent coordination with other international organisations and stakeholders whose sup-

port was directed to the parliamentary development of Serbia in order to avoid activities overlapping and to plan activities on the one hand, and to jointly organise some activities, on the other. The UNDP also established cooperation with the non-governmental sector and implemented the study visit to London with a domestic NGO.

Within the framework of this project, the UNDP opened the National Assembly's door to other UN agencies (UNHCR, UNICEF) and provided logistical support, so they also assisted, within their mandate, in holding the public hearings at the National Assembly.

The efficient organisation and successful implementation of the planned project activities speaks of adequate project management. The decisions were made correctly and efficiently and the risks inherent to the project implementation were avoided.

All the innovative activities that were realised during the project implementation are still being implemented – i.e. they have been continued after the project's completion, thereby achieving the highest level of sustainability of all the project outcomes. The institutionalization of public hearings was a contribution to the NA to keep organising public hearings as a regular (permanent) activity. In the period following the completion of the project, i.e. from May to December 2011, 14 public hearings were independently organised and held by the NA commissions. The capacity of the employees with the NA Service to organise the NA commissions' sessions away from the NA's seat was increased. Following the completion of the project (from May to December 2011), 7 sessions were independently organised and held by the NA commissions away from the NA's seat.

Although it was ungrounded to expect any impacts from a short duration and small budget project, the impact of this project was recorded as causing some changes at a national level. Specifically, the impact of the project activities caused some alterations related to laws and by-laws applied on the territory of Serbia.

The public hearings show that life topics were well selected, significant to the citizens' problems and system issues in society, and that the public hearings instigate a policy of dialogue on the human development issues in the NA. The interlocutor interviews pointed out that the public hearings and sessions of the NA commissions away from the NA's seat contributed to a quality increase in the debates and citizen feedback. Having held the public hearings and established relations with various interlocutors, the commission secretaries set up a network (register) of the civil society organisations that would be called as witnesses.

In the course of the project's implementation, gender equality was taken into account. Having been supported by the UNDP in 2009, the Commission for Gender Equality held a public hearing on the Bill of Gender Equality, and in September that year, the UNDP supported the Commission in organising the Commission's session away from the NA's seat (specifically, in Niš). In the course of the project's implementation, the National Assembly passed the Law on Gender Equality and, at the request of the Commission for Gender Equality, the UNDP supported the organisation of

a special session dedicated to gender-based violence on the occasion of the International Day for the Elimination of Violence against Women on 25.11.2009.

Men and women who belong to marginalised groups expressed their needs during the public hearings and sessions held away from the NA's seat. Some public hearings were organised on topics in the area of social inclusion. The participants in the public hearings were the deputies from all deputy groups, i.e. political options, citizens and representatives of marginalised groups, non-governmental organisations, executive authorities, independent state bodies and international organisations.

When the evaluation was complete, as well the apparent big and significant results achieved by this project, it should be added that the UNDP office in Serbia was recognised as a reliable and quality partner of the National Assembly in Serbian parliamentary development. Besides the great use value of the sustainable results of this project and the benefits achieved in work, the deputies interviewed during the evaluation especially pointed out that the UNDP had opened up many doors they could not have opened themselves. The politically neutral approach of the UNDP, the appreciation of official communication channels, the excellent project concept, the responsible implementation, the inclusion of the national partner in the decision making procedures during the project implementation, and the implementation of a part of the project through national procedures resulted in recognising the UNDP as the preferred organisation for cooperation of all the international organisations and other international partakers. This is supported by the fact that only the UNDP (of all the international organisations with projects in Serbia directed towards parliamentary development) had its office in the Assembly building.

In the 56 recommendations made, the evaluator pointed out the considerable area available for further support and the needs of the National Assembly for further democratic parliamentary development. For this reason and the fact that previous support of the international organisations was primarily directed towards the executive and judiciary pillars of authority in Serbia, there is a need for larger scale projects directed towards supporting parliamentary development in Serbia as an adequate response to the needs of the National Assembly.

2. A SHORT DESCRIPTION OF THE PROJECT AND THE PLANNED OUTCOMES

.....

The project aims to strengthen the capacities of the National Assembly so that it answers for its actions (is held accountable for its work) to the citizens of Serbia and is able to respond to the challenges of the transitional period and to execute its supervisory function more efficiently. The strengthening of the level of responsibility of the National Assembly is needed to increase the trust of the citizens in this institution. In comparison to the executive pillar of the authorities, the National Assembly has received significantly less support from the international community during the previous years.

The citizens of Serbia allege corruption as the fourth most important problem Serbia has been faced with. The Government of the Republic of Serbia proclaimed the fight against corruption as one of the six most prioritised areas. The key weapon to fight corruption is its role in supervising the work of the executive authorities. Parliaments have the possibility of “holding” their state institutions responsible for their work and ensuring that they act within ethical and lawful frameworks. The project aims to develop various institutions and mechanisms that will be used to follow up the executive authorities and thereby to strengthen the supervisory role of the National Assembly. Additionally, by involving citizens in public hearings and debates on issues of public policies, the citizens’ perception of the National Assembly will be improved and the deputies’ integrity level increased.

The European Union, from its side, emphasised the importance of the accountability mechanisms (answering for its actions) for the accession of Serbia to the EU. Although the work of the standing commissions of the NA is public by law, in practice, it is not fully available to the public. No working body of the National Assembly is exclusively dedicated to fighting corruption. Aiming to respond to some of these needs, the UNDP designed an initiative with the general goal of strengthening the capacities of the National Assembly so it can fully implement its jurisdiction.

THE PLANNED OUTCOMES OF THE PROJECT ARE AS FOLLOWS:

- 1.** SUPPORT FOR THE NATIONAL ASSEMBLY IN THE INSTITUTIONALIZATION OF PUBLIC HEARINGS;
- 2.** THE PRESENTATION OF THE SUPERVISORY PROCESSES CURRENTLY USED BY OTHER PARLIAMENTS TO THE DEPUTIES AND EMPLOYEES OF THE NA SERVICE;
- 3.** SUPPORT for the deputies in their contact with citizens at the local level.

11

The project began on 1 March 2009 and, according to the project document, it was planned to finish on 28.02.2010; however, in agreement with the national partner, the project was extended to May 2011 for two primary reasons. There was an increased need for the National Assembly to hold sessions of the NA commissions away from the NA's seat, therefore additional funds were provided to respond to the user's needs. Additionally, the extension was an adequate way to ensure the continuity of the good cooperation with the National Assembly in order to continue communication with the national partner by the new project's start.

The value of the project budget is **USD 156,457**.

3. EVALUATION GOAL

The aim of this evaluation is to provide information on the project's results. In line with the job description, the evaluation's goal is to assess whether and to what extent the planned outcomes of the project have been achieved, to assess the efficiency in the implementation of the results and to make recommendations for future work. The final evaluation is necessary for several reasons:

1. Bearing in mind that the project is completed, the UNDP procedures require this final project evaluation.
2. The legal framework that regulates the mode of operation of the National Assembly in 2011 (when the project was completed) is significantly different to the one existing in 2009 when the project began. At the beginning of the project, there was no law that regulates the work of the National Assembly. During the project implementation, the National Assembly passed the Law on the National Assembly and (new) Regulations of the National Assembly. There was no legal framework on public hearings at the time the project began. Therefore, it is important to emphasise that public hearings were not institutionalized in Serbian parliamentary law.
3. Research¹ from May 2008 showed that only 8% of Serbian citizens had a positive opinion about the National Assembly. Therefore, there was a need to strengthen the accountability of the National Assembly (answering for its actions), in order to increase the trust of citizens in this institution. Besides that, the National Assembly did not develop a model for taking into consideration the reports of the independent state bodies (what happens once they reach the parliament, by which commissions they are taken into consideration before a plenary session, etc.). The deputies and employees of the National Assembly Service were not familiar with the implementation of the supervisory function of the Assembly in comparative law. Because of the existing election system in Serbia (a proportionate system, the whole country is one electoral unit), the deputies do not have their electoral units and therefore they do not have adequate relations with their voters. Thus, at the beginning of the project, the level of direct communication between the deputies and voters was low. Now, it is nec-

essary to evaluate whether the project outcomes represent a response to the users' needs, whether the planned project results and the level of efficiency were achieved and to what extent, and to give recommendations for further support.

4. EVALUATION CRITERIA, EVALUATION QUESTIONS, EVALUATION SCOPE, RISKS AND LIMITATIONS

.....

4.1. Evaluation Criteria and Evaluation Questions

1. RELEVANCY

Evaluation questions regarding sustainability:

1. Is the project relevant to the national priorities and users' needs? Are the planned outcomes an adequate response to the real needs of the users?
2. Is the project (relevant) within the UNDP mandate? Were the planned outcomes harmonised with the CPD and UNDAF documents for the Republic of Serbia?
3. Was the National Assembly involved in setting up the project activities during the project preparation phase?

2. EFFECTIVENESS

Evaluation questions regarding effectiveness:

1. Has the planned outcome 1 (the institutionalization of public hearings) been achieved?
2. Did the project develop recommendations for the treatment of the independent state bodies' reports that have been delivered to the Assembly?
3. Has the planned outcome 3 (support for the deputies in their contact with citizens at a local level) been achieved?
4. Did the National Assembly take part in the decision-making procedure during the project implementation?

3. EFFICIENCY

Evaluation questions regarding efficiency:

1. What is the relation between the project budget and the project outcomes? Could the implementation of project activities achieve the same effects with lower costs?
2. Was the budget changed during the project implementation? How did it influence the project results?
3. How were the decisions made? How did it influence the project results?

4.SUSTAINABILITY

Evaluation questions regarding sustainability:

1. Were the activities continued after the project's completion? Do the independent state bodies submit the reports to the National Assembly (the relevant commission) after the project's completion?
2. To what extent did the support for the institutionalization of public hearings contribute to the National Assembly organising public hearings as a regular activity? Did the project produce only a temporary or long-term increase in the number of public hearings in the National Assembly?
3. Has the capacity of the employees of the NA Service increased in regard to organising the NA commissions' sessions away from the NA's seat?

Criteria / Sub-Criterion:

5.SUPPORT FOR THE POLICY OF DIALOGUE ON THE ISSUES OF HUMAN DEVELOPMENT

Evaluation questions regarding the support for the policy of dialogue on the issues of human development

1. Would it be possible to say that public hearings in the National Assembly support the policy of dialogue on human development issues?
2. Has the project increased the quality of debate and feedback from citizens?
3. Did the secretaries of the commissions set up a network of civil society organisations that would be called as witnesses?

6.SUPPORT FOR GENDER EQUALITY

Evaluation questions regarding support for gender equality:

1. Was special attention given to ensuring the equal participation of men and women in the consultation workshops for employees of the NA Service?
2. Was special attention given to ensuring the equal participation of men and women in the consultation workshops for deputies?
3. Was special attention given to ensuring the equal participation of men and women in the study visit?

5.EQUALITY ISSUES (SOCIAL INCLUSIONS)

Evaluation questions regarding equality issues (social inclusions):

1. Did men and women who belong to marginalised groups express their needs during the public hearings and sessions of the commissions away from the NA's seat?
2. Did various stakeholders participate in the public hearings?
3. Did various stakeholders participate in the sessions of the commissions away from the NA's seat?

4.2. Evaluation Scope

In its scope, this evaluation represents the final project evaluation.

As per the job description, the final evaluation should include an evaluation of: relevancy, effectiveness, efficiency, (influences, if possible) and the sustainability of the project outcomes. This should assure an evaluation of what functions and why, point out the targeted and non-planned results, provide useful lessons learnt for the decision-makers and inform the stakeholders.

The evaluator will take into consideration, analyse and formulate conclusions and recommendations concerning the following:

1. the degree that the project activities stated in the project document are successfully implemented and the planned outcomes achieved;
2. the factors that contributed to effectiveness and ineffectiveness;
3. the effectiveness of the project approach in achieving the outcomes;
4. the evaluation of the external factors influencing the project and the extent the project was able to adapt, i.e. to mitigate these factors;
5. the project management approach, including the role of the stakeholders and coordination with some other development projects in the same area;
6. the extent the users benefit from the project activities;
7. the level of satisfaction of the users and partners with the project implementation and its results;
8. the space available to continue support.

16

4.3. Risks and Limitations

While drafting the evaluation plan, the following possible risks were recognised:

1. the lack of readiness of some interlocutors to implement the interviews;
2. the work overload of the National Assembly (deputies and employees of the NA Service);
3. the possibility of breaking the time limit planned for the interviews, thereby the possibility of the evaluation finalisation being delayed because of the part of the year when the interviews are planned, which is the end of the calendar year and the start of the new year with numerous days off due to state and religious holidays.

The risk anticipated with the evaluation plan² - that the time framework planned for the interviews may be prolonged because of the year end and the days off thereof - could not have been avoided. Despite the fact that the evaluator adapted to all the proposed meeting times as per the readiness of the interlocutor, four interlocutors were not available for interviews in the timeline planned due to their busy schedule, holidays and illness, however, they expressed their wish and readiness to participate

² Prior to the beginning of the evaluation, the UNDP evaluator submitted a detailed initial report (16 pages) with a plan of action, proposed methodology, evaluation criteria, evaluation questions, risks, etc.

after the holidays and recovery of health, respectively. Therefore the time span for the interviews was prolonged in order to perform the interviews with the greatest number of representatives of various stakeholders in the project as possible with the aim of comprehensively considering the project's success. The interviews were completed on 13 January 2012, causing a certain delay in the submission of the final report on the evaluation.

5. APPROACH AND METHODOLOGY

5.1. Concept Framework

The manner of implementation of the evaluation ensured the usability of the findings obtained. In line with the professional standards, the evaluator implemented the evaluation systematically, on the basis of valid and controllable data, professionally, conscientiously and fairly, in order to ensure the integrity of the entire evaluation process, with respect to all the subjects who participated in the evaluation procedure.

The methodology of work consisted of a combined methodology approach including reviewing, considering and analysing the entire project documentation and interviews with the interlocutors involved in various project phases.

5.2. Data Collection Methods

1. Reviewing, considering, and analysing various documents (the project document, the project progress reports, the minutes of the meetings of the project board, the registration lists of the participants of the project activities, consultant reports, the minutes of the sessions of the NA commissions, information on the public hearings held, the Constitution of the Republic of Serbia, the Law on the National Assembly, the National Assembly Regulations and a series of other regulations, the web site of the National Assembly and of the independent state bodies etc., the final project report, the publications published, etc.).
2. Individual interviews - with the aim of evaluating the relevancy and effectiveness of the project; the interlocutors' perception on the achievements and the space available for further development (the deputies and employees of the NA Service, the UNDP project team and the members of the project board, representatives of independent regulatory bodies, consultants, representative of other international organisations with projects directed towards Serbian parliamentary development.

5.3. Data sources

1. Project documentation
2. Project progress reports, the minutes of the meetings of the project board
3. Key documents emanating from the project
4. Records made during the interviews performed
5. Registration lists of the participants in project activities
6. Consultant reports
7. The minutes of the sessions of the NA commissions, information on the public hearings held
8. Relevant regulations (the Constitution of the Republic of Serbia, the Law on the National Assembly, the National Assembly Regulations, and other regulations)
9. The web sites of the National Assembly, the independent state bodies and the UNDP

5.4. Analytical Approach

The evaluation approach is in accordance with the international standards and practice related to project evaluation.

The methodology approach comprises:

1. quantitative analysis (the number of public hearings organised and held, the number of the NA commissions held away from the NS's seat, the number of deputies and employees of the NA Service who took part in the consultation workshops, the number of study visit participants, etc.) and
2. qualitative analysis, relying on interviews and indirect data sources.

19

5.5. Evaluation Plan and Programme

Work Phases

The evaluation programme consists of three phases. Whereas the preparatory and final phases are carried out through analysis, evaluation and writing the report at the evaluator's home, the second phase is implemented by conducting interviews in various environments (National Assembly - deputies' offices, offices of the commissions' secretaries, the UNDP Office in Serbia, offices of various independent regulatory bodies, faculties where the consultants work etc.).

First Phase: Preparatory Phase

In this evaluation phase, in order to gain an adequate and profound understanding of the Strengthening Accountability of the National Assembly of the Republic of Serbia project, it was necessary to review, consider and analyse numerous documents (in total 62: official project documentation, project reports, records from meetings, minutes of the sessions of the project board, progress reports, research results, etc.). Besides the consideration of the project documentation, the evaluation methodology is

defined in more detail. In this phase, it is necessary to establish an optimal number of interlocutors to be interviewed. During the preparatory phase, special attention was paid to evaluating whether the representatives of the project users are involved in setting up the project activities and to what extent their specific needs are incorporated into the planned project activities.

Second Phase: Interviews and Evaluation

The aim of the evaluation is to gain an understanding of the direct and indirect effects of the project. The evaluator personally met the project users and representatives of all the stakeholders in the project in interviews. The evaluator carried out a total of 17 individual interviews in the period: 23.12.2011-13.01.2012.

Third Phase: Writing the Report

Before writing the final report, the evaluator presented the draft evaluation report, main evaluation findings, conclusions and recommendations for further work to the UNDP. Following the comments provided, the evaluator wrote the final evaluation report. The report was written at the evaluator's home and all the reports (initial report, draft final report and final report) were delivered to the procuring entity by e-mail.

Plan of Action

The evaluator's individual steps during the evaluation implementation were:

1. Reviewing, considering and analysing the complete project documentation and other written sources (62 documents);
2. Writing the initial report with a proposal regarding evaluation questions, evaluation tables, methodology, risk anticipation and the response to risks, interlocutor list for interviews, plan of action, etc.;
3. The initial meeting with the UNDP representatives in order to present the initial report, evaluation questions and evaluation tables; the UNDP's comments, harmonisation and agreement on the plan and the work dynamics.
4. Organising interviews, e-mailing, phoning – setting up the meetings according to the interlocutors' availability;
5. Composing the questions for the interviews;
6. Going to the places where the interlocutors work, conducting individual interviews, writing notes on the interviews;
7. Processing the data collected, making quantitative and qualitative analyses, 10 tabular reviews, assessments, establishing space for further development, writing recommendations, conclusions and lessons learnt.
8. Writing and submitting the draft report to the UNDP;
9. Considering the feedback, analysis and their incorporation into the report;
10. Writing and submitting the final evaluation report and the summary to the UNDP.

6. EVALUATION FINDINGS AND EXPLANATIONS

6.1. relevancy

1. Is the project relevant for the national priorities and the users' needs? The goals and (planned) results of the project represent an adequate response to the established real needs and problems of the users. The project concept was created according to the needs of the National Assembly, which it could not realise independently mostly due to the lack of funds because of the limited Assembly budget.

2. The project is formulated and implemented within the UNDP mandate (in accordance with the CPD and UNDAF documents for the Republic of Serbia). The planned results are in accordance with the relevant UNDP documents. Specifically, the project is in line with:

a. The Country Programme Document (CPD) for Serbia and Montenegro (2005-2009) - this document was a relevant source in the project preparation phase. This document (paragraphs 21-31) sets forth that further development is to focus on three thematic areas: a) Public administration reform; b) the Rule of law and access to justice; c) Sustainable development. Within the framework of the public administration, paragraph 22, the CPD sets forth that the planned results refer to more efficient and transparent management that answers for its actions. Paragraph 24 of the CPD sets forth that the increase in transparency and answering for one's actions are to be achieved by further strengthening the civil society and the promotion of the inclusion of civil organisations in the process of creating policies. Also, the planned results framework (page 9 of the CPD) explicitly envisages instigating democratic administration with the aim of placing citizens at the centre of the public sector, which should be efficient and held accountable. The Strengthening Accountability of the National Assembly of the Republic of Serbia project is directed towards an efficient and accountable public sector focused on its citizens, and the planned project outcomes refer to the institutional development for strengthening accountability and transparency in the public sector.

b. The UN Development Assistance Framework (UNDAF) for Serbia and Montenegro (2005-2009) – this document was a relevant source in the project preparation phase. The project outcomes are directed towards an efficient and accountable public sector focused on the citizens.

3. The National Assembly was actively involved in setting up the project activities during the project preparation phase. During the project preparation, there was a previous initiative. Two consultants were engaged, one international and one national, who researched and analysed the needs of the National Assembly and the space for further sustainable development. In this previous phase, the interviews with the representatives of the National Assembly and the independent state bodies were conducted to get an overview of the requirements. The project document was based on the data from the aforementioned interviews, the experts' work on the needs of the National Assembly and the previous work of the UNDP. Also, one should bear in mind that the formal UNDP procedures order cooperation and permanent consultation with the national partner, which was applied in this project. Prior to this project, another UNDP project was realised in cooperation with the National Assembly. The outcomes of that project and its recommendations were used for the preparation of the project document. Also, an evaluation of the capacities was carried out for the project implementation, in the course of which the National Assembly expressed its needs and asked for assistance in strengthening its control function.

6.2. Effectiveness

The planned project outcomes were fully realised (100%). All the envisaged project activities were realised in full-scope. The project outcomes achieved the planned goal of the project. In practice, the project made a big difference in regard to all the three project outcomes, i.e. a visible advance was made in respect to the National Assembly work and the normative framework regulating it. The project users evaluated that the project was highly useful and that it allowed sustainable results to be used in the parliamentary practice of the National Assembly of the Republic of Serbia in the future.

Bearing in mind that an outcome of the project, among others, was the institutionalization of public hearings, it is important to emphasise that the project achieved an innovation, i.e. introduced a novelty into the parliamentary development of Serbia.

1. The institutionalization of public hearings has been achieved.

The legal framework was created that enabled the organisation and holding of public hearings. This project achievement is very significant as, under the impact of the project, public hearings were introduced for the first time into the legal system of the Republic of Serbia.

The institute of public hearing was introduced into the legal system of the Republic of Serbia in 2010 when the Law on the National Assembly

entered into force (RS Official Gazette, no. 9/2010). Article 27 paragraph 7 of the Law on the National Assembly stipulates that a commission may organise a public hearing. Thus, a legal framework for holding public hearings was created with the Law on the National Assembly, while the National Assembly Regulations regulates the manner of their organisation and holding.

The National Assembly Regulations (RS Official Gazette, no. 52/10 and 13/11), in the part referring to the relations between the working bodies of the National Assembly, contains two articles related to public hearings – articles 83-84 of the National Assembly Regulations. In the Regulations, they follow the provisions on the NA commissions, as according to the solution adopted in domestic law, public hearings are organised by the commissions. Although they are organised by a commission, it should be noted that the adopted solution involves having public hearings organised as a special institute and not in the form of a commission's session, meaning that a public hearing requires no quorum in terms of having a certain number of deputies present. However, this means that, no recommendations, conclusions or the like can be made immediately after a public hearing and if that is wanted, it is necessary to hold a session of the NA commission in the manner set forth by the NA Regulations.

The current normative framework prescribes that the commissions may organise public hearings: for collecting information (i.e. expert opinions on a bill in the Assembly procedure), for clarifying individual solutions from the proposed or current act, for clarifying issues that are significant for the preparation of a bill or any other issue that is within the area of responsibility of a commission, as well as for following up the implementation and application of a law, i.e. the realisation of the supervisory function of the National Assembly.

The procedure for organising and holding a public hearing is stipulated in article 84 of the National Assembly Regulations. The procedure starts with the submission of a proposal for organising a public hearing, which may be submitted by any member of the commission. The proposal contains the topic of the public hearing and a list of the persons to be invited. In order to hold a public hearing, it is necessary for a commission to make the decision to organise the public hearing. The president of the commission informs the president of the National Assembly about this decision. The president of the commission invites the commission members, deputies and other persons whose presence is significant for the topic of the public hearing. The invitation contains the topic, time and venue of the public hearing, as well as information on the participants invited.

It is important to emphasise that the NA Regulations explicitly stipulates that a public hearing is to be held regardless of the number of commission members present. After the public hearing, information on it is written and delivered to the National Assembly president, the commission members and the participants of the public hearing by the commission president. The information contains the names of the participants of the public hearing and a short review of the discussions, stands and proposals

brought up. The commission members and the participants of the public hearing may submit their written remarks about the information to the commission president, who distributes them to all the persons who received the information on the public hearing held.

The adopted legal framework enables the citizens to participate through public hearings in both the procedure of passing a law and in the implementation of the supervisory (control) function of the Assembly. The evaluation of this project activity showed that public hearings are present in the National Assembly *de jure* and *de facto*.

With the aim of institutionalizing public hearings, the UNDP organised consultation workshops on public hearings for the deputies and employees of the NA Service in the period from 06.07 to 14.07.2009. In total, 5 workshops were held, two for deputies, two for the employees of the NA Service and one with the participation of both target groups. In total (in all five workshops), there were 62 participants – 11 deputies and 51 employees of the National Assembly.

Table no. 1:

A review of the consultation workshops held on public hearings with the number of participants

Date on the consultation workshop on public hearings	Number of participants
06.07.2009	27
07.07.2009	4
08.07.2009	21
09.07.2009	7
14.07.2009	3

After each workshop, evaluation questionnaires were handed out to check the extent that the participants' expectations were fulfilled. On the basis of the answers received, it can be concluded that the workshops fully met the expectations of the majority of the participants and the general mark given for workshop quality is 4.4.

Table no. 2:

Participants' expectations and implementation – participants' evaluation

Participants' expectations:	
fully met	73%
partially met	14.5%
fully unmet	6.25%
not responded	6.25%

During the project (from March 2009 to May 2009), a total of 33 public hearings were held in the National Assembly, of which were 10 directly supported by the UNDP and the others were held using the legal framework that is one of the project's outcomes. The need for the UNDP's support for a higher number of public hearings was expressed by the NA, though the limited project budget did not provide for that.

Table no. 3:

A review of the public hearings held in the National Assembly of the Republic of Serbia.

Commission name	Number of public hearings held in the course of the UNDP project from 01.03.2009 to 2.05.2011.		Total number of public hearings held in the course of the UNDP project z from 01.03.2009 to 2.05.2011
	with direct UNDP support	without direct UNDP support	
Administrative Commission	0	0	0
European Integrations Commission	0	0	0
Financial Commission	0	0	0
Industry Commission	0	0	0
Foreign Affairs Commission	0	0	0
Commission for Kosovo and Metohija	0	0	0
Culture and Information Commission	0	5	5
Local Self-governments Commission	0	0	0
International Relations Commission	0	3	3
Commission for Science and Technological Development	0	0	0
Defence and Security Commission	0	0	0
Commission for Relations with Serbs outside Serbia	0	0	0
Youth and Sports Commission	1	1	2
Agricultural Commission	0	0	0
Judiciary and Administration Commission	0	1	1
Commission for Petitions and Proposals	0	1	1
Privatisation Commission	0	0	0
Economic Reforms Commission	-	-	-
Education Commission	0	0	0
Commission for Labour, Veterans' and Social Issues	1	1	2
Gender Equality Commission	3	5	8
Commission for Development and International Economic Relations	0	0	0
Commission for Traffic and Communications	0	0	0
Commission for the Reduction of Poverty	5	1	6
Working Group for Children's Rights	0	1	1
Commission for Trade and Tourism	0	0	0
Commission for Urban Development and the Construction Industry	0	0	0
Commission for Constitutional Issues	0	0	0
Environmental Protection Commission	0	4	4
Commission for Health and Family	0	0	0
Legislative Commission	0	0	0
TOTAL	10	23	33

As a, indication of the special value of the project, it is necessary to point out the exceptionally high overall response to the public hearings – i.e. that a high number of representatives of various target groups and stakeholders participated. Representatives of the independent state bodies were invited to some public hearings and they responded positively and took part in them. The non-governmental organisations and citizens responded most, whereas the involvement of the representatives of the ministries was implemented with some difficulties. According to the experiences of the commissions' secretaries who organised the public hearings, there were situations when the executive authorities would not reply to memos until being urged by telephone. Also, ministers, state secretaries and (mainly) the heads of the departments came as the representatives of the ministries – people who did not always have full information and could not speak at the public hearing. On the other hand, the majority of the public hearings were opened by the president of the National Assembly.

The data shows that, after the initial support from the UNDP, the National Assembly independently (without direct support) organised 23 public hearings using the legal framework that resulted from the support for the project by the UNDP, as well as the know-how acquired at the UNDP workshops. The UNDP support for the public hearings consisted of: providing assistance to the presidents and secretaries of the NA commissions in creating the concepts, in organising and implementation the public hearings, proposing specific issues that might be considered by the deputies, in the eventual engagement of experts, expert witnesses, covering the travel costs of some witnesses, etc.

2. The project developed recommendations for the treatment of the independent state bodies' reports that were delivered to the Assembly

Aimed at presenting the supervisory processes used in other parliaments to the deputies and employees of the NA Service, a study visit was organised to the UK Parliament, which was well planned and perfectly implemented. Apart from familiarizing the participants with the comparative parliamentary practice, this study visit is very significant because at the time of commencing the project implementation, there were no institutional or personal contacts between the National Assembly and the independent state bodies. At the time of commencing the project, the establishment of the Anti-Corruption Agency was not completed³, so this was also a reason for the absence of contacts. The mixed composition of the participants of the study visit (representatives of various independent state bodies, deputies from various deputy groups and state officials from various departments of the National Assembly Service) allowed them to establish the necessary contacts for the sake of better cooperation. Besides the newly established relationships within the group, the participants of

³ The board of the Agency was established on 15 April 2009, the director of the Agency was selected on 19 July 2009 and the Strengthening the Accountability of the National Assembly of the Republic of Serbia project started on 1 March 2009.

the study visit who were interviewed during the evaluation pointed out that it was the most beneficial study visit they had ever participated in, especially because they were given an opportunity to observe the practical aspects of the UK Parliamentary work and to use the acquired knowledge later when preparing the Bill on the National Assembly and the Draft NA Regulations.

As a project activity, an international conference on the relations between the National Assembly and the independent state bodies was organised and held, and the recommendations that resulted were significant for understanding and legal regulation of the relations between the National Assembly and the independent state bodies. Also, that was the first opportunity for all the stakeholders to meet in one place, to open the issue of the relations between these institutions, to express opinions and initiate discussions on the relations between the National Assembly and the independent state bodies in Serbia. After the conference, which gathered the representatives of the independent state bodies and top experts, recommendations were created on how to regulate the relations between the National Assembly and the independent state bodies, as well as how to submit and consider the reports submitted to the National Assembly.

After the conference, a bilingual publication was published (in Serbian and English) comprising the works of the participants – the representatives of domestic and foreign independent state bodies and top international and domestic experts in this area. The publication consists of 16 authorial texts, the conference programme, the conference conclusions and a useful text on the Global Organisation of Parliamentarians Against Corruption (GOPAC⁴). With the included appendices containing the participants' viewpoints, comparable experiences, practice and recommendations for regulating that relationship, as well as with the studies of the included university scholars who provided a general overview of some issues, the publication offered a wider framework of the relations between the NA and the independent bodies, which extends its use value.

One of the project's results is the legal framework created that regulates the manner of submitting the reports of the independent state bodies to the National Assembly and their treatment by the NA. The consideration of these reports is regulated with the National Assembly Regulations (articles 237 - 240) in the part that regulates supervising the activities of state bodies, organisations and bodies. In compliance with Article 237 of the National Assembly Regulations, this procedure is initiated in the NA when the president of the National Assembly submits the reports that were submitted, in accordance with the law, by the state bodies, organisations and other bodies to the National Assembly, the deputies and the relevant commission. The relevant commission considers the report within a 30 day period from the day of its submission to the National Assembly. A representative of the state body or organisation (i.e. the body whose report is to be considered) is invited to the session of the relevant commission.

Having considered the report, the relevant commission submits the report to the National Assembly with a proposal of the conclusion/recommendations. In the proposal of its act, unless regulated otherwise by law, the relevant commission may propose to the National Assembly:

- to accept the report of the state body or organisation when it holds that the report is formally and essentially complete and that the state body or organisation has acted according to the law,
- to commit the Government and other state bodies to undertake adequate measures and activities within their area of responsibility,
- to request an amendment to the report of the state body or organisation,
- undertake other appropriate measures in accordance with the law.⁵

It is important to mention that in the original version of the NA Regulations (RS Official Gazette, no. 52/10), besides the four above-mentioned indents, there was a fifth one in effect, which provided that the relevant commission can propose that the National Assembly not accept the report and to initiate the procedure for determining the responsibility of an official in the state body, organisation i.e. body. This indent was deleted with the Decision on the Alteration and Amendments of the NA Regulations (RS Official Gazette, no. 13/11), so that possibility no longer exists. The reason for deleting the possibility lies in the wish to remove any doubt that there was a possibility to violate the Constitution, i.e. the legally stipulated position of the independent state bodies. Besides the deletion of the aforementioned possibility, the same decision amended the NA Regulations with special provisions that precisely define how the National Assembly and the relevant working body treat the reports submitted by the five independent state bodies. The amendment was done by adding article 237a to the NA Regulations, which stipulates that the report – by law submitted to the National Assembly by an independent state body that protects the citizens' rights and supervises the work of the state administration bodies, the bodies responsible for the legal protection of property rights and the interests of the Republic of Serbia, as well as of other bodies and organisations, companies and institutions vested with public authority; which provides the right to the accessibility of information of public sig-

5 In compliance with Article 238 of the NA Regulations, the National Assembly considers the reports and the conclusions/recommendations proposal of the relevant commission at the next session. A representative of the state body or organisation – i.e. the body whose report is to be considered – is invited to the session of the National Assembly. Having adjourned the debate, the National Assembly reaches a decision/recommendation with the majority vote of the deputies at the session where a majority number of deputies are present. Article 239 of the NA Regulations provides that if the state body or organisation does not submit the report to the National Assembly within the time limit stipulated by the law – i.e. upon the request of the relevant commission, the relevant commission informs the National Assembly thereof, in order to undertake the measure in its area of responsibility with the aim of determining the accountability of the officials of that state body, organisation or body. The relevant commission can determine that the officials of the state body or organisation – i.e. the body selected by the National Assembly – are not performing their function in line with the law and informs the National Assembly thereof, with the aim of undertaking the measures stipulated by the law. For carrying out the activities in its area of responsibility, pursuant to article 240 of the NA Regulations, the relevant commission can request information and data in its area of responsibility from the state body or organisation – i.e. the body monitored by the National Assembly.

nificance and personal data protection; protects the equality of citizens; performs the revision of public assets, as well as the anti-corruption state body, shall be considered by the relevant commission. Having considered the report, the relevant commission submits the report to the National Assembly with a proposal of the conclusions/recommendations with measures to advance the state in those areas. A representative of the independent state body whose report is to be considered, participates in the work of the relevant commission and the session of the National Assembly. The National Assembly considers the report of the independent state body and the report of the relevant commission, with the proposal of conclusions/recommendations. In compliance with Article 237a, paragraph 5 of the NA Regulations, the National Assembly, having adjourned the debate, decides on the proposal of the conclusion/recommendation with measures for advancing the state in these areas, with the majority vote of the deputies at the session where a majority number of deputies is present.

Although the relationship of the National Assembly and the independent state bodies is legally regulated, it seems that the current legal framework is neither adequate nor sufficient. Legally, the special status given to the five independent state bodies by the amendments to the NA Regulations is unclear. The bodies singled out are mutually different according to all the criteria: responsibilities and dynamics of activities. Some – specifically two out of five – are in the so-called constitutional category, i.e. they have a constitutionally established position as their existence is stipulated by the Constitution of the Republic of Serbia. This refers to the Ombudsman and the State Audit Institution, whereas the remaining three were introduced by law into the legal system of Serbia. Bearing this in mind, the common element linking these five bodies into a whole – i.e. the criterion positioning the five independent state bodies singled out from the others – is unclear.

Although the project contributed to bringing up the issue and offered recommendations for establishing the relationships, today the National Assembly and the independent state bodies have diametrically opposite standpoints and, at the moment, they are resolute in their opposing stands. The stand of the National Assembly is that the independent state bodies are the extended arm of the National Assembly. The NA draws the argumentation for this stand from the fact that the NA selects/decides on the members of the independent state bodies, therefore it believes that they should answer to the NA for their work. The prevailing opinion of the representatives of the independent state bodies is that these bodies are the fourth pillar of the authority. Such a situation implies that the issue of this relationship is not yet solved and further support is needed for the parliamentary democratic development in Serbia to solve the issue, as well as raising awareness that the independence of these bodies does not imply they are not to be held accountable and do not need to answer to anyone for their work.

The independent state bodies and regulatory bodies regularly submit reports to the National Assembly and they are first considered by the

NA commissions, and then, together with the proposal of the conclusion from the commission and the recommendations, they are considered at the next plenary session of the National Assembly.

The majority of the reports of the independent state bodies in the actual composition of the National Assembly were considered by the Commission for Judiciary and Administration. The reports of the following bodies were considered in those sessions: the Anti-Corruption Agency, the Commissioner for the Protection of Equality, the Commissioner for Information of Public Significance and Personal Data Protection and the Ombudsman, while the Financial Commission considered the report of the State Audit Institution.

Table no. 4:

A review of the reports of the independent state bodies considered in the sessions of the commissions of the National Assembly

Name of the independent state body that submitted the report	Name of the commission of the National Assembly that considered the report	Date of the session of the commission of the National Assembly when the report was considered	Who presented and elaborated the report at the session of the commission of the National Assembly
Anti-Corruption Agency	Commission for Judiciary and Administration	21.06.2011	Mrs Zorana Marković, Director
Gender Equality Commissioner	Commission for Judiciary and Administration	21.06.2011	Mrs Nevena Petrušić, Commissioner
Commissioner for information of public significance and personal data protection	Commission for Judiciary and Administration	21. 06.2011	Mr Rodoljub Šabić, Commissioner
Ombudsman	Commission for Judiciary and Administration	26.05.2011	Mr Saša Janković, Ombudsman
State Audit Institution (SAI)	Financial Commission	16.12.2010 14.01.2011 10.02.2011 25.07.2011	Mr Radoslav Sretenović, president of the SAI Council

Speaking about the reports of the regulatory bodies, it happened in practice that the commission brought the proposal for the conclusion with recommendations; and this act and the report of the independent body, which had been considered, were not put on the agenda of the NA session for more than six months. So, for instance, the Commission for Health and Family on 19 May 2011 considered the Regular Annual Report on the Activities of the Healthcare Council of Serbia for 2010, brought a proposal on conclusions about the report and submitted it to the National Assembly to consider and decide upon. Although the NA Regulations stipulate that this report should be considered at the next session of the NA, this has not been done so far.

3. The project supported the deputies in their contact with citizens at the local level. The project helped the deputies organise the sessions of the NA commissions away from the NA' seat. The quantitative indicators prove that this planned outcome was realised. Article 42 paragraph 4

of the National Assembly Regulations (RS Official Gazette, no. 52/10 and 13/11) explicitly stipulates that the sessions of the working bodies can also be held away from the seat of the National Assembly. This provision is an exception (a special provision) to the rule contained in paragraph 2 of the same article that the sessions of the working bodies are to be held at the seat of the National Assembly and it was not explicitly stipulated in the previous valid RSNA Regulations, being entered into the (new) NA Regulations following experience acquired in the framework of this project.

During the project's duration, a total of 33 sessions of the NA commissions were held away from the NA's seat; of which 7 sessions were held with direct UNDP's support, whereas 16 sessions were independently organised by the NA commissions.

Table no. 5:

A review of the sessions of the National Assembly Commissions held away from the National Assembly seat

Commission name	Number of sessions held away from the NA seat during the UNDP project from 01.03.2009 to 2.05.2011.		Total number of sessions held away from the NA seat during the UNDP project from 01.03.2009 to 2.05.2011.
	with direct UNDP support	without direct UNDP support	
Administrative Commission	0	0	0
European Integrations Commission	0	0	0
Financial Commission	0	0	0
Industry Commission	0	1	1
Foreign Affairs Commission	0	0	0
Commission for Kosovo and Metohija	0	4	4
Culture and Information Commission	0	1	1
Local Self-governments Commission	0	0	0
International Relations Commission	0	0	0
Commission for Science and Technological Development	0	0	0
Defence and Security Commission	0	0	0
Commission for Relations with Serbs outside Serbia	0	0	0
Youth and Sports Commission	1	3	4
Agricultural Commission	0	3	3
Commission for Judiciary and Administration	1	1	2
Commission for Petitions and Proposals	1	0	1
Privatisation Commission	0	0	0
Economic Reforms Commission	-	-	-
Education Commission	0	0	0
Commission for Labour, Veterans' and Social Issues	1	0	1
Gender Equality Commission	1	1	2
Commission for Development and International Economic Relations	0	0	0
Commission Traffic and Communications	0	0	0
Commission for the Reduction of Poverty	2	0	2
Working Group for Children's Rights	0	0	0
Commission for Trade and Tourism	0	0	0
Commission for Urban Development and Construction Industry	0	0	0
Commission for Constitutional Issues	0	0	0
Environmental Protection Commission	0	0	0
Commission for Health and Family	0	2	2
Legislative Commission	0	0	0
TOTAL	7	16	23

Some sessions of the commissions held away from the NA's seat were organised in the form of public hearings, thus achieving the synergy of the realised project's outcomes. When speaking of these activities, it can be concluded from the discussions with the participants of the sessions held away from the NA's seat and the feedback received by the commission secretaries from the citizens who were present at the venues that the citizens were very satisfied with the sessions of the commissions held away from the NA's seat and with the public hearings held. They especially emphasised that the fact that they could express their opinion was very valuable to them – that the deputies listened to them and took their problems into consideration, as well as some concrete actions emanating from some of the activities. The deputies also pointed out that this was a very important way of having a direct contact with citizens.

Within the framework of the sessions held away from the NA's seat, as per the specifics of the topic and the venue, the 49th session of the Commission for Judiciary and Administration especially needs to be mentioned, which was held on 23 April, exercising the supervisory function of the National Assembly, at the Penal Correctional Institute in Niš, with UNDP support. The members of the Commission for Health and Family and the Commission for Labour, Veterans' and Social Issues participated in the session. They visited the Penal Correctional Institute in Niš with an aim of learning about the conditions in which the penal sanctions were enforced in this institution, as well as the "Gornja Toponica" Special Psychiatric Hospital where they learnt about the conditions of life and the protection of the rights of forcibly hospitalised patients. At the session of the Commission, the information from the Ministry of Justice on the conditions and problems in the area of the enforcement of criminal sanctions was considered. Besides the deputies, the Minister of Justice, the Ombudsman deputy and the Director of the Department for the Enforcement of Penal Sanctions were present at the session. Having considered the state and learnt directly about the conditions in which the penal sanctions were enforced, about the accommodation, security and healthcare conditions, as well as about the adaptation to the international standards and other aspects of serving prison terms, the president of the Commission proposed to make a recommendation that the Council for Judiciary and Administration forms a sub-commission for external control of the enforcement of criminal sanctions.

4. The National Assembly took part in the decision-making procedure in all the project activities during the project implementation. In accordance with the rules and procedures of the UNDP, the national project director was selected prior to the project's start. Bearing in mind that the Secretary General of the National Assembly is simultaneously the head of the National Assembly Service and that the Secretary General function is de facto the most operational function in the NA, the national director of this project was the NA Secretary General, Mr Veljko Odalović.

All the key decisions related to the project implementation were made by the project board at its meetings, which were held regularly. All

the personal decisions referring to the selection of the employees of the NA Service who would participate in the study visit were made by the national project director.

The significant participation of the National Assembly in the project implementation phase was enabled by the fact that the project team office was in the premises of the National Assembly in the part of the building with the majority of the offices of the secretaries of the commissions. It should be mentioned that, out of all the international and domestic organisations whose projects were directed to the parliamentary development of Serbia, only the UNDP was given an office for work within the National Assembly. The presence of the project team office within the Assembly's building made a significant contribution to advancing the cooperation between the National Assembly and the UNDP, enabling easier and faster communication.

The process of decision making in the project implementation can be seen in the example of the organisation of the study visit. Prior to the implementation of the study visit, a comparative analysis of the parliaments that represent the most effective and efficient models of the relationships between parliament (and its working bodies) and independent state bodies had been conducted. Five parliaments were selected i.e. five countries representing different models: The United Kingdom of Great Britain and Northern Ireland, the Republic of Ireland, Finland, Israel and Slovenia. For each parliament – i.e. country – a tabular review was provided: advantages, disadvantages, specificities and media aspects. This tabular review of the comparative analysis was delivered to the representatives of the National Assembly, who were to decide which would be the most beneficial bearing in mind the needs of the National Assembly.

Opting for the United Kingdom resulted of the following factors. The analysis showed that Israel had only one body that matches a parliament, which was obviously a rather different model to that established in Serbia, therefore it was evaluated that such a visit would not satisfy the needs of the participants. In regard to Slovenia, during the discussions with the representatives of the National Assembly and all the bodies planned to delegate participants for the study visit, it turned out that study visits had already been organised to Slovenia and thus the focus was on the remaining three parliaments. They were sent memos explaining the aim of the visit and the needs of the participants, as well as the time period convenient for implementing the visit, as it was necessary for the National Assembly to realise the study visit by the end of 2009, in order to use the knowledge acquired in the planned procedure of passing the Law on the National Assembly and the (new) Regulations of the National Assembly. The feedback received from the international parliaments proved that the most ready and available for the study visit organisation in the time frame convenient to the National Assembly was the UK, especially as there was the possibility of engaging a consultancy house that provided the complete organisation of the visit. Also, the project's users – primarily the representatives of the National Assembly – recognised the UK as the most ad-

equate model for solving the relationship between the independent state bodies and the Parliament. Bearing in mind that this model represents a relevant example of a parliament with a long tradition of democratic parliamentary development and the use of numerous independent bodies in the supervisory procedure of the Government's work (State Auditor, Ombudsman, Commissioner for Information, Commissioner for Standards, Independent Body for Standards and Electoral Commission), the Project Board decided to implement the study visit in London.

The National Assembly expressed their need in regard to the topics they wanted to be discussed during the study visit – i.e. they specifically expressed the needs related to the topic of considering the reports of the independent state bodies.

When selecting the deputies who would participate in the study visit, the Project Board took into account that the representation of various political groups (i.e. deputy groups) was ensured. The UNDP did not make decisions on the participants of the study visit at the personal level. The Project Board took the stand that, out of the ranks of the officials employed with the National Assembly Service, the ones who directly work with the commissions that would consider the reports of the independent state bodies should take part in the study visit. The personal selection of the participants was carried out by the project director. It should be mentioned that the planned participant structure from the ranks of the officials employed with the National Assembly Service was partly altered, as two of the participants had to cancel their participation due to unplanned obligations, so the national project director selected another two officials as their replacements.

Additionally, the participation of the National Assembly in the project implementation is reflected in the fact that, according to the NIM, a part of the project was realised in line with the national procedures, i.e. a part of the project was implemented according to the UNDP's procedures and the other part of the project according to the national procedures. Specifically the organisation and implementation of the NA sessions away from the NA's seat was financially realised using UNDP funds through the National Assembly and the domestic procedures by opening a sub-account for this purpose in the National Assembly. Relatedly, the National Assembly implemented, according to the national procedures, a tender procedure for engaging an agency that would organise the travel and the study visits. A special contribution of the project is that this project outcome is sustainable, as the selected agencies provide assistance to the National Assembly with the organisation of other trips (not only those that were a part of the project activities).

6.3. Efficiency

1. The relationship between the project budget and the project outcomes shows that the achievements outweigh the modest funds of the project by far. When comparing the budget size with the outcomes and re-

sults of the project, a grounded conclusion can be reached that the achievements outweigh the modest funds available by far, especially when the budget size is compared to the budget sizes of other international organisations whose work is directed towards support for parliamentary development. While the total value of this project is USD 185,000.00, the OSCE is currently implementing a project with a total value of EUR 1,810,754.006. Some sizeable savings were made to achieve the significant results of the project. A significant saving was achieved by using the premises of the National Assembly as the project team office.

It should be borne in mind that because passes are needed to enter the National Assembly premises, access to the National Assembly and the deputies is made more difficult and it has been necessary to maintain permanent contact with the deputies and the officials working with the National Assembly Service for the sake of project implementation. The presence of the project team office within the Assembly's building significantly contributed to the increased efficiency of the project's implementation and significantly facilitated communication with the national partner. The project manager and the project assistant were holders of the Assembly's passes, which significantly contributed to having direct contact with the deputies and employees of the NA Service. A special advantage was locating the project team office in the part of the building with the majority of the offices of the secretaries of the commissions, enabling the UNDP project team to be always available to those interested in the National Assembly for any necessary information and thereby contributing to achieving a better understanding of the UNDP project goals. Simultaneously, the presence of the office in the Assembly allowed the project team to gain a much better knowledge and understanding of the manners of functioning of the National Assembly in practice. All that contributed to the advancement of the relationship between the UNDP and the National Assembly of the Republic of Serbia.

Besides having the project team office in the NA building, some significant savings were made by organising the consultation workshops on public hearings and the conference on the relationship between the National Assembly and the independent state bodies in the premises of the National Assembly. Besides the savings, this concept enabled the National Assembly Service to function undisturbed and to implement regular activities, which would have been much more difficult if the NA Service had been dislocated during the workshops.

After detailed analysis, it can be concluded that such outcomes and results could not have been achieved with less costs. Moreover, if there had not been excellent project management and cooperation with the National Assembly, the Embassy of Great Britain and other international partakers and non-governmental sector, such results could not have been achieved with this budget at all.

During the organisation of the study visit to London, cooperation was established with the domestic non-governmental sector by implementing the visit jointly with the ProConcept NGO, as this NGO planned their study visit as covering some other topics, so there was a mutual harmonisation achieved in order to avoid overlapping and more efficiently using the limited funds. Thanks to the flexibility of the UNDP in the project implementation and their organisational culture, in terms of possible inter-agency cooperation and cooperation with non-governmental organisations, these possibilities were used when the funds in the project budget were insufficient. Thus, some significant savings were achieved (costs sharing); a more efficient realisation of the project outcome was enabled, as well as establishing cooperation with other international partakers dealing with parliamentary development and the non-governmental sector.

The international organisation whose support is directed towards the parliamentary development of Serbia established mutual cooperation and maintained excellent coordination in order to avoid overlapping activities and in order to plan activities, on the one hand, and to organise some activities jointly, on the other. In practice, the joint work of the international organisations operated through an unofficial coordination body formed for this purpose from the representatives of all the organisations. This body sometimes acted formally, when there were joint meetings with the representatives of the National Assembly, specifically with the president of the National Assembly and the NA Secretary General. At the beginning of the project, the national partner took over the coordination of the international partakers, and in the later phase, predominantly informal meetings of the representatives of the international organisations were held. This mutual relationship between the international partners whose projects were directed towards parliamentarism contributed to the better coordination and greater transparency of the activities in practice.

With good mutual coordination from the international partners whose projects were directed towards parliamentary development, a two-day public debate was organised (18/19 June 2009) on topics significant for the creation of the Bill on the National Assembly and the Draft Proposal of the National Assembly Regulations. The public debate was jointly supported by: The United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Organisation for Security and Cooperation in Europe (OSCE), the Council of Europe (CoE), the United States Agency for International Development (USAID), the Separation of Powers Program in Serbia (EWMI) and the National Democratic Institute (NDI). Additionally, support for the creation of the draft Regulations was organised in Vršac. The international organisations made arrangements in regard to the topics to be supported by the organisations, accordingly.

Prima facie, it seems that the only way to decrease the costs could be to lower the number of consultation workshops, but bearing in mind that the NA's premises were used, the savings would have been negligible, because of the specificities of the activities and there was no schedule of the activities, it was impossible to plan reliably the available time for the

target group, therefore this challenge was adequately responded with arranging a higher number of consultation times. Additionally, besides the resulting financial savings, holding the consultation workshops in the premises of the National Assembly proved to be much more convenient for the participants who did not have to go to another venue away from their work places. Apart from the aforementioned, another reason for having a higher number of consultation workshops was also out of respect for the recommendations by the consultants to have separate workshops for the deputies and for the employees of the National Assembly Service. The idea was to achieve a higher level of interactive work in smaller groups.

2. During the project implementation, additional funds were added to the project budget. During the project implementation, the planned budget was changed, i.e. it was increased. This influenced the project results positively. The increase in the budget was a response to the direct needs of the user – i.e. of the National Assembly – and it was realised upon its request in order to have more sessions of the NA commissions away from the NA's seat, as the needs of the NA commissions were substantial.

A detailed analysis of the project budget was not conducted within the framework of this evaluation because, the budget revision had been done before the evaluation was implemented. The project budget revision had no findings.

3. The decisions were made correctly and efficiently. The efficient organisation and successful implementation of the planned project activities speaks of adequate project management. Besides that, the risks in the project implementation were avoided. With the project document, the UNDP anticipated the possible risks, carried out an assessment of the probability of performance and impact on the planned project outcomes. The best aspect of this part of the project document was that adequate counter measures were anticipated, as the management's response in the event of situations that would condition changes in the implementation of the project activities. The existing risks were as follows: (1) calling parliamentary elections before the expiry of the mandate of the actual composition of the National Assembly; (2) lack of the involvement of certain deputy groups in the implementation of the project goals; (3) the overload of the National Assembly with the legislative activities could make it impossible or difficult to regularly implement the foreseen activities; (4) the non-adoption of the necessary normative framework or the adoption of regulations without adequate provisions; (5) the lack of engagement or lack of the capacities of the civil sector to get actively involved in the project.

In the course of the project implementation, the most important decisions were made by the Project Board made up of the representatives of the national partner and the representatives of the UNDP. The Project Board was responsible for the project implementation and for making significant decisions related to the project. The Project Board meetings were

held regularly and the project manager briefed the Project Board on the project progress. The minutes of all the sessions were written and they were signed by the national project director and the UNDP representative and they are contained in the project documentation.

The Project Board operated harmoniously and simply in practice and it made decisions easily and fast. The project manager ran the project on a daily basis, helped by the project assistant. All the results realised and outcomes achieved speak of the efficient work of the project manager and the Project Board.

Regarding the support for the implementation of the public hearings and sessions of the commissions away from the NA's seat, the national project director sent memos to all the NA commissions and invited them to address the UNDP office with a request for support. The fact that the information for the employees of the NA Service was delivered by the NA Secretary General is the result of the mode of the UNDP work that used the official communication channels.

The project team made a tabular review of the requests that arrived and forwarded them to the national project director to decide accordingly. Regarding the distribution of support, it was coordinated with the other international donors that deal with parliamentary development to avoid the overlapping, and the priority was determined as per the topics and the order of the requests received. All the requests that had been sent within the time limit set were positively answered, and for request that kept arriving after the deadline, additional funds were assigned in order to accommodate the needs of the users.

Regarding the organisation of the conference, the choice of topics and the speakers, the process started from the report of the national consultant on the implemented study visit. The topics were determined on the basis of that report. The need for comparative experiences was observed; therefore a significant number of relevant international speakers were invited. Special care was taken to ensure that everyone was involved, therefore the representatives of the National Assembly, all the independent state bodies and the academic public were invited. The speakers list was established in cooperation with the national project director.

6.4. Sustainability

1. The activities have continued after the completion of the project.

All the activities that were realised during the project implementation have been implemented subsequently. As the independent state bodies submit their reports for 2011 to the National Assembly during the first quarter of 2012, it was not possible to present a comparison of the number of the delivered and considered reports during the project implementation and afterwards, quantitatively in tables.

2. The institutionalization of public hearings was a contribution to the National Assembly to keep organising public hearings as regular

activity. The institutionalization of the public hearings made it possible to have public hearings organised in the parliamentary practice of the National Assembly as a permanent activity. The project did not make it possible to have only a temporary increase in public hearings, but they have continued to be organised in even higher numbers, with announcements that they will be held in the future. Besides the obvious evidence on the sustainability of the institute of public hearings in the table, it need to be said that the deputies and employees of the National Assembly Service who were interviewed during the evaluation have announced that the further implementation of public hearings is planned and that two more public hearings will be held in January 2012⁷ and a large number of interested parties will be invited. These will be organised by the National Assembly independently.

A special web site of the National Assembly has been launched⁸ to enable the follow up of the public hearings. Also, the public hearings will be announced on the web site of the National Assembly, as well as through the media – i.e. agencies.

In the period following the completion of the project – from May to December 2011 – 14 public hearings were independently organised and held by the National Assembly commissions.

7 So, for example, on 30 January 2012, there will be a public hearing on the topic: "The National Assembly on the Path of European Integrations" in the organisation of the NA Commission for European Integrations.

8 See: <http://www.parlament.rs/aktivnosti/narodna-skupština/radna-tela/javna-slušanja.990.html> , access 09.01.2012.

Table no. 6:

A review of the public hearings held in the National Assembly after the completion of the UNDP project

Commission name	The number of public hearings held in the course of the UNDP project from 01.03.2009 to 2.05.2011.		The number of public hearings held after the completion of the UNDP project from 02.05.2011 to 31.12.2011.
	With direct UNDP support	Without direct UNDP support	
Administrative Commission	0	0	0
European Integrations Commission	0	0	2
Financial Commission	0	0	1 ⁹
Industry Commission	0	0	1
Foreign Affairs Commission	0	0	0
Commission for Kosovo and Metohija	0	0	0
Culture and Information Commission	0	5	0
Local Self-governments Commission	0	0	0
International Relations Commission	0	3	0
Commission for Science and Technological Development	0	0	0
Defence and Security Commission	0	0	1
Commission for Relations with Serbs outside Serbia	0	0	0
Youth and Sports Commission	1	1	0
Agricultural Commission	0	0	0
Commission for Judiciary and Administration	0	1	1
Commission for Petitions and Proposals	0	1	1
Privatisation Commission	0	0	0
Economic Reforms Commission ²	-	-	-
Education Commission	0	0	0
Commission for Labour, Veterans' and Social Issues	1	1	3
Gender Equality Commission	3	5	1
Commission for Development and International Economic Relations	0	0	0
Commission Traffic and Communications	0	0	0
Commission for the Reduction of Poverty	5	1	1
Working Group for Children's Rights	0	1	2
Commission for Trade and Tourism	0	0	0
Commission for Urban Development and Construction Industry	0	0	0
Commission for Constitutional Issues	0	0	0
Environmental Protection Commission	0	4	0
Commission for Health and Family	0	0	0
Legislative Commission	0	0	1
TOTAL	10	23	14

9 The Financial Commission held a public hearing on the Bill on Public Property together with the Commission for European Integrations on 16 September 2011.

10 The Commission for Agricultural Reforms was not formed in the actual composition of the National Assembly.

3. The capacity of the employees with the NA Service to organise the NA commissions' sessions away from the NA's seat was increased.

The employees gained experience through these “mobile” sessions and they can organise such sessions in the future. Also, it should be said that a synergy was achieved on the public hearings, as some public hearings were organised in the form of a commission's session away from the NA's seat. The sustainability of the NA sessions away from the NA's seat is confirmed in the interviews¹¹, with the Assembly Budget for 2012 assigning the funds for implementing such sessions. This implies that the National Assembly plans to organise the commissions' sessions independently away from the NA's seat as a part of its regular activities even after the completion of the UNDP project.

In the period following the completion of the project – from May to December 2011 – 7 sessions were independently organised and held by the National Assembly commissions away from the NA's seat. When considering the tabular review that testifies that the NA commissions held the session away from the NA's seat, it should be borne in mind that there are commissions for which the venue of the session has no role – i.e. there would be no progress achieved with the venue away from the NA's seat, these especially include the Legislation Commission and the Administrative Commission, but the Commission for Foreign Affairs and the Commission for Constitutional Issues can be added to this list.

¹¹ Because of the specific presentation of the budget, the funds for the implementation of the NA commissions' sessions away from the NA's seat are not explicitly presented as a separate budget item, but the information was confirmed during the interviews conducted. Therefore, it is not possible to refer to the document, but only to the oral references.

Table no. 7:

A review of the sessions of the National Assembly commissions held away from the NA's seat after the completion of the UNDP project

Commission name	The number of sessions held away from the NA's seat during the UNDP project from 01.03.2009 to 2.05.2011.		The number of public hearings held away from the NA's seat after the completion of the UNDP project from 02.05.2011 to 31.12.2011.
	With direct UNDP support	Without direct UNDP support	
Administrative Commission	0	0	0
European Integrations Commission	0	0	0
Financial Commission	0	0	0
Industry Commission	0	1	1
Foreign Affairs Commission	0	0	0
Commission for Kosovo and Metohija	0	4	1
Culture and Information Commission	0	1	0
Local Self-governments Commission	0	0	0
International Relations Commission	0	0	0
Commission for Science and Technological Development	0	0	3
Defence and Security Commission	0	0	0
Commission for Relations with Serbs outside Serbia	0	0	0
Youth and Sports Commission	1	3	1
Agricultural Commission	0	3	0
Commission for Judiciary and Administration	1	1	0
Commission for Petitions and Proposals	1	0	1
Privatisation Commission	0	0	0
Economic Reforms Commission	-	-	-
Education Commission	0	0	0
Commission for Labour, Veterans' and Social Issues	1	0	0
Gender Equality Commission	1	1	0
Commission for Development and International Economic Relations	0	0	0
Commission Traffic and Communications	0	0	0
Commission for the Reduction of Poverty	2	0	0
Working Group for Children's Rights	0	0	0
Commission for Trade and Tourism	0	0	0
Commission for Urban Development and Construction Industry	0	0	0
Commission for Constitutional Issues	0	0	0
Environmental Protection Commission	0	0	0
Commission for Health and Family	0	2	0
Legislative Commission	0	0	0
TOTAL	7	16	7

6.5. Impact

Although it was not planned with the evaluation table and was not required by the evaluation plan, not having been expected on such a small and short project with a small budget, it can be said that the impact of this project could be felt as it brought changes on the national level. Specifically, the impact of the project outcomes caused some alterations related to laws and by-laws applied on the territory of Serbia.

On the public hearing dedicated to the Draft Bill on the Alterations and Amendments of the Law on the Election of Deputies (held on 21 April 2011), Prof. dr. Nevena Petrušić, Commissioner for the Protection of Gender Equality proposed to have a place reserved for a representative of the less represented gender on the election lists at every third rather than every fourth position. After that the deputy Aleksandra Jerkov gave an amendment to this proposal of law, which was accepted by the National Assembly¹². In that way, the public hearing made an impact that changed the text of the Bill, which in this specific case, enabled the greater involvement of women in National Assembly compositions.

Besides the public hearings, the impact was also recorded through the sessions of the NA commissions held away from the NA's seat. Specifically, the Commission for Health and Family held a session of the Commission away from the NA's seat in order to consider the problems of the healthcare service in places other than the medical centres on 22 October 2009. The session was held at the Healthcare Centre in Tutin, following the invitation of the managers of this institution, and prior to the formal commencement of the session, the Commission toured this healthcare institution and learnt about its capacities and resources. Having considered the problems, the Commission reached conclusions unanimously and addressed the Government to solve the problem in a systematic manner and to truly improve the quality of healthcare protection in all environments with similar problems. After that, the Government altered the provision that regulates this area.

The interviewed interlocutors stated during the evaluation that the public hearing on the Bill on Financing Political Activities¹³ produced a series of alterations in the text of the Bill, but it was not possible to cite exactly which ones, as the alterations of the text were not followed up.

Besides that, there were more cases of the project's impact leading to alterations at the national level; however, they remained unrecorded as there was not a mechanism for their systematic follow up (see in more details in the part of the evaluation containing the recommendations - recommendation no. 10).

¹² Thus, article 40a of the Law on the Election of Deputies now stipulates that there must be a minimum of one candidate of the less represented gender on the electoral list among each three candidates as per the order on the list (the first three places, the second three places, etc. until the end of the list). If the electoral list does not meet this condition, it will be considered incomplete for the proclamation of the electoral list, and the list propounder will be invited to eliminate the deficiencies. If the list's propounder does not remove these deficiencies, the Republic Electoral Commission will reject the proclamation of the electoral list.

¹³ See for more details: http://www.parlament.rs/Odrzano_javno_slusanje_o_Predlogu_zakona_o_finansiranju_politickih_aktivnosti.11324.941.html , access 11.01.2012

6.6. Support for the policy of dialogue on the issues of human development

1. The topics of the public hearings held show that life topics were well selected and significant for the citizens' problems and system issues in society. On this basis, the examination of the information from the public hearings, as well as the discussions with the organisers and the participants in the public hearings and the NA commissions' sessions held away from the NA's seat, it can be concluded that **the public hearings in the National Assembly instigate the policy of dialogue on issues of human development.**
2. The interlocutor interviews pointed out that the public hearings and sessions of the NA commissions away from the NA's seat contributed **to the quality increase of the debates and the citizens' feedback.**
3. Having held the public hearings and established relations with various interlocutors, **the commission secretaries set up a network (register) of civil society organisations that would be called as witnesses.** These registers and databases were formed according to the topics of that commission and ensure that all the interested stakeholders are invited in future when a public hearing is organised.

6.7. Support for gender equality

In the course of the project's implementation, gender equality was taken into account. Having been supported by the UNDP in 2009, the Commission for Gender Equality held a public hearing on the Bill of Gender Equality and in September that year, the UNDP supported the Commission in organising the Commission's session away from the NA's seat (specifically, in Niš). In the course of the project's implementation, the National Assembly passed the Law on Gender Equality and, at the request of the Commission for Gender Equality, the UNDP supported the organisation of a special session dedicated to gender-based violence on the occasion of the International Day for the Elimination of Violence against Women on 25.11.2009.

1. Special attention was paid to ensuring the equal participation of men and women in the consultation workshops for the employees of the NA Service. During the organisation of the workshops – i.e. during the selection of the participants – gender equality was taken into account. At the Project Board meetings, the UNDP regularly informed the Project Board and the national project director about the gender representation in all the project activities.

All the employees of the National Assembly Service were invited to the consultation workshops. It should be borne in mind that the gender structure of the employees of the Service shows that a significantly higher number of the employed are female. So it is not only the reflection of their interest, but also of the real state in the NA Service and the information is obtained by analysing the registration lists of the workshops participants, which report that 40 women (78.43%) and 11 men (21.57%) participated.

Table no. 8:

A review of the gender structure of the participants of the consultation workshops on public hearings - employees of the National Assembly Service

	Women number	Men number	% Women	% Men
Participants at the consultant workshops	40	11	78.43%	21.57%
Employees at the National Assembly Service ¹⁴	242	105	69.74%	30.26%

2. Special attention was paid to ensuring the equal participation of men and women in the consultation workshops for deputies. Respecting the communication channels within the National Assembly, the project team addressed the national project director (i.e. the NA Secretary General) who sent the invitations to all the deputies to take part in the consultation workshop activities on public hearings. Bearing in mind how difficult it is to predict the availability of the deputies, their obligations and their work in the plenum and NA commissions, a number of workshops were arranged. The deputies – representatives of various political structures in the National Assembly – participated in the activities of the consultation workshops on public hearings. However, the total of nine male deputies and two female deputies who participated in the workshops probably reflects their busy schedule.

48

Table no. 9:

A review of the gender structure of the participants in the consultation workshops – deputies

	Women number	Men number	% Women	% Men
Participants in the consultant workshops	2	9	18.18%	81.82%
Deputies at the National Assembly ¹⁵	54	196	21.6%	78.4%

3. Special attention was paid to ensuring the equal participation of men and women in the study visit. The planned structure of the participants of the study visit from the ranks of the employees of the National Assembly Service was partly changed. It was envisaged that the NA Sec-

¹⁴ Data source: National Assembly Bulletin /Informator Narodne skupštine, access 06.01.2012. See: <http://www.parlament.rs/aktivnosti/informator/sadrzaj-informatora.1023.html>

¹⁵ Data source: National Assembly Bulletin /Informator Narodne skupštine, access 06.01.2012. See: <http://www.parlament.rs/aktivnosti/informator/sadrzaj-informatora.1023.html>

retary General and one further deputy would participate in the study visit – both of them men. However, due to their obligations both cancelled their participation just before the implementation of the visit, therefore they were replaced by two deputies whose obligations in the National Assembly at the time allowed them to participate; both of them female. Because of this, the gender representation just before the visit was out of balance comparing to the planned gender equality. Also, the target group of the participants was a limiting factor narrowing the possibilities of selection.

Table no. 10:

A review of the gender structure of the participants of the study visit

	Women number	Men number	% women	% men
Participants of the Study Visit	11	3	78.57%	21.43%

6.8. Equality issues (social inclusion)

1. Men and women who belong to marginalised groups expressed their needs during the public hearings and sessions held away from the NA’s seat. The public hearings and the sessions of the NA commissions held away from the NA’s seat allowed citizens belonging marginalised groups to express their needs and problems. Some public hearings were organised on the topics related to the area of social inclusion. This was particularly in the focus of the public hearings and the sessions of the NA commissions held away from the NA’s seat organised by the following commissions: the Commission for the Reduction of Poverty, the Commission for Labour, Veterans’ and Social Issues, the Commission for Health and Family and the Gender Equality Commission.

2. Various stakeholders participated in the public hearings. Various subjects and factors interested in the issues on the agenda of the public hearings participated in them. Therefore, it was assured that all were involved in the process and able to express their opinions and problems, on the basis of which the recommendations and conclusions of the National Assembly commissions emerged and concrete actions were implemented.

The participants of the public hearings were the deputies from all deputy groups, i.e. political options, citizens and representatives of marginalised groups, non-governmental organisations, executive authorities, independent state bodies and international organisations.

3. Various stakeholders participated in the sessions of the NA commissions away from the NA’s seat. Various stakeholders were involved in the sessions of the NA commissions away from the NA’s seat

7. CONCLUSIONS

.....

The project achieved an important innovation and boosted parliamentary development in Serbia by realising the institutionalization of public hearings in the National Assembly of the Republic of Serbia as one of its outcomes. Besides the creation of the legal framework that enables the systematic and long-term implementation of public hearings, in practice, many public hearings have been implemented in the National Assembly and we can say they have become a regular activity.

A special quality of the project is the sustainability of all the project outcomes, as after the expiry of the project, the commissions of the National Assembly organise and implement public hearings and sessions of the NA commissions away from the NA's seat independently. The knowledge acquired during the study visit about parliamentary law will be applied in the long run by the deputies and employees of the NA Service in their activities. The bilingual publication that emanated from the international conference delivered its long term use value with the excellent combination of the authorial texts of the conference participants, with practical examples of comparative law good practices, and the expert texts, which provided a wider picture of the relationship between the National Assembly and the independent state bodies.

The decision that the national project director is the Secretary General of the National Assembly contributed to the increased efficiency in the project implementation, because the NA Secretary is simultaneously the head of the National Assembly Service and, practically, responsible for all the operational and organisational activities in the NA, thus having the possibility of making decisions directly at the meetings of the Project Board.

Having conducted the examination and analysis of the overall project documentation and 17 interviews with the representatives of the interested parties that were involved in the project, the evaluator found that the project concept was tailored according to the needs of the National Assembly, which it could not implement on its own, primarily due to a lack of financial resources because of the limited budget of the Assembly.

The relatively small funds of the project budget were used in the best possible manner. All the project activities planned with the project document were successfully realised in full-scope.

Although the public hearings have been institutionalized, a number of the interlocutors interviewed believe that the term (name) of the institute is inadequate.

The interviewed interlocutors expressed their great satisfaction with the project activities they had participated in and with the benefit for their further work they acquired during the study visit in London on the topic of learning about the relationships between the Parliament and the independent state bodies of the UK. The participants of the study visit unanimously evaluated that the study had been organised and implemented at the highest possible level; that the time had been adequately filled with the useful transfer of experiences and good practices; and as a particularly useful experience, they pointed out their attendance at a session of the Parliament commission where the report of an independent state body was considered.

The organisation of the conference about the relationship between the National Assembly and the independent state bodies achieved substantial progress as it enabled bringing up the issue and hearing different opinions, which prompted further discussion and created the recommendations for establishing the relationship.

Holding the public hearings and sessions of the NA commissions away from the NA's seat contributed to a more direct contact between the citizens and the deputies, and also the citizens' perception of the National Assembly was improved.

In addition to the achievement of the UNDP to realise the project goal – the institutionalization of public hearings and to provide direct support for implementing public hearings – the UNDP opened the door of the National Assembly to other UN agencies and served as their logistics support. So the other UN agencies within their mandates assisted the implementation of the public hearings in the National Assembly (UNHCR, UNICEF).

The absence of adequate professional training for the employees of the National Assembly Service hampered the essential consideration of some reports of the independent state bodies. So, for instance, the National Assembly does not have qualified employees who would provide professional assistance in the consideration of the reports of the State Audit Institution, as this requires specialised knowledge.

The greatest space and need for further work and support lies in the strengthening of the control function of the Assembly, as well as the relationship between the National Assembly and the independent state bodies. In Serbia at the moment, there are various independent state bodies and regulatory bodies with different legal positions, different responsibilities and different dynamics of work. Therefore, it would be useful to work on the coordination of institutions at the country level.

In Serbian society, a clear awareness of the position of the independent state bodies in the legal system has not yet been formed. The legal nature of the independent state bodies is understood in different ways. Generally, two extremes are pointed out: the first that sees the independent state bodies as the fourth pillar of the authority (or the fifth, if the Constitutional Judiciary is taken as the fourth), which is not subjected to the

Assembly, and the second that sees these bodies as the extended arm of the Assembly, and which should point out the problems to the Assembly in the areas they have been established for. The first understanding is of the representatives of the independent state bodies and the latter is of the representatives of the National Assembly – both being rather resolute in their stands. Although these two concepts are usually looked upon as two extremes, the two stands are not necessarily opposed in a mutually exclusive manner, as it may seem at the first glance. Thus, the key question is what their independence is reflected in (in relation to who/what is this body independent?) – i.e. whether independence means unaccountability and not answering for their work. The independent state bodies must be held accountable for their work. They have to answer for their work to the citizens, and this is realised through the representatives of the citizens, i.e. in the specific case of the Serbian legal system, the National Assembly. This is the line that the relationship between the independent state bodies and the National Assembly should be looked at. The independence of the independent state bodies should be understood systematically as independence from executive authority. In order to achieve this goal, the independent state bodies should also be politically neutral bodies.

To ensure their independence, it is important that the functioning mechanisms of the independent state bodies do not depend on political will. The current composition of the National Assembly showed a readiness to establish the independent state bodies, but the continuity of such readiness must also be ensured in the next composition of the National Assembly. Also, during the next project, it should be useful to further strengthen the mutual partnership relationships of the independent state bodies and the regulatory bodies, so they can complement each other and work in a coordinated manner.

As there are open issues related to the relationship between the National Assembly and the independent state bodies, there is a clear space and need for further project support in this area.

During the interviews conducted with the aim of evaluating the project, the representatives of the independent state bodies had significant objections to the rigid bureaucratic procedure of the National Assembly and expressed the need for flexibility in mutual relationships. In that sense, they expressed the need for developing the mechanisms of the National Assembly towards the executive authorities, as well as for developing the mechanisms within the National Assembly itself, which would enable the incorporation of the reports of the independent state bodies into the conclusions of the National Assembly¹⁶ and to be binding for the executive authorities.

16 The reason is a specific situation when 22 recommendations of the Anti Corruption Agency, which were translated into six key recommendations by the Agency at the session of the National Assembly, were not included in the act adopted by the commission and directed to the National Assembly because of a technical omission. Because of the procedural rules in the National Assembly, the act could not be altered; therefore they were omitted, as well as the practical requirements of the executive authorities thereof.

The independent state bodies and the regulatory bodies regularly submit reports to the National Assembly. They are first considered by the NA commissions and then, together with the proposal of the conclusion of the commission and the recommendations, they are considered at the next plenary session of the National Assembly.

The majority of the reports of the independent state bodies in the actual composition of the National Assembly were considered by the Commission for Judiciary and Administration. The reports of the following bodies were considered in those sessions: the Anti-Corruption Agency, the Commissioner for the Protection of Equality, the Commissioner for Information of Public Significance and Personal Data Protection and the Ombudsman, whereas the Financial Commission considered the report of the State Audit Institution.

After the entire evaluation, besides the apparent big and significant results achieved by this project, it should be added that the UNDP office in Serbia was recognised as a reliable and quality partner of the National Assembly in Serbian parliamentary development. The deputies interviewed during the evaluation especially pointed out, besides the great value of the sustainable results of this project and the benefits achieved, that the UNDP opened many doors they could not have opened themselves.

There is a clear space and a great need to support the National Assembly through a new UNDP project. It would be beneficial for the needs of the National Assembly that the next project is bigger and with much more funds available in order to adequately help the parliamentary democratic development in Serbia.

8. RECOMMENDATIONS

.....

1. Strengthening the NA commissions and support for the capacities of the commissions. There is a particular need for the permanent professionalisation and training of the state officials who provide support for the deputies, in order to have specialised professional skills with the aim of providing adequate professional support and assistance. This is particularly important in the coming period because of the significant changes in the commissions' number and scope of work, which are set forth in the new NA Regulations, and the application of the part referring to the commissions shall be started in the next NA composition.
2. Strengthening the capacities of the National Assembly for performing the NA supervisory function.
3. The establishment of consultation councils of the commissions of the National Assembly with the aim of strengthening the role of the commissions in the National Assembly. Thereupon, each Assembly commission would have its own council made up of experts, professors and representatives of civil society. Such consultation councils are known in the comparative parliamentary law¹⁷.
4. Further support for the development of the public hearings institute and for the manner they are organised and implemented in practice. It is necessary to further regulate the organisation of public hearings in the National Assembly. Since the institutionalization of public hearings in the National Assembly, there have been no formal joint meetings of employees at the NA Service level where the practice of the employees who directly work on the organisation of public hearings would be levelled and their experiences exchanged with the aim of eliminating different interpretations, to increase work quality and further advance the manner of the implementation of this institute in practice. Bearing this need in mind, as well as the fact that public hearings are held in the practice of the National Assembly in two basic modes: one is when it is held in the procedure of passing a law, when all the interested parties are enabled to express their opinion in relation to the bill (so far the deputies were instigated to submit amendments based on what they heard); and the second, when public hearings are organised when the supervisory function of the NA commissions was

¹⁷ See in more details: Beetham, D., *Parliament and Democracy in the Twenty-first Century (A Guide to Good Practice)*, Inter-Parliamentary Union, Geneva 2006, p. 79-87

performed in relation to the problem observed in practice, i.e. with the application of laws; thus, in providing further support, it would be beneficial to work on the creation of an internal act of some kind, which would contain further guidelines for these two forms of public hearings.

5. The NA commission secretaries who were directly engaged in the organisation of the public hearings point out that it would be useful to define a precise time limit (not less than 7 days) from the day when the NA commission made the decision on holding a public hearing within which the hearing is held, to assure timely and adequate preparations. To have a precise time limit defined would be useful for sending the invitations to all the interested parties in a timely manner so that they can plan their schedules, which would contribute to an increase in the number of participants in the public hearing.
6. When speaking of public hearings in relation to the problems in the implementation of laws and performing the supervisory function of the Assembly, it would be useful to undertake direct “actions and measures” after the public hearing, so it does not turn out to be just a non-compulsory chat room. In the current system, after a public hearing, information on it is prepared consisting of a short review of the standpoints expressed by the participants (this can be objected to) at an informative level; however, the procedure can be further developed in terms of how to make conclusions, decisions and recommendations, as well as how to take concrete steps in terms of solving the problem that was the topic of the public hearing. In practice, this would increase the significance of the institute of public hearings. In the current system, decision-making is possible at the session of the commission, whereas a public hearing is organised as a separate event (it does not have the legal form of a session of an NA commission).
7. When speaking of the public hearings held in relation to individual bills, it would be more useful to organise and implement them in the phase of drafting the bill, as it would be easier and faster to alter the draft, while the actual bill can only be altered by amendments or by withdrawing the bill and submitting a new bill thereafter.
8. There is an open issue and need to regulate the procedure of determining the bill submitted by the deputies. When the propounder is the Government, this issue is regulated by the RS Government Regulations; however the NA Regulations did not regulate in detail the procedure for proposing a bill when the bill is submitted by the deputies. Consequently, no public hearing was set forth in relation to the proposal of a bill submitted by the deputies, whereas a public hearing as a phase is set forth when a bill is submitted by the Government. Specifically, article 41 of the Government Regulations stipulates that the propounder shall be obliged to implement a public hearing during the preparation of a law that alters the regulation of an issue or regulates an issue of special interest for the public. Because of this legal void in the NA Regulations, a public hearing has been used as replacement for a public debate in the practice of the National Assembly. So, for instance, instead of holding a public debate, a public hearing was held on the Draft Bill of Alterations and Amendments to the Law on the

Election of Deputies. It is necessary to more adequately support (essential) public debates in the phase from drafting the bill to determining the bill. It seems that there is no public hearing very frequently *de facto* (even when preparing the bills of important laws) – i.e. that the draft bills are pronounced bills at the sessions of the Government and proposed to the National Assembly in an urgent procedure, without re-examination and checks by the expert or wider public. When preparing a number of bills, it is not completely clear who draws them up and what the criteria for the selection of the authors of draft bills are. Additionally, and in more than a few cases, the expert public opinion is ignored and individual laws remain solely the result of the political idea of the actual authorities. It is important to involve all the interested parties – i.e. a wider circle of subjects – in the procedure of passing a law, which ensures that a greater number of subjects can express their proposals and opinions in connection to the bill, maybe leading to some more quality amendments.

9. In order not to identify a public hearing with a public debate, it is necessary: a) to prescribe a more detailed procedure when the bill is submitted by the deputies; b) to separate the review of the public hearings held from the public debates on the web site of the National Assembly. At the moment, the public debate on the significant topics related to the Bill on the National Assembly and the Draft National Assembly Regulations is presented on the NA web site in the public hearings section¹⁸.
10. It would be interesting and useful to identify the public hearings that resulted in the accepted amendments, as well as to continually follow up how many amendments had been submitted and how many amendments (of that number) were accepted by the National Assembly, and which were submitted as the result (consequence) of the public hearing held. To this end, it is also needed to develop recommendations to keep records of this data in the National Assembly documentation.
11. It would be useful to introduce an analytical service in the NA, which would collect and systematise the data that would be useful for the continual follow-up and consideration of the state in the Assembly per various criteria. It would enable, for instance, measuring up how much the composition of the National Assembly influences the alterations of the bills submitted by the Government, how many bills and amendments are submitted individually by the deputies, etc. At the moment, when there is a need for some specific analysis, it is conducted through the work of the national consultants engaged by the international organisations.
12. It is required that the National Assembly also plans the funds for public hearings and sessions of the commissions away from the NA's seat in the Assembly budget.
13. With the aim of improving the quality of public hearings, it is necessary to endeavour to involve the largest number of partakers as possible from

18 See: <http://www.parlament.rs/aktivnosti/narodna-skupština/radna-tela/javna-slušanja.990.html?offset=1>
<http://www.parlament.rs/aktivnosti/narodna-skupština/radna-tela/javna-slušanja.85.html?offset=1>,
access 30.12.2011.

all the social spheres in public hearings. It would be good if the deputies attend public hearings in greater numbers in order to see the problems in the application of laws and the needs of the citizens. It would be useful if all the commissions secretaries regularly update the databases on the associations of citizens, international organisations, non-governmental organisations, other interest groups etc. that deal with specific issues from the area of the responsibility of the commissions and their contact in order to invite all the interested parties to public hearings.

- 14.** It is necessary to continue education on public hearings. There is still not a sufficient understanding of this institute, as well as a specific “resistance” towards the “public hearing” term among a certain number of deputies – i.e. they disagree with the adequate translation of this institute. In addition to this, some deputies identify this institute with public debate. It is necessary to direct education about the public institute towards: citizens, representatives of the executive authorities and media, so that they can adequately and more extensively follow up public hearings. The representatives of the Government and the ministries, as well as of the media, pointed out the need for education in their evaluation questionnaires, as did the deputies and employees of the National Assembly Service who participated in the workshops held on public hearings. More extensive media attention focused on public hearings would contribute to familiarizing the citizens of Serbia with this institute so that they are better informed, which would lead to an increase of interest in participating in public hearings; consequently the communication between the citizens and their elected representatives would be advanced.
- 15.** It would be useful for each commission to establish a (wider) register of its own experts and institutions that are professionally engaged with professional issues and certain areas of regulation in the area of the responsibility of the commission. Such a registry would facilitate the engagement of professionals by the National Assembly when needed – i.e. to call them as consultants who would give their opinion and expert assistance in solving certain issues/problems with drafting a bill or other acts, as well as during the deliberation of the bill and amendments.
- 16.** Analysis of the evaluation questionnaires on public hearings shows that the majority of the participants expressed a need for the organisation of consultation workshops in the National Assembly on a regular basis – i.e. that the National Assembly continually works on the education of deputies and employees of the National Assembly Service. The workshops participants expressed a need for paying special attention to the following topics in future training: the coordination of state level institutions, parliamentary debate and procedure, the reputation of the Assembly and the deputies, good practice examples from international parliaments, the relationship between the Assembly and the media, parliamentary diplomacy and inter-parliamentary cooperation, support for the Assembly commissions and strengthening their role, planning the commissions’ activities, motivation of the deputies to play an active role in performing the supervisory function of the parliament, the participation of minorities in the

political processes, actual topics of relevance for the entire society, and ecology. Besides these topics, the participants suggested that the working methodology should enable more dialogue and active participation of the participants in future seminars and workshops.

- 17.** Planning – an annual plan of action of the National Assembly and the NA commissions – would contribute to advancing the work of the National Assembly and the NA commissions.
- 18.** There is a large space and need to continue support for the sake of the advancement of the relationship between the National Assembly and the independent state bodies. It is necessary to re-examine the existing relationship between the National Assembly and the independent state bodies. The interlocutors interviewed during the evaluation believe that the current legal framework is neither adequate nor sufficient. It would be beneficial to further develop the procedure in terms of defining precisely the manner of undertaking concrete “actions” after consideration of the reports of the independent state bodies, so that concrete measures can be undertaken to advance the state in those areas, as well as to perform the supervisory function of the Assembly in terms of controlling whether the recommendation were acted upon (if not – why not?), etc.
- 19.** It is necessary to determine the legal nature of the independent state bodies (both in theory and in practice) in society and in the legal system of Serbia. Although it has been mentioned that they represent the fourth pillar of the authorities, their position is specific as they do not have the essential authority to make decision vested by the authorities. Therefore, there is a need to continue precisely defining their position, so that they end up with a more profiled function.
- 20.** There is a need and space for a more precise regulation of which independent state bodies have reports considered by which NA commissions. Currently, there are no rules on which NA commission considers the report of which independent state body. Here, it should be borne in mind that the reports of some independent state bodies cover subject matter that may be the responsibility of several NA commissions. In Assembly practice, the relationship with these bodies is most frequently realised through the Commission for Judiciary and Administration and the Financial Commission. There are various arguments that may serve in defence of both standpoints, in favour of and against the jurisdictions of each of these commissions. It can be concluded that when deciding which commission will consider the report of which independent body, two criteria were applied: one is the commission that established the proposal for the election of the members/executives of the independent body, and the second is the commission that is responsible for giving its agreement to the act on the internal regulation and systematization of the workplaces of the employees in that independent state body.
- 21.** In the next composition of the National Assembly, there will be a third fewer commissions compared to the number of commissions in the current composition, therefore the reports of the independent state bodies will be considered before other commissions (in relation to the ones that con-

sider them now). Specifically, at the moment, the National Assembly has 30 commissions (one of which, the Commission for Economic Reforms, is not formed in this NA composition), whereas in the next NA composition, there will be in total 20 (specifically, 19 commissions and the Commission for Children's Rights as a separate working body). For example, the report on the Ombudsman used to be considered by the Commission for Judiciary and Administration in the current NA composition, whereas in the next NA composition it will be considered by the Commission for human and minority rights and gender equality. Since there will be changes to the employees who provide professional support for the commissions that consider the reports of the independent state bodies because of the decrease in number, changed names and areas of responsibilities of the NA commissions and because of the recently passed Regulations on the Internal Regulation and Systematisation of Workplaces in the NA¹⁹ (whereby the internal organisation of the NA Service was changed), it is necessary to provide support for strengthening the capacities of the employees of the Service who will be assigned these jobs.

22. Bearing in mind that the reports on the work of individual independent state bodies are related to the areas of responsibility of several NA commissions (for example, the Anti-Corruption Agency reports), it is possible that several commissions would consider these reports (each from its aspect and in the area of its responsibility) before the NA plenary session. In that situation, each commission establishes its proposal for the conclusion with recommendations and directs them to the National Assembly (plenum), whereby it is possible that these proposals, opinions and standpoints are mutually opposed, i.e. contradictory. The solution to this situation is not regulated in the current NA Regulations – i.e. there is legal void. In resolving this open issue, one of the following two models (known in comparable parliamentary law) can be applied:

- a. That each commission considers a report according to its area of responsibility and that one competent (mother) commission is appointed to consolidate the conclusions and include the recommendations of all the commissions that have considered the report and establish a proposal for the conclusions and recommendations, which would be directed to the National Assembly for consideration at the plenary session. Appointing one commission to consolidate and summarise all the opinions of all the commissions that have considered the reports is needed, as each commission would otherwise send their own conclusions and recommendations to the NA, which might be mutually opposed. This solution has already been applied in the National Assembly in the case of the role of the Financial Commission in the consideration of the Bill on the Budget of the Republic of Serbia (this commission consolidates all the reports of all the commissions and sends the consolidated report to the National Assembly). The advantage of this model is that it has already been

¹⁹ See: <http://www.parlament.rs/narodna-skupstina-/organizacija-i-strucna-sluzba.912.html>, access 09.01.2012.

applied in the National Assembly (for resolving a similar situation) and that the solution for the issue of the reports of the independent state bodies would be applied per analogy.

b. The National Assembly forms a separate working body – for example, a Commission for the Consideration of the Reports of the Independent State Bodies. The advantage of this model would be the mixed composition of the commission, which would be made up of representatives of all the political parties in the Assembly (i.e. the deputy groups), as well as of representatives of various commissions. The additional advantage would be avoiding the possibility of materially opposed reports from various commissions that is possible in the previous model. Therefore, the procedure in this model is significantly simpler. This model is known and it is applied in the comparative parliamentary law in the Parliament of the United Kingdom of Great Britain and Northern Ireland.

23. Regarding the current legal framework that regulates the relationship between the National Assembly and the independent state bodies, the criteria – on the basis of which the legal position of the five state bodies with the Decision on the Alteration and Amendments of the NA Regulations²⁰ (now article 237a of NA Regulations) was singled out – is not clear. This solution should be re-examined.

24. The issue that remains open – i.e. that should be standardized – is what the reports of the independent state bodies should look like and what they should contain. This issue should not be regulated with the NA Regulations, but with the laws that regulate the work of the independent state bodies.

25. Besides the space for improving the legal framework and procedures, the consideration of the reports by the National Assembly commissions should be supported so that they consider the essence of the reports of the independent state bodies and in detail (both in width and in depth), not at an informative level. The consideration of the reports by the working body of the National Assembly should include asking questions of the representatives of the independent bodies and asking for clarification and explanation, which would imply that the deputies have already familiarized themselves with the content of the report submitted by these bodies. The contribution to the core consideration of the reports of the independent bodies and answering for their activities to Serbian citizens through the National Assembly would mean that not only one representative (executive) of the independent state body is present at the session of the NA commission during the consideration of the report, but the entire team with the documentation so that all explanations and answers are provided to the questions from the deputies.

26. Although the issue of the essential adequate consideration of all reports also depends on the political decision and readiness of the deputies, it is necessary to strengthen the capacity of the NA Service so that it can pro-

vide adequate support and assistance to the deputies in their consideration of the reports from the independent state bodies. This disadvantage was pointed out by the deputies interviewed during the evaluation – they had not had adequate professional assistance in the consideration of the reports of the State Audit Institution, because there are no employees of the NA Service that possess specialised expert knowledge in this area. Another way of solving this problem, and also some other professional issues and problems that the National Assembly or its working bodies need to solve, is to use the existing possibility of engaging scholars and experts. The legal framework for the NA to engage scholars and professionals, as well as scientific and professional institutions, exists in the NA Regulations; however it is not sufficiently used in practice. This modality of engaging scholars and professionals for their expert opinion could be used in the procedure for considering individual bills, as well as amendments submitted.

- 27.** There is a need to develop mechanisms in the National Assembly that would ensure that the recommendations of the independent state bodies are integrated into the conclusions of the National Assembly and that they are binding for the executive authorities, as well as that the NA develops the mechanisms for requesting and ordering the executive authorities to act upon the recommendations of the independent state bodies.
- 28.** In order to pay more attention to the relationship between the National Assembly and the independent state bodies, it is possible to establish the practice of convening special plenary sessions of the National Assembly that would be dedicated exclusively to the consideration of the reports of these bodies.
- 29.** The interlocutors interviewed pointed out the need to be more exposed to comparative experiences, examples of good parliamentary practice and the comparative law solutions dealing with the issue of the relationship between a parliament and the independent state bodies. It would be useful to make a comparative law analysis of these relationships in various countries in order to offer models for solving the legal nature of this relationship in the legal system of Serbia. It is also necessary to organise study visits and, if possible, the exchange of employees. When speaking about exposure to comparative law experiences, the interlocutors interviewed during the evaluation, point out that it would be more useful if the participation of international experts does not only involve lecturing (i.e. one way communication), but to be organised in the form of a panel discussion in order to incite the exchange of opinions. The users also suggest, when organising new study visits, highlighting how a foreign parliament operates in practice (rather than theory), and to enable the state officials employed with the NA Service to attend the sessions of the commissions of the foreign parliament where the reports of the independent state bodies are considered.
- 30.** Since the national partner on the projects of providing support for parliamentary development is the Assembly, which passes laws and other regulations, it would be more useful to engage lawyers as consultants than

political scholars, as it is necessary to have an excellent knowledge of the regulations, the legal framework that regulates the work of the National Assembly, and the competency of the consultant to notice legal voids and his/her ability to offer legal solutions. It is also useful to include consultants who have practical experience of working with the National Assembly and who know the specific mode of its operations well. Such an attitude was expressed by the interlocutors interviewed.

- 31.** Engaging consultants to give expert opinions on the draft regulations would be more useful if done in the early phase of the preparation of regulations, so that the deputies can be offered solutions from comparative law.
- 32.** It would be useful to provide support for the advancement of internal communication within the National Assembly. It would be useful to support the re-establishment of the informative newsletter as one of the means of internal information in the NA, which used to exist in the National Assembly. Bearing in mind the needs of contemporary communication and savings, this newsletter can be distributed in an electronic form. The Assembly Newsletter would be an adequate response to the need to share the knowledge and experiences acquired by the employees of the NA Service during their study visits to international parliaments and when participating in seminars in order to exchange experiences and continually advance the modality of work.
- 33.** It would be useful to support the introduction of a parliamentary TV channel that, besides the plenary sessions of the National Assembly, would broadcast the sessions of the NA commissions and public hearings, so that the work of the Assembly is more visible, open and accessible to the citizens. In that way, besides ensuring that the citizens are better informed, their awareness would be raised on a wide range of operations of the National Assembly, which could contribute to the improvement of the citizens' opinion of the National Assembly in the long run.
- 34.** The advancement of cooperation between the National Assembly and the media; it would be useful to organise education of the representatives of media that report on the activities of the National Assembly (parliamentary reporters) in order to advance the reporting and to present a real and accurate picture to the public. Often enough, information is given inadequately by the media due to insufficient knowledge of the meaning or not understanding specific legal terms, especially those related to legislative procedure.
- 35.** The professionalisation and independence of the employees of the National Assembly Service would be helped by depoliticisation of the executive functions of the National Assembly Service – i.e. this is to be a professional function (or eventually, to separate the function of the secretary general from the function of the Service executive – by introducing, for example, the position of executive director).
- 36.** When publishing the next publication that represents a collection of works by various authors, it should be borne in mind that the footnotes should start with the number 1 in each work, not continue throughout

the publication as though it were one work. The principle of continuing the footnotes as though the publication were one work was applied in the collection of works on the relationship between the National Assembly and the independent state bodies. The reason why this should be avoided is because the usefulness of footnotes intended for abbreviated quoting is lost, by which the author refers to his/her footnotes wherein he provided the full title of the work quoted (specifically if the author referred to his/her footnote number 5, in the publication it is not number 5 but 137, and footnote number 137 is not relevant to what the author had in mind, therefore the meaning is lost).

- 37.** When organising various forms of education in the NA, it is better to organise communal education for the deputies and employees of the NA Service as it contributes to the advancement of communication, strengthening teamwork and removing the barriers in communication between the deputies and state official employees with the NA Service. Also, the majority of the interlocutors interviewed during the evaluation expressed their stance that a better effect would be achieved in the seminars and workshops if all those who would be working on the issue that was the topic of the seminar in practice attended them together. The involvement of all the interested parties in the seminars and the mixed composition during the study visits (the deputies and employees of the NA Service together) incites the exchange of opinions, advances mutual communication and enables the more complete consideration of the issue that is the topic of the education from different angles (political, legal, technical and organisational).
- 38.** It is necessary to re-examine the legislative procedure in the Republic of Serbia in terms of adapting to the needs of contemporary parliamentarism, since the independent state bodies are not recognised in the current legislative procedure at all. It would be useful if the independent state bodies are given the right to give an opinion in the procedure of passing laws within their jurisdiction – i.e. that regulate the matters from their area of responsibility. This possibility of giving an opinion should refer to both the bills and the amendments submitted.

Another important issue of the participation of the independent state bodies in the legislative procedure is the right to propose laws. Besides the authorised propounders of (all) laws²¹, the National Bank and the Ombudsman have the right to propose laws from within their jurisdiction²². Such a constitutional solution is illogical as some independent bodies have the right to propose laws and some do not. Therefore, those independent state bodies that do not have the right should be given the right to do so. As an example, in the existing system, the Ombudsman has the right to propose laws from within his/her jurisdiction, while the Commissioner for Information of Public Significance and Personal Data Protection does not have that right. Importantly, it is worth noting here that the Republic of Serbia

²¹ They are as follows: every deputy, Government, the Assembly of the Autonomous Province or at least 30,000 voters.

²² See: Article 107 of the Constitution of the Republic of Serbia.

ratified²³ the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data and the Additional Protocol to the Convention, which is better known as Convention 108 of the Council of Europe. Article 1 of the Additional Protocol to the Convention, which refers to the supervisory authorities, stipulates that each Party shall provide one or more authorities to be responsible for ensuring compliance with the measures in its domestic law, giving effect to the principles stated in the Convention and the Protocol. It is necessary to stipulate in the legislative procedure that obtaining the opinion of the Commissioner is compulsory when laws are passed or altered in the area of the protection of the personal data of individuals so that the Commissioner can ensure compliance.

As the right to propose laws is stipulated by the Constitution of the Republic of Serbia, the expansion of the status of the authorised propounders of laws is only legally possible on the occasion of adopting a new Constitution or by altering the existing one. This would ensure that the Commissioner also becomes the so-called constitutional category – i.e. has a position guaranteed by the Constitution, such as Ombudsman, and especially because the Commissioner is the only institution that deals with the protection of personal data in the legal system of the Republic of Serbia.

Additionally, due to not respecting the opinion of the independent state bodies in the procedure of passing laws, the (famous) situation occurred in relation to passing the Law on Alterations and Amendments to the Law on the Anti-Corruption Agency, when the explicit objection of the Anti-Corruption Agency to the adoption of the alterations was not validated; and the Agency afterwards initiated a procedure for appraising the constitutionality of this law. Similarly, on the occasion of passing the Law on Electronic Communications, the Ombudsman and the Commissioner for information of public significance and personal data protection pointed out the disputable solutions of two articles of this law.

- 64
- 39.** Regarding the legislative procedure in the National Assembly, it is necessary to introduce a procedural mechanism that guarantees the constitutional rights to propose laws to the authorised propounders of laws. This is particularly significant for voters and deputies of the opposition, who *de jure* have the right to propose laws that they *de facto* cannot realise because the positive legal solution in the Republic of Serbia makes it possible that their bills never reach the agenda of the National Assembly. The legal solution contained in the National Assembly Regulations makes it possible that some bills never reach the agenda of the National Assembly and that these are never discussed or voted on. This opens the very serious legal issue of the implementation of the constitutional rights of the propounders of laws, as the existing state can prevent the realisation of this right²⁴.

23 See: The Law on Confirming the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (SRJ Official Gazette - International Treaties, no. 1/92, Official Gazette of Serbia and Montenegro - International Treaties, no. 11/05 - state law and RS Official Gazette - International Treaties, no. 98/08 - state law and 12/10).

24 The question asked in connection to the realisation of this right is whether the solutions in the Regulations of the National Assembly enable the realisation of the constitutional right of the authorised propounders of laws, since the Constitution defined who has the right to propose a bill; therefore, the Regulations should stipulate how this right is realised.

It can be said that according to the positive normative framework, in the Republic of Serbia, the authorised propounders of laws have a constitutional right that they cannot practically exercise, as there is no legal institutionalized mechanism that guarantees that their proposal must be put on the agenda of the National Assembly. This is particularly significant for the deputies who are the opposition in the Assembly and for the voters who have the collective rights to propose laws, as it is precisely their proposals that are not put to the agenda of the National Assembly. So there are proposals for laws submitted by groups of voters during the previous composition²⁵ of the National Assembly that have still not been put on the agenda and it is doubtful whether they ever will be due to the fact that there are no mechanisms for the implementation of this right and due to the previous practice of the National Assembly. The subjects of the right to propose laws have this right so that they can realise a specific objective, therefore the question is what the right to propose laws involves and whether this right has been implemented by the fact that the proposal physically arrived in the building of the National Assembly. Of course, the right to propose laws is not to be exhausted with the bill remaining eternally in the National Assembly's Records Office. The goal of proposing laws is that the National Assembly declares on the proposal, while the current regulations enable the ruling majority in the Assembly to ignore the submitted bill – i.e. to behave as though the proposal was never submitted. Regarding the bills submitted by the authorised propounders of laws and that are submitted pursuant to the Regulations of the National Assembly²⁶, then it is important to state that this is about “permitted” proposals, which fulfil all the prescribed (material-and-legal and procedural-and-legal) assumptions that the procedure for passing laws is initiated with. In cases where all the prescribed conditions are met, the National Assembly cannot ignore the proposal submitted, and *de facto* this is currently the case.

25 For example, on 22 November 2007, 35,870 voters submitted two bills: The Bill on the Classification of Information and the Bill on Alterations and Amendments to the Law on Free Access to Information of Public Importance.

26 The authorised propounder of the law submits the bill in the form in which a law is passed, with an explanation containing the following: 1) the constitutional, i.e. legal base for bringing the regulations; 2) the reasons for bringing the regulations and in their framework especially: an analysis of the current state, the problems that the regulations should solve, the goals to be achieved by the regulation, the considered possibilities of how to solve the problems without bringing the regulation and the answer to the question of why bringing the regulation is the best way to solve the problem; 3) an explanation of the new legal institutes and individual solutions; 4) an evaluation of the funds needed to implement the regulations, including the sources for them; 5) the general interest on account of which the retroactive effect is proposed, if the bill contains provisions with a retroactive effect; 6) the reasons for passing the bill in an emergency procedure, if an emergency procedure has been proposed for the bill; 7) reasons for proposing that the regulation enters into effect before the eighth day from the day of its publication in the Official Gazette of the Republic of Serbia; 8) a review of the provisions of the current regulation that are amended (this is prepared by crossing out the part of the text to be altered and entering the new text with capital letters).

In compliance with Article 151 of the Regulation of the National Assembly, the explanation can also contain an analysis of the effects of the regulation and, with the bill, the propounder submits the declaration that the bill is harmonised with the regulations of the European Union, or that the harmonisation is not binding, or that it is impossible to harmonise the law with the European Union regulations, and a table on the harmonisation of the bill with the European Union regulations.

When a law is proposed to the National Assembly, the procedure for passing the law starts in the National Assembly, meaning that the right of the authorised propounders to propose the text of the law implies (conversely) the obligation of the National Assembly to act upon the bill submitted, and in accordance with the legal norms that regulate this matter. In addition to a *de facto* lack of action upon some individual proposal of laws submitted by voters and deputies from the ranks of the opposition, the problem is the non-existence of legal norms that regulate these issues and the non-existence of guarantees of the implementation of the constitutional right to propose laws.

40. It is necessary to standardise the issue of until when the bill can remain in the procedure, as this issue is not regulated – i.e. there are no legal norms related to how long a bill can be in the procedure, which represents one of the open issues of the legislative procedure in Serbia. This is especially important as there are bills that are not put on the agenda during one composition of the National Assembly. This is not an issue of when the bills are submitted by the Government, as a newly elected Government regularly informs the National Assembly that it withdraws bills submitted by the former Government from the procedure. However, this issue is not regulated for bills submitted by voters and deputies. So, for instance, in the Assembly procedure, there are still bills submitted by deputies who are no longer alive and the issue of bills whose propounder has ceased to exist is not regulated (it is not legally regulated whether somebody can withdraw those bills and who – i.e. who will be the representative of the deceased propounder if they are put on the NA agenda?).
41. There is no order for putting the laws on the agenda. So, for instance, in the actual composition of the National Assembly, there were two bills regulating the same matter at the same time – bills on the National Assembly. The Bill on the National Assembly was put on the agenda and the one that had been submitted earlier was ignored. This clearly confirms that in politics, as opposed to law, the *Prior tempore, potior jure*²⁷ principle is not valid. Now, when the Law on the National Assembly is passed, the Bill on the National Assembly, which had been submitted first, is still in the procedure and there is no legal norm that regulates this issue – i.e. how long it remains a bill, since this matter is regulated now. I deem that it is necessary to regulate the issue of the order of the bills when putting a bill on the agenda of the National Assembly, at least by defining broader time limits. In this sense, I believe that the new solution in the NA Regulations represents a step backwards. Namely, the previous solution was that a bill (prepared according to the provisions of the National Assembly) can be included on the agenda of the National Assembly within a time limit no shorter than 15 days and no longer than 60 days from the day of its submission. These time limits rest when the National Assembly is not in regular session; however, in exceptional cases, the 60 day time limit could have been overstepped, but not by more than additional 30 days and the

27 He who is before in time, is preferred in right.

president of the National Assembly was obliged to inform the deputies of the reasons for overstepping the time limit²⁸. In the new Regulations of the National Assembly brought in 2010, the maximum time limit within which the submitted bill is to be put on the agenda of a session of the National Assembly is omitted,²⁹ so, when logically deducted, it means that they can be in “the Assembly procedure” indefinitely while literally nothing happens in relation to them.

- 42.** Strengthening the support for the deputies - finding financial possibilities to engage an assistant per deputy instead of the current engagement of a person answering to the needs of deputy groups. Bigger funds are needed in the Assembly budget for the implementation of this and similar goals.
- 43.** It will be useful to ensure that the submitted amendments are available in electronic format on the website of the National Assembly, i.e. that the database on the complete legislative activities (in all the phases) is publicly available, so that the citizens can follow up the “progress” of a certain law in the legislative procedure.
- 44.** More adequate analyses of the projected effects of the application of the law proposed to be passed are needed in the course of passing the law. Besides, it would be useful to stipulate that such analysis is a compulsory part of the explanation of the bill. According to the current solution in the Regulations of the National Assembly, the explanation of a law can (but does not have to!) contain an analysis of the effects of the regulations that are proposed.³⁰ This solution could remove the frequent phenomenon of alterations and amendments to laws and passing new laws in relatively short periods of time regulating the same matter.
- 45.** More adequate and expert analysis would be useful and the evaluation of the bill and amendments from the aspect of their harmonisation with the Constitution and the legal system of the Republic of Serbia, considering that the provisions of over 110 laws passed after the Constitution of the Republic of Serbia was passed in 2006 have been challenged. Also, the reason for such a state could be that the evaluation of the harmonisation of the bill and amendments with the Constitution and the legal system of the Republic of Serbia for the National Assembly was not performed by an expert but a political body – i.e. the Legislative Commission made up of deputies. Instead of the existing one, it seems that a better solution would

28 In accordance with article 140 paragraph 3 of the Regulations of the National Assembly of the Republic of Serbia (RS Official Gazette, no. 14/09 - revised text).

29 Thus, article 154 of the Regulations of the National Assembly (RS Official Gazette, no. 52/10) now stipulates that only a bill that is prepared according to the provisions of the Regulations can be included on the agenda of a session of the National Assembly within a time limit no shorter than 15 days from the day of its submission.

30 Article 151 paragraph 3 of the Regulations of the National Assembly stipulates that the explanation can contain an analysis of the effects of the regulations, which contain the following explanations: who and how will most likely be affected by the solutions in the regulation, what costs will be imposed on the citizens and the economy by the regulation (specifically to small and middle-sized companies), whether the positive consequences of passing the regulation justify the costs to be accrued thereof, whether the regulation supports the creation of new legal entities on the market and the market competition, whether all the interested parties had the chance to declare on the regulation and what measures shall be undertaken to realise what is intended with the regulation in the course of the application thereof.

be to have this job done by impartial experts and state officials specifically educated for this job.

- 46.** The continual follow-up of the implementation – i.e. the application of the passed laws is necessary, as well as the evaluation of the effects and results of the law application in practice. This job could be done, after strengthening the capacities of the professional support, by the professional working bodies of the National Assembly and the consultation councils of the commissions. In the legal system of Serbia, there are laws that are legally in effect but are not applied. For instance, the Law on Accountability for the Violation of Human Rights (popularly known as the lustration law) is legally in effect but has not been applied since being passed in 2003. It would be interesting and useful to do an analysis of all the laws that are formally and legally in effect (a part of the positive law) in the Republic of Serbia but are not practically applied. In addition, although it is often pointed out publicly, even among the expert public, that certain issues are not legally regulated, it can be said that the majority of the problems are not the consequence of the non-existence of the legal framework, but because the regulations are not enforced or are implemented in an inadequate, inconsistent and selective manner. Therefore it would be useful to strengthen the work of the National Assembly and its commissions in regard to the follow up of passed laws.
- 47.** The inclusion of the citizens in the legislative procedure and raising their awareness about the importance of being interested and involved in the legislation procedure and the benefit they receive from the effects of the application of “good” laws. In comparative law, the public calls made by the Assembly commissions for the submission of citizen’s proposals and applications to be submitted to the³¹ commissions by the civil society organisations in order to increase the citizens’ participation in the procedure for passing laws, are quoted as good practice examples. It would be useful to write a manual for citizens on writing applications to the National Assembly and the commissions, to make a model (form) of an application and to make it available to the citizens of Serbia by publicising it on the website of the National Assembly. It would be useful to permanently collect, file, systematise and act upon the applications received by the relevant NA commissions as per the subject matter (because in the next NA composition there will be no Commission for Applications and Proposals), in order to follow up the implementation of the law, the problems in practice and the citizens’ needs, as well as to be able to provide adequate answers to the citizens’ needs by altering the existing laws or by creating new ones. This could be the way to receive useful information for the deputies in performing the supervisory function of the National Assembly. It would be particularly useful for the citizens as it would mean opening one more

³¹ On acting upon the applications of citizens directed to the National Assembly, see: Vukadinović, S., *Odbor za predstavke i predloge Narodne skupštine Republike Srbije*, (Commission for Applications and Proposals of the National Assembly of the Republic of Serbia) in: *Građani pred korupcijom – ko može da pomogne i kako*, (Citizens before Corruption - Who Can Help and How) Transparency Serbia, Belgrade 2007, p. 49-52.

communication channel between the citizens and their representatives in the Assembly.

48. Besides this model, in comparative parliamentary law, the increase of the citizen's interest in the legislative procedure and their inclusion in the procedure for passing laws is achieved through: opening information and education centres, Open Door Days, The Open Assembly, days for providing information in rural areas and regions, "Assembly on Wheels" i.e. a mobile assembly, etc. Special attention is dedicated to informing and involving young people, thus there are special initiatives at the school level (learning about parliament in the framework of the curriculum, drawing contests named Days in Parliament, electronic game named Lawmakers where school children virtually pass laws in the same manner as happens in reality and play various roles, the introduction of "School Assemblies") and programmes at the Assembly level (regular weekly or monthly student visits, "youth sessions", the possibilities of drafting bills).
49. To consider the possibility of setting up a National Assembly Office for Cooperation with Citizens and the Non-Governmental Sector that would assist and support voters when drafting bills. This is necessary because the authorised propounders have expert services assisting them in these activities (the deputies are assisted by the Service of the National Assembly, and the Government also has its expert service, as well as the Assembly of the Autonomous Province).
50. It would be useful if the National Assembly appoints one official for daily (as needed) contact with the representatives of the international organisations whose projects are directed toward parliamentary development.
51. It would be useful to organise education for all the authorised propounders of laws on nomotechnical rules³², especially bearing in mind that the Unique Methodology Rules for Legislative Drafting were made in 2010, which should contribute to more quality regulations.
52. It would be useful if the National Assembly works on gathering all the experts on parliamentarism and legislation and to coordinate their joint work on the permanent advancement of the legal system in Serbia. It would be good to establish an Association for the Legislation of Serbia that would gather expert public and all stakeholders interested in the legislation procedure with the aim of developing and enhancing nomotechnics, i.e. the specific methodology and technique of legislation. Such associations exist in advanced European countries and this association could organise round tables, expert discussions, public debates on actual topics related to Serbian legislation and legislative priorities in the process of building a legal state, as well as expert education, seminars, lectures in the area of nomotechnical rules and publishing scientific and popular publications in

32 For the basic rules of nomotechnics and its importance for a coherent legal system, see in more details: Jelić, Z., *Osnovi normativne tehnike - Uvod u savremenu nauku o metodama stvaranja i razumevanja prava*, (The basics of normative methods - Introduction to contemporary science on the methods of creating and understanding law), Ekonomika, Belgrade 1986; Jović, Lj., *Parlamentarno procesno pravo*, (Parliamentary adjective law), Multidisciplinary Centre for Inciting Integrational Processes and Harmonisation of Laws, Belgrade 2004.

this area. In that way, the attention of the expert and broader public would be drawn to the significance of the legislative procedure and the widest possible circle of stakeholders would be involved in creating laws.

- 53.** For inciting interest in dealing with public affairs and building a legal system, the National Assembly could set up and publish a professional magazine entitled “Legislation” wherein open issues of Serbian legislation would be indicated and solutions proposed for advancing the legal system and parliamentarism.
- 54.** With the same cause, but with a target group of young people, it would be useful to establish contests on thematic works and students’ works related to parliamentary development in Serbia, where students of social sciences would be stimulated to analyse topics from various aspects and there would be a continuous effort to make these issues interesting to young people.
- 55.** The National Assembly should be ready to respond, for the sake of its readiness, to the challenges of the 21st century and to permanently endeavour to meet the five key characteristics identified by the Inter-Parliamentary Union as the values that a contemporary parliament should aspire to: to ensure adequate representation in the parliament, be transparent, available, efficient at all levels (international, national and local) and to answer for its actions.³³
- 56.** Considering the considerable space for further support and the needs of the National Assembly for further democratic parliamentary development, it is necessary to continue providing further assistance to parliamentary development in Serbia in the form of a new project with a bigger budget. It should be borne in mind that the previous support of the international organisations directed huge funds towards providing support for the judiciary and executive pillars of the authorities, and that the Assembly received support through smaller projects of short duration and small budgets. Because of that, larger scale support through projects for parliamentary development in Serbia would be an adequate answer to the needs of the National Assembly. It would be beneficial if future projects for parliamentary development encompassed the following areas:
 - a. Relations between citizens and MPs, with analysis of possible channels of communication and transfer of comparative experience and examples of good practice of other parliaments into domestic practice, as well as promotion of citizens’ engagement in the legislative process.
 - b. Strengthening of the National Assembly’s scrutiny function
 - c. Support to the National Assembly in overseeing the implementation of legislation, as well as further support for developing the institute of public hearings in practice, through development of guidelines for

³³ To review the Inter-Parliamentary Union publication see: Vukadinović, S., *Parlament i demokratija u XXI veku (Parliament and democracy in the twenty-first century)*: David Beetham, *Parliament and democracy in the twenty-first century - A guide to good practice*, Inter-Parliamentary Union, Geneva 2006, pp. XII+215, Heretikus, no. 4/09, Centre for Advancement of Legal Studies, Belgrade, 2009, p. 309-319.

public hearings (especially for those organized in the legislative procedure or for carrying out the NA's scrutiny function)

- d. Further support for developing the newly established relations between the National Assembly and the independent state bodies, in terms of detailed regulation of their relations, regulation of the contents of their reports submitted to the NA, the procedure for reviewing the reports in the NA as well as including the independent state bodies in the process of adopting legislation which is under their authority.

9. LESSONS LEARNT

.....

- 1.** Setting up the project team office in the premises of the National Assembly contributed significantly to advancing the relationship between the UNDP and the national partner, as well as to better, simpler and faster communication and thus to a more efficient implementation of the project activities. In addition to facilitating direct contact with the users, using the premises of the Assembly for project teamwork considerably reduces the office costs in the project budget.
- 2.** The decision that the national project director would be the Secretary General of the National Assembly contributed significantly to the greater efficiency of the project implementation, as the NA Secretary is simultaneously the head of the National Assembly Service and practically responsible for all the operational and organisational activities in the National Assembly, thus being able to make decisions directly on the meetings of the Project Board.
- 3.** The use of the official communication channels of the National Assembly (the national project director sends out information, invitations, notices) significantly contributes to an increased level of user attention, their proactive approach and greater response to and participation in the project activities.
- 4.** The politically neutral approach of the UNDP, the appreciation of the official communication channels, an excellent project concept, responsible implementation, the inclusion of the national partner in the decision making procedures during the project implementation, as well as the implementation of a part of the project through national procedures, resulted in recognising the UNDP as a quality and reliable partner – the most preferred for cooperation of all international organisations and other international partakers. This is supported by the fact that only the UNDP (out of all the international organisations that have projects in Serbia directed towards parliamentary development) had its office in the Assembly building. This approach to the national partner and excellently established relationship opened the National Assembly's door to other UN agencies (UNHCR, UNICEF)
- 5.** Holding conferences and consultation workshops in the premises of the National Assembly contributes to a better response from the officials, as it does not require the dislocation of the NA Service, and creates savings in the project budget.

6. Organising a number of workshops allows participation of more deputies, who find it difficult to plan their activities due to numerous obligations.
7. The selection and engagement of an agency for travel arrangements relieved the burden from the project team regarding the issues of transport and accommodation when providing support for the organisation of the sessions of the NA commissions held away from the NA's seat and to the study visit abroad.
8. Recognising the sessions of the NA commissions held away from the NA's seat as an efficient mechanism for the Assembly to perform its supervisory function, resulted in the assignment of funds for their implementation in the Assembly budget for 2012 by the National Assembly (this has not happened before).
9. Organising a study visit so that the deputies and officials employed in the NA Service can jointly participate in education is a good solution as it contributes to the NA's capacity building and teamwork. The deputies interviewed during the evaluation pointed out that teamwork is necessary for the deputies and employees who provide them with professional support and that future education should be organised jointly for both these target groups.
10. It seems that the formulation of the second project outcome: "The presentation of the supervisory processes used by other parliaments to the deputies and Assembly service" did not reflect the essence of this outcome in the most adequate manner. This formulation rather indicates one of the project activities that should contribute to establishing institutional cooperation between the National Assembly and the independent state bodies in terms of having the bodies submitting their reports to the National Assembly and that the submitted reports are considered in the sessions of the NA commissions. Thus, it seems that it would have been more appropriate if the second project outcome was formulated, for example, as follows: "Support for establishing institutional relationships between the National Assembly and the independent state bodies for the purpose of submitting the reports of these bodies to the National Assembly and their consideration at the sessions of the NA commissions". This formulation expresses the real outcome that the project activities lead to: (1) With the alterations of the NA Regulations, a separate legal framework was created that regulated how to submit the reports of the independent state bodies to the National Assembly and how they are treated by the NA; (2) In practice, the commissions of the National Assembly really considered these reports at their sessions, which were participated by the representatives of the independent state bodies (see more in the section: Evaluation Findings - Efficiency Criteria).
11. It would be useful if the UNDP, in the next evaluations, informs the stakeholders in a timely manner that the evaluation will be conducted and when, in order to prevent the waste of a great deal of time for the evaluator on organisational and technical issues.
12. Establishing coordination with other international organisations and non-governmental organisations that have projects in Serbia directed towards

parliamentary development contributes to transparency, avoiding overlapping, mutual complementing, as well as the joint organisation of common project activities, for the sake of savings.

- 13.** For the purpose of having more deputies in the workshops, it is necessary to inform using as many different ways as possible (written notifications, through deputy groups, through the presidents of deputy groups, direct e-mails, officers/secretaries in deputy groups, secretaries of the NA commissions etc. (lobbying)).
- 14.** To ensure gender equality when establishing the composition of the participants of study visits.

APPENDICES

Appendix 1 Evaluation Table

Criteria /Sub-criterion:	The questions that should be included in the evaluation	What to look for	Information sources	Data collection methods
Relevancy	Is the project relevant for national priorities and the users' needs?	Are the planned outcomes an adequate response to the real needs of the users?	Project document, stakeholders	Examination of the project documentation, interviews
	Is the project (relevant) within the UNDP mandate?	Were the planned outcomes harmonised with the CPD and UNDAF documents for the Republic of Serbia?	Project document, CPD i UNDAF za Republiku Srbiju	Examination of the project documentation
	Was the National Assembly involved in setting up the project activities during the project preparation phase?	Setting up the project activities (Did the NA express their interest in setting up the project activities?)	NA: Secretary General, deputies, employees of the NA Service; UNDP; Project team	Interviews

Criteria /Sub-criterion:	The questions that should be included in the evaluation	What to look for	Information sources	Data collection methods
Effectiveness	Has the planned outcome 1 (the institutionalization of public hearings) been achieved?	Has a legal framework regulating public hearings been created? Consultation workshops: the number of employees of the NA Service and the number of deputies who participated. Did the NA organise and hold public hearings? How often (the number of public hearings held)? What was the response of the invited participants?	The Law on the National Assembly, the Regulations of the National Assembly, the minutes from the commissions' sessions, the final project report, information from the public hearings, the reports,	The examination of the project documentation, the interviews
	Did the project develop recommendations for the treatment of the independent state bodies' reports that were delivered to the Assembly?	Do the independent state bodies submit their reports to the NA? Is the NA ready to consider them? (presentation of the supervisory mechanisms used in other parliaments to the deputies and employees of the NA Service: recommendations, publications? the study visit and workshops, the number of sessions of the commissions and public hearings in the NA that the representatives of the independent state bodies participated in)	The registration participants lists, the report on the study visit	The examination of the project documentation, the interviews with the deputies, the secretaries of the NA commissions, and the representatives of the independent state bodies
	Has the planned outcome 3 (support for deputies in their contact with citizens at the local level) been achieved?	The number of sessions of the NA commissions held away from the NA's seat (at the local level), the number of the participants (deputies, citizens), the satisfaction of the citizens	The final project report, the minutes of the feedback on the sessions of the commissions received from the citizens	Examination of the project documentation, interviews with the deputies and the secretaries of the NA commissions
	Did the National Assembly take part in the decision making procedure during the project implementation?	The selection of the participants for the study visit; the selection of topics > Did the participants express an interest in the selection of topics (during the study visit)?	The report on the study visit, feedback received from the participants, deputies and secretaries of the NA commissions	Examination of the project documentation, interviews secretary general, participants (deputies and secretaries of the NA commissions), UNDP; project team

Criteria /Sub-criterion:	The questions that should be included in the evaluation	What to look for	Information sources	Data collection methods
Efficiency	What is the relationship between the project budget and the project outcomes?	Could the implementation of project activities achieve the same effects with lower costs?	Other projects, other donors	Examination of the project documentation, comparison
	Was the budget changed during the project implementation?	How did it influence the project results?	Memo of the secretary on the budget revision	Interviews
	How were the decisions made? How did it influence the project results?	Was there a project board and was it operational/efficient etc. Project management; is the project manager satisfied with the compliance with the budget and avoiding risks?	Project team	The examination of the project documentation, the interviews

Criteria /Sub-criterion:	The questions that should be included in the evaluation	What to look for	Information sources	Data collection methods
Sustainability	Were the activities continued after the project's completion? Do the independent state bodies submit reports to the National Assembly (the relevant commission) after the project's completion?	Did the NA create a modality of considering the reports of the independent state bodies after the project's completion? Does the NA consider the reports of the independent state bodies after the project's completion? Do the representatives of the independent state bodies participate in the sessions of the NA commissions held away from the NA's seat and the public hearings after the project's completion? Do the independent state bodies submit reports to the NA after the project's completion?	Evaluation surveys, feedback received from the deputies and secretaries of the NA commissions	Interviews with the deputies
	To what extent did the support for the institutionalization of public hearings contribute to the National Assembly organising public hearings as a regular activity?	Did the project produce only a temporary or a long-term increase in public hearings in the National Assembly? Are many public hearings held after the project's completion? Is the register of the NGO representatives established, which is used by the secretaries of the commissions for inviting witnesses	Secretaries of the NA commissions and NGO representatives	Interviews
	Has the capacity of the employees of the NA Service increased in regard to organising the sessions of the NA commissions away from the NA's seat?	Has the capacity of the appointed officials been increased? Can they now organise the sessions of the NA commissions away from the NA's seat easier and better than at the beginning of the project / do the deputies have an interest in holding more sessions of the NA commissions away from the NA's seat and to establish contact with the citizens at the local level	Evaluation of the sessions of the NA commissions held away from the NA's seat	Interviews with the secretaries of the NA commissions, reports, minutes

UN VALUES PROMOTION FROM THE HUMAN DEVELOPMENT ANGLE

Criteria /Sub-criterion:	Issues to be included in the evaluation	What to look for	Information sources	Data collection methods
Support for the policy of dialogue on the issues of human development	Would it be possible to say that public hearings in the National Assembly support the policy of dialogue on human development issues?	Topics, the quality and relevancy of the public hearings.	The minutes of the sessions of the NA commissions, information on the public hearings, reports; deputies who participated	Examination of the project documentation; interviews
	Has the project increased the quality of debate and feedback from citizens?	The citizens' perception of the parliamentary system has improved and the integrity of the deputies increased	Feedback from the participants, minutes of the sessions of the NA commissions, final project report	Examination of the project documentation; interviews
	Did the secretaries of the commissions set up a network of civil society organisations that would be called as witnesses?	Does the project involve the citizens in public discussions and debates on public policy issues?	Feedback from the participants, minutes of the sessions of the NA commissions, final project report	Examination of the project documentation; interviews
Support for gender equality	Was special attention given to ensuring the equal participation of men and women in the consultation workshops for the employees of the NA Service?	The number of women and men who participated in the consultation workshops for the employees of the NA Service	The registration lists of participants in the consultation workshops for the employees of the NA Service, minutes	Examination of the project documentation; interviews
	Was special attention given to ensuring the equal participation of men and women in the consultation workshops for the deputies?	The number of women and men who participated in the consultation workshops for the deputies	The registration lists of the participants in the consultation workshops for the deputies, reports, minutes	Examination of the project documentation; interviews
	Was special attention given to ensuring the equal participation of men and women in the study visit?	The number of women and men who participated in the study visit	The report on the study visit of the deputies, the employees of the NA Service and the representatives of the independent state bodies to the UK Parliament	Examination of the project documentation; interviews

Criteria /Sub-criterion:	Issues to be included in the evaluation	What to look for	Information sources	Data collection methods
Equality issues (social inclusions)	Did men and women who belong to marginalised groups express their needs during the public hearings and sessions of the commissions away from the NA's seat?	Representation / social inclusion	Information, minutes, reports	Examination of the project documentation; interviews
	Did the various stakeholders participate the public hearings?	Representation / social inclusion	Information, minutes, reports	Examination of the project documentation; interviews
	Did the various stakeholders participate in the sessions of the commissions away from the NA's seat?	Representation / citizens' participation	Information, minutes, reports	Examination of the project documentation; interviews

Appendix 2 Stakeholders List

1. National Assembly of the Republic of Serbia
 - a) Deputies
 - b) Secretary General and Deputy Secretary General
 - c) Employees of the National Assembly Service
2. UNDP Office in the Republic of Serbia - Project Team
3. Independent state bodies
4. National consultants and experts
5. International partakers (other international organisations and donors)

Appendix 3 Examined documentation list

1. Project Document
2. Common Country Assessment (CCA) 2009
3. UN Development Assistance Framework for the Republic of Serbia (UN-DAF), 2011-2015 / UN Country Partnership Strategy for the Republic of Serbia, 2011-2015, June 2010
4. CPD 2005-2010 and CPD 2011-2015
5. Final Report
6. Report: Study visit to the UK Parliament for Serbian MPs, Parliamentary Staff and Independent Bodies (November 3-6, 2009), Report Author: Boris Camernik
7. Evaluation report: Consultative workshops for NARS staff and MPs
8. Project Accomplishments A list July 2009
9. DGTTF Mid-term report 2009
10. Agenda Conference Parliament and Independent bodies 26 /27Nov09

- 11.** Govor Sekretar.doc / The Secretary's Speech
- 12.** Speech of the Vice-president – NARS Conference 26/26 Nov 09
- 13.** Speech of the Conference President
- 14.** Concept - National Assembly and Independent State Bodies Conference 26/26 Nov 09
- 15.** Speech of N. Novaković
- 16.** Parliamentary Conference draft concept note2 UNDP Serbia Oct09
- 17.** Registration participants' list for the consultation workshop of the seminar on public hearings, held on 06.07.2009.
- 18.** Registration participants' list for the consultation workshop of the seminar on public hearings, held on 07.07.2009.
- 19.** Registration participants' list for the consultation workshop of the seminar on public hearings, held on 08.07.2009.
- 20.** Registration participants' list for the consultation workshop of the seminar on public hearings, held on 09.07.2009.
- 21.** Registration participants' list for the consultation workshop of the seminar on public hearings, held on 14.07.2009.
- 22.** The session of the Commission for Judiciary held away from the NA's seat
- 23.** Information on the public hearings on the Draft Bill on Alterations and Amendments to the Law on the Election of the Deputies, held on 21 April 2011
- 24.** Participants list of the public hearing on the Draft Bill on Alterations and Amendments to the Law on the Election of the Deputies, held on 21 April 2011
- 25.** National Assembly of the Republic of Serbia and Independent Bodies – Materials from the Conference, Belgrade, 2009, ISBN 978-86-7728-125-0
- 26.** DGTTF Project Board Meeting minutes 08062009
- 27.** Project Board meeting minutes 1
- 28.** Project Board Mtg 26.03.10
- 29.** Project Board Minutes 291210 signed
- 30.** Project Board Minutes 130511 signed
- 31.** Final_Agenda_Public Debate_NARS 1819 June
- 32.** Conclusions and recommendation from the public hearing on topics of importance for drafting the bill on the National Assembly and the proposal of the Regulations of the National Assembly
- 33.** The relationship of the National Assembly of the Republic of Serbia with the independent state bodies and the realisation of its supervisory role
- 34.** COE Report from the public hearing-TM-June 2009
- 35.** S. Orlović Report 1
- 36.** V. Petrov Report Organisation NARS
- 37.** UNDP Serbia DGTTF Annual Project Report (APR) 2010
- 38.** Report on the Work of the Commissions 2007
- 39.** Report on the Work of the Commissions 2009
- 40.** Report on the Work of the Commissions 04-06
- 41.** Report on the Work of the Commissions 2011.6.08 to 2011.6.09.
- 42.** Commissions in the field and public hearings
- 43.** Commissions table 4 final

44. Commissions table 3
45. Memo to the secretary on the budget revision, 5.11.10.
46. Comparative analysis of the parliaments that represent the most effective and efficient models for relationships with regulatory bodies for the purpose of organising the study visit
47. Evaluation report.docx
48. Lessons Learnt_public hearings, compiled.docx
49. Public hearings consultative workshops report_ENG.doc
50. National Assembly Bulletin
51. Constitution of the Republic of Serbia
52. Law on the National Assembly
53. Strengthening the Accountability of the National Assembly of the Republic of Serbia
54. National Assembly Regulations
55. The Law on Confirming the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data (SRY Official Gazette - International Treaties, no. 1/92, Official Gazette of Serbia and Montenegro - International Treaties, no. 11/05 - state law and RS Official Gazette - International Treaties, no. 98/08 - state law and 12/10).
56. National Assembly website
57. UNDP Office in Serbia website
58. Anti-Corruption Agency website
59. State Audit Institution website
60. Commissioner for Information of Public Significance and Personal Data Protection - website
61. Commissioner for the Protection of Gender Equality - website
62. Ombudsman website

Appendix 4 Interviewed interlocutors list

I) NATIONAL ASSEMBLY³⁴

1. Mr Nikola Novaković, deputy, vice-president of the National Assembly
2. Mrs Nada Kolundžija, deputy, member of the Commission for Constitutional Issues
3. Mr Paja Momčilov, deputy, president of the Commission for Health and Family
4. Mrs Mirjana Radaković, assistant to Secretary General
5. Mrs Sanja Pecelj, secretary of the Gender Equality Commission and Commission for the Reduction of Poverty
6. Mrs Božana Vojinović, secretary of the Commission for Health and Family
7. Mrs Žužana Sič Levi, secretary of the Commission for Labour, Veterans' and Social Issues
8. Mr Aleksandar Đorđević, secretary of the Commission for European Integrations

³⁴ The interviews planned with: Mr Veljko Odalović (Secretary General, National Project Director), Mr Mladen Mladenović (Deputy of Secretary General) and Mr. Boško Ristić (president of the Commission for Judiciary and Administration) could not be conducted due to the busy schedules of the interlocutors in the period of conducting the interviews (23.12.2011 - 13.01.2012) despite many attempts.

II) UNDP

- 9. Mrs Jelena Manić, programme analyst
- 10. Mrs Biljana Ledeničan, project manager
- 11. Mrs Jelena Macura, programme associate

III) INDEPENDANT STATE BODIES

- 12. Mr Rodoljub Šabić – Commissioner for Information of Public Significance and Personal Data Protection
- 13. Mrs Zorana Marković – director of the Anti-Corruption Agency
- 14. Mr Robert Sepi – assistant to the secretary general of the Ombudsman

NATIONAL CONSULTANTS

- 15. Mr Boris Čamernik – consultant
- 16. Mr Vladan Petrov, visiting professor of the Law Faculty of the University in Belgrade

OTHER INTERNATIONAL ORGANISATIONS

- 17. Mrs Aleksandra Tekijaški – project manager of the parliamentary programmes of various organisations (CoE, USAID)

