

eGovernment Services in Bosnia and Herzegovina

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During war years (1992–1995) in Bosnia and Herzegovina development of information society and usage of information and communication technologies (ICT) were halted whilst expansion of the ICT recorded the highest figures in the whole world. As result, Bosnia and Herzegovina (B&H) society is at bottom line regarding the development and usage of IC technologies.

Post-war development of the information society has not been following world trends because of the complexity of B&H constitution that limits development on many B&H segments including the ICT.

Basic prerequisites for further development of ICT have been established through state-level adoption of documents covering the Policy, Strategy and Action plan for the development of the information society in B&H for the period 2004 – 2010.

According to several analysis reports on this sector published by WEF, UNDP, the Secretariat of eSEE, telecomm operators and other institutions, wherein world standards have been taken as reference, the basic ICT infrastructure in B&H is rather well developed what makes suitable environment for development.

In the post-war development of the B&H information society the international community has provided substantial support through its' organizations including UNDP, USAID, EC and others.

Through increased engagements of all relevant players, through adopted legal framework and through the framework to be adopted substantial improvement in the development of the B&H ICT can be expected.

Povzetek: Članek podaja pregled storitev e-uprave v Bosni in Hercegovini.

1 Introduction

In order not to remain aside of the global changes, which include establishment of a contemporary information society that is based on intensive application of knowledge and information as well as usage of IC technologies in everyday life, and respecting experience of other countries, Bosnia and Herzegovina has adopted policy and strategy that are going to be the basis for development of information society as key guidelines.

The policy of B&H information society development represents basic- and framework document that is going to be a basis for creation of new legislation, rules and other legislation acts as well as the basis for making of further decisions on development direction, action plans and priorities at the levels of B&H state and entities.

The policy defines strategy of information society development regarding specific development areas such as ICT industry, eBusiness, eHealth, eGovernance,

eLegislation, information society and sustainable development.

In November 2005 the B&H Council of Ministers adopted the Policy, Strategy and Action plan of the information society that is composed of five development pillars for the Legal infrastructure, eEducation, eGovernance, ICT infrastructure and ICT industry. The strategy covers 2004 – 2010 period and represents conceptualization of needs and commitments expressed in the Policy of the B&H information society development, as well as the methods to achieve them. The strategy offers understanding of the methods to be used so as to accomplish commitments defined in the B&H information society development strategy.

Each of the five development pillars is shown in the Strategy as well as a brief description of the current state, basic strategic guidelines to achieve the vision and

specification of concrete actions to be taken respecting the strategic guidelines.

The Action plan has been adopted whereby the plan describes specified actions as well as progress tracking indicators.

The achieving of goals as defined in the Policy, Strategy and Action plan does not record dynamics desired.

The basic problems are reflection of complicated composition of the B&H state that is composed of two entities and district area. In the state there is a three level structure with 14 parliaments: one at state level, two at entity level, one at district level and 10 parliaments at canton level. At various level individual issues get solved and a legislation procedure has to be carried out at all levels. Such approach mostly slows down establishing of the legal environment for efficient realisation of the Strategy for B&H information society. An example of this kind of obstacles the Act on the agency for the B&H information society can be mentioned because though it has been in procedure for adoption for three years the final proposal of the Act still has not been brought up yet. Basic tasks of the Agency are: strategic planning, standardization and coordination, and organizing of the environment to realise adopted Policy, Strategy and Action plan for the B&H information society development in the 2004 – 2010 period.

2 B&H Legal framework for information society

According to constitution the B&H state has the legislative power bodies and the Parliament embodied in the Council of ministries that has governmental competences. The state is composed of two entities where one of them is the Federation of Bosnia and Herzegovina (B&H F) entity composed of ten cantons where each canton has its parliament and government. The other entity is the Republika Srpska (RS) that has its Parliament and Government. In the state there is the Brčko District that has its Parliament and Government.

Existing competencies of the B&H Council of Ministries are set as a framework; however, they are sufficiently broad basis for decisions making and work of the B&H common institutions. Moreover, the B&H common institutions competencies covering various social and business areas and expected to broadened.

It can be justified assumption that in a foreseeable time the cooperation of the Council of Ministries, law enforcement- and legislative power bodies of entities, the B&H F, RS and Brčko District, and vice versa. Besides others, the requests of the environment are directed towards more efficient functioning of institutions at all levels throughout the state. One of the basic prerequisites to suite this request is that number of decision making levels should be reduced, both in terms of the legislative power and in terms of the governance.

In terms of geography, economy and industry, in terms of the population density and migration, Bosnia & Herzegovina cannot afford existence of legislative power at the levels of the state and its' entities, district and ten

cantons. The aforementioned has resulted with the existence of the legislations and rules at levels of cantons, entities, state level as well as the existence of the “roof” legislation that the basis for the entity legislation covering individual areas.

Overcoming of this problem is prerequisite to access regional and other integrations; the only way to overcome these problems is strengthening of the legislative power at the state level. This is particularly important for the area of usage of IC technologies because their usage does not allow barriers of this nature and of these kinds.

Bringing up of the state level rules became important in 2002 when many state level acts, which are important for these matters, were enacted. It is particularly worth mentioning a set of positive rules, which cover ICT issues related to the need for introducing basic registries and which are related to the application of the ICTs in various work and living areas that encompass some of 20 basic G2C and G2B public services.

Existing state of the eLegislation in the legal system of Bosnia and Herzegovina

Legal framework in B&H legal system is currently not developed and it is not sufficient for employing of the ICTs on a large scale. Establishment of adequate legal framework at the state level for the eLegislation is the basic prerequisite to achieve the goal called information society entering.

Particular themes could be acts and rules that request application of the ICT as an indispensable prerequisite, where the act enforcement presumes that that the ICT is used in governance bodies, both in state and in companies. Enacting rules and regulations and getting them enforced is a slow process. Additionally, some acts are not harmonized: for instance the Act on public listed companies of B&H F defines that the shares are to be issued in electronic form and that they have to be registered at the Registry of bonds and shares. However, this has not been directly implemented in the Act on the registry of bonds and shares. This is an illustration of the need for compulsory usage of the ICT for registering of data and tracking of changes of individual bonds and shares. There is a practice that the act enforcement gets multiply postponed because of lack of prerequisites for their application.

The legal frame for eLegislation does not exist at any level of B&H state organization. There are just acts and regulations for some areas (for instance banking) what cannot be considered as sufficient in any way. The aspects of the ICT usage are just one segment of the eLegislation. eLegislation building is the building of a special pillar for the needs of the information society. The eLegislation should be a means for building of consistent legal framework at the state level that is going to be a basis for the implementation of all five pillars what should enable joining of the B&H to the information society.

3 eGovernance

Generally considered the eGovernance describes processes being performed between governments at one- and citizens and businesses at other side even in case when performed partially using the ICT. The term “eGovernance” is understood as a communication between the citizens and government institutions. This kind of communications is presented with abbreviation G2C (government to citizen). eGovernment is used for communication between business and government a well known acronym G2B, The processes can be performed through the Internet, dial-up phone or any other ICT infrastructure that is suitable for communication. Regarding citizens one of the requests on the eGovernance systems is to make the processes more efficient by using the ICT.

Reform of Public Governance institutions and introduction and employing of state-of-art technologies is one of priorities within the building and functioning of the B&H governance system. Respecting the economy and political environment changes and respecting the reorganization of the whole structure of the governance and management, the basic intention of this reform is to determine essentially newly positioned organization and tasks of the public governance institutions so as to ensure faster and less expensive, and better services to the citizens. The reorganization of the managing system structure should be performed so that it provides support to the expected changes that provide more viable and more contemporary vision of the B&H future.

It is important to stress the difference between the terms eGovernment and eGovernance. The term eGovernment is more related to technical solution providing more efficient and transparent operation of the government bodies by using ICT whereas the term eGovernance is related to overall process often including reengineering of the business processes as well as a reform that is more deeper than just introducing of the IC technologies in the work of the governance bodies and government. The transition process and introducing of the eGovernment in B&H should be considered as an evolutionary process in which there are periods of fast changes and standstills that are necessary to understand the changes and to be implemented.

Should Bosnia and Herzegovina be associated to the European Union by 2010 it will have to carry out reforms in public governance institutions and will have to switch to the eGovernance concept.

Public administration provides services to citizens in 146 municipalities, 2 entities, in Brčko District and at the level of B&H state. At each level there are problems with administration work, such as follows:

- The acts are adopted by 14 parliaments (in some segments conflicting),
- Administration does not operate according to European standards,
- Principles and practice at the level of a municipality or a canton are different from principles adopted in other municipality, canton or B&H F,

- Lack of transparency regarding to work and finance matters,
- Tendency to unify and to connect databases is poorly pronounced (some projects at the level of B&H, for instance CIPS, DGS, Customs and others are exceptions),
- There is neither horizontal nor vertical electronic communication,
- Various operating systems, application and database systems because no hardware and software policy and standards have been adopted,
- There is no global plan for introducing information technologies in the state administration,
- Existing system operate autonomously - as islands so that they cannot provide citizens with information,
- Partly outdated equipment does not enable suitable networking,
- Usage of state of art communication (such as video conferencing, email etc.) is at minimum
- Web-pages of the public administration provide citizens with not many services, only not frequently updated information, they rarely include forms that can be printed locally,

In essence the eGovernance concept does not function.

According to Europe 2002 indicators there are four phases of the development of eGovernance services:

Phase 1 – information. One-way services to citizen, such as reports and on-line documents.

Phase 2 – one-way interaction. Web portals offering possibility to print forms and other documents directly from the web. Usually there is an option for so-called download forms.

Phase 3 – Two-way interaction. Public web portal enables citizens to electronically submit request to the Government by using web or e-mail.

Phase 4 – complete electronic data processing. Complete communication with the government officials goes through the ICT. The request tracking system operates electronically and there is no exchange of paper form documents throughout the process.

Besides the aforementioned “0 phase” has been introduced. It describes absence of any form of the eGovernance. This phase includes eGovernance having portal but its’ content does not provide any relevant information.

According to the World Economic Forum classification of the government on-line services, Bosnia got 2,12 point mark (maximum is 7, Singapore) ranking it as 71st of 104 countries.

By now in Bosnia and Herzegovina there has not been a study of this kind; however, there are indications that most government institutions are in phase 0, and only few are in phase 1 of the eGovernance development. The Sector Status Report from 2004 reads that only 61% of the government institutions have access to the Internet. With support of international organizations, in the last several years some portals offering more than just static information have been developed, for instance the register of vehicles.

| Public Services for Citizens | |
|---------------------------------------|---|
| 1. | Income taxes: declaration, notification of assessment |
| 2. | Job search services by labor offices |
| 3. | Social security contributions: a) Unemployment benefits, b) Family allowances, c) Medical costs (reimbursement or direct settlement), d) Student grants |
| 4. | Personal documents: a) passport, b) driver's license |
| 5. | Car registration (new, used and imported cars) |
| 6. | Application for building permission |
| 7. | Declaration to the police (e.g. in case of theft) |
| 8. | Public libraries (availability of catalogues, search tools) |
| 9. | Certificates, request and delivery: a) birth, b) marriage |
| 10. | Enrolment in higher education / university |
| 11. | Announcement of moving (change of address) |
| 12. | Health related services (e.g. interactive advice on the availability of services in different hospitals; appointments for hospitals.) |
| Public Services for Businesses | |
| 13. | Social contribution for employees |
| 14. | Corporation tax: declaration, notification |
| 15. | VAT: declaration, notification |
| 16. | Registration of a new company |
| 17. | Submission of data to statistical offices |
| 18. | Customs declarations |
| 19. | Environment-related permits (incl. reporting) |
| 20. | Public procurement |

According to suggestions of the eEurope and eEurope 2005 standards development of eGovernance is evaluated through development of 20 public services (see table above).

By now there has been no official analysis of eGovernance state for these services; however, it can be concluded that there is no service offered completely through the eGovernance. The Agency for Public Administration partially offers job search on-line through portal. The ongoing projects carried out for agencies for employment in entities will offer job-search services and processing of unemployment compensation whereby both services are going to be fully integrated and will be categorized as phase 3 of the eGovernance. National University library develops integrated overview of individual library funds.

Respecting the B&H information strategy development some activities are being carried out to solve C2G and B2G requests for many services. At this moment (2007) the realizations of individual services are at different level of implementation: from initiation-, mobilization-, development, over implementation to project exploitation phase. Most of the authorized institutions have their web sites with basic information for citizens and other parties interested in, as well as for publishing of rules and regulations related to individual areas.

Because of government specific structure and because of specific state organization, so as to provide these 20 services it will be needed to adjust solutions to suite specific environment. The experiences in the region can be useful but cannot be cloned in B&H what requires an additional effort to realise specific public services.

4 Conclusion and future

The vision of the new state of eLegislation is coherent employment of project solutions because the current state of eLegislation is such that eLegislation scope is neither defined nor regulated through legislation. Coherent employing application of project solutions represents the vision of the new state of eLegislation. Enacting of necessary rules and regulations, as well as amendments to the acts already enacted is one of prerequisites for a new state of eLegislation. Adequate monitoring, user training, setting up of adequate organizational eGovernance bodies at the levels of state and eventually at the level of entities are additional prerequisites. Establishment of a separate body at the state level will be indispensable if project defined goals are to be achieved.

The B&H legal system changes that are going to be indispensable are as follows:

- Defining of law of legislation at the state level, and at entity levels and harmonizing them with the state level legislation.
- Reduction of decision making levels,
- Harmonization of the current legislation rules with the new eLegislation,
- Setting up of organization for education, monitoring and all other post project activities.

Which steps are necessary for new state of eLegislation?

In the first phase this should be completion of existing project activities related to the strategy and action plan as follows:

- ICT infrastructure,
- ICT industry,

- eEducation,
- eGovernment and
- eLegislation

as a legal framework for previously mentioned project activities. All these steps are going to set up the basis for information society entering in a foreseeable time period. Essentially, they can be divided in the following phases for the period of eLegislation project performance:

- Production of new legal rules and regulations,
- Monitoring and
- Education.

Post project period is going to be performed in phases as follows: implementation, continual monitoring and education.

Time milestones given in the Strategy and Action plan should be revised and modified in accordance to the real situation.

The second phase should coincide with the whole process cycle of project and with other activities related to information society entering.

The rules and legislation to be enacted and amended can be found in the Strategy for B&H information society development, eLegislation chapter.

Strategic directions and guidelines for work related to the eGovernance are shown in details covering specific areas of work and development identified in the Policy of the B&H information society development. The areas are as follows: re-engineering of the governance, technology-development basis, infrastructure, interoperability of organizational units, fundamental registries, security, common functions of the governance bodies, special functions per organizational units of the governance bodies, eDemocracy, eServices, portals and access points.

The goal is to identify all fundamental problems, key prerequisites and tasks for organized and systemic development of the eGovernance and to identify the projects that would enable the fastest realisation of the eGovernance concept. The following issues should be emphasized: fundamental (research and development) projects, project that would provide maximum return on investments, basic services as planned by the European Union, as well as other services and functions which would be useful if implemented at the first phase of implementation. For each area it is necessary to follow respective worldwide trends and experiences, goals to be achieved, as well as direction of work with necessary tasks so that the goals can be achieved. Besides identifying the technical and technological issues, and identifying the services that should be fully automated it is necessary to provide coordination of local- and higher levels activities whereby the authorization and autonomy of local level governance institutions has to be respected to maximum, and it should provide horizontal networking of organizational units (for instance association of the municipalities and cities in Bosnia and Herzegovina in the eGovernance Development Forum) and it should provide coordination and development of the introduction of eGovernance in each organization unit of governance institutions (governments, municipalities).

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