Decision Enacting the Law on Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall "Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation";

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid "by making binding decisions, as he judges necessary" on certain issues including (under sub-paragraph (c) thereof) measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

Recallingthe importance which the international community has attributed to the Law on Civil Service in the Institutions of Bosnia and Herzegovina as part of establishing the rule of law and reinforcing the common institutions in Bosnia and

Herzegovina;

Noting by way of example of the said attribution, the priority given by the Peace Implementation Council at its meeting held in Madrid on 16 December 1998 to the creation of a professional and apolitical civil service as a vital component of any effectively functioning state; and noting further the full support it expressed for the High Representative's determination to strengthen the common institutions by working with the Bosnia and Herzegovina authorities to provide for a professional and politically independent civil service in governmental institutions of Bosnia and Herzegovina;

Recallingthat the Law on Civil Service in the Institutions of Bosnia and Herzegovina, was adopted by the Parliamentary Assembly of Bosnia and Herzegovina on 3 July 2002 (Official Gazette of Bosnia and Herzegovina, 12/02), and recalling further that this law foresees a period of three months for the external advertisement of a civil service vacancy and a period of one month for internal advertisement;

Considering that experience has shown that efficiency requires shorter periods to be provided for which will nevertheless enable potential returnees to have the opportunity of becoming civil service candidates;

Conscious of the needto facilitate an open, transparent and rapid selection and recruitment process for all civil servants in governmental institutions of Bosnia and Herzegovina.

Having considered and borne in mind the totality of the matters aforesaid, the High Representative hereby issues the following

DECISION

Enacting the Law on Amendments to the Law on Civil Service in

the Institutions of Bosnia and Herzegovina

The said law shall enter into force as a law of Bosnia and Herzegovina, with effect from the date provided for in Article 4 thereof, on an interim basis, until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts this Law in due form, without amendment and with no conditions attached.

This Decision shall come into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina, Official Gazettes of the Entities and the Official Gazette of District Brcko.

Sarajevo, 13 March 2003
Paddy Ashdown
High Representative

Law on Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina

The Law on Civil Service in the Institutions of Bosnia and Herzegovina shall be amended as follows:

Article 1

In Article 20.2 the words “one month” shall be replaced by the words and numerals “twenty (20) days”.

Article 2

In Article 21.2 the words “three months” shall be replaced by the words and numerals “thirty (30) days”.

Article 3

In Article 63.4 a) the words “three months” shall be replaced by the words and numerals “thirty (30) days”.

Article 4

This Law shall come into force on 13 March 2003.