

Decision appointing Mr. Jakob Finci to the position of first Head of the Civil Service Agency

In the exercise of the powers vested in me 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”:

Recalling the importance which the international community has attributed to the adoption of a 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 adopt a Law on Civil Service in the Institutions of Bosnia and Herzegovina which would provide for the selection, management, career progression, compensation and social benefits of public employees in a such a way as to foster professionalism and political independence;

Recalling that the adoption of such law as aforesaid was a requirement referred to in the Road Map of the European Union for Bosnia and Herzegovina and its adoption was an obligation of Bosnia and Herzegovina to meet EU guidelines;

Noting that the Law on Civil Service in the Institutions of Bosnia and Herzegovina which is the subject of a further High Representative Decision on date hereof foresees the establishment of the Civil Service State Agency as an independent body competent for recruiting and dismissing civil servants, deciding upon disciplinary sentences, training civil servants and preparing all necessary legislation;

Noting that the Head of the Agency will be responsible for the establishment of the Civil Service Agency and the overall implementation of the Civil Service Law;

Taking into account consultations conducted with the Council of Ministers of Bosnia and Herzegovina;

Conscious of the highly important task which the said Head of the Agency will face in establishing the said Agency

In the knowledge of the high esteem in which Mr. Jakob Finci is held throughout Bosnia and Herzegovina.

Having considered and borne in mind all the matters aforesaid, I hereby issue the following

DECISION

1. I hereby appoint Mr. Jakob Finci to the position of first Head of the Civil Service Agency.

2. This appointment shall take effect from the date on which the law on Civil Service in the Institutions of Bosnia and Herzegovina comes into force and shall last for a period of two (2) years or until otherwise provided by me.

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina, in the Official Gazette of the Federation of Bosnia and Herzegovina and in the Official Gazette of Republika Srpska.

Sarajevo, 23 May 2002

Wolfgang Petritsch

High Representative