High Representative Imposes Package to Strengthen Democracy and the Rule of Law

The High Representative today issued a package of decisions in order to strengthen democracy and the rule of law in Bosnia and Herzegovina. The decisions include the promulgation of the Civil Service Law and the establishment of an independent Civil Service Agency, the promulgation of the Law on Conflict of Interest and the establishing of independent police commissioners in the Cantons of the Federation of Bosnia and Herzegovina. These decisions will provide for a further deepening of the separation of powers, as well as making public service more professional and citizen-friendly. These principles are at the core of every democratic society, the High Representative stated.

· The Law on Civil Service and the Civil Service Agency will be the basis for a professional and merit-based civil service that provides expertise and professional continuity in accordance with best European practice. This will serve the citizens of Bosnia and Herzegovina to the best of its ability without being subject to political interference. The implementation of this Law will introduce European standards and models to public administration, bringing the country another step closer to European integration.

The High Representative also established the Civil Service State Agency as an independent body which will decide upon the recruitment and dismissal of civil servants, the review process of existing employees, the training and the enactment of all necessary legislation will fall under its competency. As the Head of the Agency, who will be responsible for the

establishment of the Civil Service Agency and the overall implementation of the Civil Service Law, the High Representative, inconsultation with the Council of Ministers of Bosnia and Herzegovina, has appointed Mr Jakob Finci.

The High Representative regrets that the text of the Law as agreed between Senior Deputy High Representative Matthias Sonn on behalf of the International Community and the authorities of Bosnia and Herzegovina, and as confirmed by the Council of Europe, could not be harmonised. This has delayed the enforcement of the Civil Service Law, although the Law has been a requirement of the Peace Implementation Council since 1998 and one of the main outstanding conditions on the EU's Road Map.

· Law on Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina, imposed by the High Representative today spells out incompatibilities between political mandates and positions in the economic sphere and defines the rules that elected and public officials must follow in respect of receiving gifts, or receiving payment for activities outside their official duties. A conflict of interest is created when a public official has a private interest that can affect the legality, transparency, objectivity or impartiality of the way in which he or she carries out public duties.

The law regulates the value and nature of remuneration, other than the salary they receive for their public position, which elected or public officials can receive, and it stipulates that serving in an official capacity with a public or private company is incompatible with holding elected or public office and that such corporate connections must be terminated when an individual assumes elected or public office.

The BiH Election Commission will be responsible for the implementation of the law and for collecting disclosures that all elected officials will have to file when taking up office.

· The Decision in support of the UNMIBH Police Commissioner project, provides for the establishment of independent professional police commissioners at the operational level within each Canton Ministry of Interior. This will place each police force under a single chain of command led by an experienced police professional and limit political influence in police work.

The amendments will remove the Cantonal Ministers of Interior from operational policing decisions at the same time ensuring that his constitutional role of directing the Ministry remains. The Minister will maintain control over the Ministry in the areas of securing budgetary resources and setting the political agenda. All security decisions will be carried out in consultation with the Police Commissioner. All operational matters concerning the activities of the police will be managed by the Police Commissioner, a non-political police professional hired through a competitive, transparent process with civilian oversight of all aspects of recruitment for this position.

The High Representative is convinced that this initiative will lay the foundations of a democratic, professional, and non-political police force in Bosnia and Herzegovina.

The Cantonshave been given numerous opportunities to take the lead in this project but have balked at the prospect of removing political appointees from the helm of operational policing. The imposition of these amendments reflects the lack of co-operation that UNMIBH has received from the cantons.