



Date: October 21st 2015

Delegation of the European Union to BiH
Attn. H.E. Lars Gunnar-Wigemark, Head of Delegation

Subject: Civil Society Organisations' Open Letter in the Occasion of the Draft Law on Amendments to the Law on Civil Service of the Federation of BiH

Dear Ambassador Wigemark,

We are writing to you regarding the Draft Law on Amendments to the Law on Civil Service of the Federation of BiH (FBiH), which undermines the basic principles of modern administration. The Law is scheduled for adoption by both Houses of the FBiH Parliament on Friday, 23 October 2015.

According to the Government of FBiH, the reasons for passing this Law are the need for “aligning its provisions with the recently adopted Labour Law” and “the need for reorganising public administration in FBiH with a view to streamlining the civil service”. However, this is just a smokescreen for the intended elimination of all categories of senior civil servants and ensuring that these positions are linked to the term of office of the managers of administrative bodies.

Even though civil society organisations have from the very outset condemned this attempt to amend the Law via urgent procedure in parliament and repeatedly appealed to the FBiH Government and FBiH Parliament to refrain from doing so, the ruling coalition and the proposers of the Law have demonstrated nothing but utter disregard for the public opinion in this matter. The governing parties have made it clear, both through the content of the proposed amendments and through the way in which the Draft Law was adopted and submitted to the parliamentary procedure, that their attention is only focused on over 200 positions that they will be able to fill with their cronies.

We are writing to you because the EU Delegation already intervened in the past regarding earlier proposed amendments to the Law on Civil Service in FBiH, and especially because this Law is being presented as part of the Reform Agenda that should bring us closer to the EU even though its provisions are entirely contrary to the EU principles and will cause damage both to BiH citizens and the EU reform efforts in BiH.

The proposed amendments to the Law on Civil Service in FBiH aim to “amputate” the most important positions in the civil service, namely those that were created with the sole intention of acting as a “heat shield” preventing unwarranted political interference, such as secretaries of institutions and assistant ministers (i.e. directors of administrative organisations). We would also like to remind you of the views of SIGMA, as well as those of the European Commission, that the civil service should be professional, which means, *inter alia*, that it should be competent and politically neutral. What these amendments are showing, however, is that the governing structures in FBiH have no regard for the views of the European Commission and even go so far as to cite the support of the EU Delegation to



the Reform Agenda offering nothing but total ruination of public administration under the guise of public administration reform. Instead of addressing shortcomings in the existing system, the ruling coalition is dismantling the system, turning the civil service into a “political recruitment fair”.

Civil society organisations have on countless occasions in the past emphasised the need for more efficient and transparent public administration, but this process must not be misused in such a way to allow politicisation under the pretext of streamlining. We are concerned that such actions by those in power will move BiH away from the EU and discourage all potential investors in BiH, who instead of an efficient administration will get administration in which the main individual competence will be political obedience.

We are also concerned because the possible adoption of this Law will trigger an avalanche of similar moves at the cantonal and municipal levels, which will cause an even greater harm to the functioning, as well as entail additional costs to the already cumbersome public administration.

Finally, we would like to remind you that the trade unions of civil servants, who were not consulted in the drafting process, also expressed disapproval of this Draft Law and that the Office of the Government of FBiH for Legislation and Harmonisation with European Union Regulations issued an opinion that the Government of FBiH had violated procedures in the process of drafting the Draft Law, and that the proposed amendments run contrary to the principles of professional impartiality and political independence.

In the light of the foregoing, we want to believe that the Delegation of the EU will step up its efforts and show greater determination in its statements to put an end to this dismantling of the civil service. We hope that, after numerous statements about the necessity of de-politicisation of the civil service in BiH made by the European Commission officials (including in annual progress reports), the EU Delegation will not allow this blatant politicisation and capture of the civil service by the interests of political parties. Furthermore, given that the EU has invested extensive resources in the public administration reform in BiH, the reform process must not be allowed to backslide to what it was a decade ago.

We therefore appeal to the EU Delegation to seriously consider the effects of the adoption of the Law on Amendments to the Law on Civil Service of FBiH, to do everything to put a stop to this process, and to ensure that the Law is returned to regular deliberation and passage procedure which would allow for the public debate.

Sincerely,

Transparency International Bosnia and Herzegovina
Center for Investigative Reporting
Centers for Civic Initiatives
CPI Foundation
Open Society Fund BiH
CA Why Not