

NEXT STEPS IN PUBLIC ADMINISTRATION REFORM IN BOSNIA AND HERZEGOVINA

NAREDNI KORACI U REFORMI JAVNE UPRAVE U BOSNI I HERCEGOVINI

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Abstract

Without public administration reform there is no continuation of European integration of B&H – while European integrations can only be executed by reformed, professional and depoliticized public administration. Since it is expected that Bosnia and Herzegovina will finally receive candidate status at the end of the current year, and that the process of EU integration will intensify, public administration reform will once again be one of the unavoidable reform areas. This study provides an overview of the strategic framework and scope of public administration reform in Bosnia and Herzegovina in the last 18 years that the reform has been formally implemented, followed by a contextual and legislative analysis, critical points of the reform, and a package of recommendations, conclusions and topics for further research.

Keywords: public administration, reforms, Bosnia and Herzegovina

1. INTRODUCTION AND BACKGROUND

Public administration reform is one of strategic transformational processes in Bosnia and Herzegovina, that has not yielded desired effects or adequate outcomes in the past 18 years. Despite the declarative will of the key political actors at all levels of the government towards reforms, the past reform period has mainly been marked by long-lasting search for compromise solutions among policy makers either in the realm of politics, legislation or operational solutions; by occasional political obstructions and blocking of reform processes; or by sporadic diversions from the direction course of reforms caused by inadequate interventions in: relevant legislation, critical reporting by European Commission and SIGMA in regards to content, dynamics and reach of reforms, and in distorting of reforms management through pronounced decentralization, complex decision making processes and inadequate coordination and harmonization along the horizontal and vertical lines of public administration.

From today's standpoint it is obvious that technical process of reform, after years long stagnation, will be continued after the adoption of the new Strategic framework, with accompanying action plans, as finally, all participating actors have expressed their willingness to unblock the funds in the Fund for public administration reform. This move will enhance the importance of strategic priorities as well as of key actors of the reform undertakings, primarily of its state and entity coordinators. Increased dynamics in reform execution, besides declarative support of domestic and international actors, should however become one of the key priorities of the political and EU integration agenda. Concrete tasks which are contained in action plans and strategic framework, as well as progress reports must be continuously considered, reform activities must be dynamized, and full political, legislative and budgetary support must be ensured. In order to integrate Bosnia and Herzegovina faster into the EU, critical points in the public administration reform described in this document must become key priorities of legislative, executive and administrative government in order to ensure more efficient, effective, responsible and transparent public administration, which is citizen oriented and ready to answer to all European conditions.

2. UNDERLYING CONTEXT AND MAIN CHARACTERISTICS OF PUBLIC ADMINISTRATION IN B&H

Public administration, state service, state administration or simply, administration or governance, are terms under which we assume all or common activities that are executed by the administrative sector of a state, or its state officers and appointees, as well as institutions (state bodies, state agencies etc.), within which officers execute public affairs/jobs that are assigned through legislation. Given the fact that these affairs/jobs are executed in public interest, state administration is also referred to as public administration. This term is especially applicable in Bosnia and Herzegovina where prefix 'state' is commonly referring to jurisdictions of the state level of government or the highest level of the government due to pronounced decentralization and multiple administrative levels of the government. Therefore, the totality of public institutions and administration is best described through the term public administration.

In contemporary democratic systems public administration is considered as part of executive power, even though in some debates it is considered as independent system which is subordinated to government and executive powers. Organization, activities and methods of public administration works differ from country to country, depending on constitutional, legal, socio-economic and political framework. Public administration system follows in entirety the shape of political system, so that constitutional structure and competencies determine the scope, format and

responsibility of public administration along the horizontal and vertical lines. In the case of Bosnia and Herzegovina, this means that administrative levels (state, entity (cantonal) and local) dictate the structure of public administration, and subsequently special legislative framework defines competencies, responsibilities and methodology or work, internal organization and size of public administration.

Process of public administration reform in Bosnia and Herzegovina (B&H) has started in 2003 through adoption of the document 'Public administration reform-our program' on behalf of the governments at the state and entity levels, as well as Brčko District. Reform in the six key horizontal areas¹ in public administration has been operationally executed from 2007 through execution of Public Administration Reform Strategy, and set of the measures defined through Action plan 1 (AP1) for the period 2007-2010, and subsequently through Revised Action Plan 1 (RAP1) for the period 2011-2014. Parallel to beforementioned mechanism for reform execution has been established, and Public Administration Reform Fund has been established by signing of Memorandum of Understanding between domestic government and donors, where these sides jointly contribute funds for the reform process, and decide on the steps in reform execution.

Reform Strategy has established unique long-term goal: more effective, efficient and responsible public administration that is responsible for its actions, which serves citizens in the best cost-efficient manner; and which operates on the basis of transparent and open procedures, concurrently fulfilling all conditions necessary for European integrations, and is as such a true factor of enabling continuous and sustainable socio-economic development.

Past efforts in reforming public administration in B&H, for the last 15 years, have not delivered desired results, especially if we take into account investment of funds, time and international engagement in this reform. Public administration in B&H is in majority of international and domestic monitoring reports being described as inefficient, outdated, oversized and prone to partocracy and corruption. Reasons for the absence of true progress in public administration reform are numerous. Part of the problem lies in the constitutional structure of B&H, that is, in the fact that public administration is normatively differently regulated at different levels of government (state, entity, cantonal, local). Fragmented public administration in combination with the absence of functional system of subordination, subdues public administration reform to capabilities, capacities and the will of decision makers and decision executors.

¹ 1. Strategic planning, coordination and policy making; 2. Managing human resource potentials; 3. Public finances; 4. Administrative procedures and administrative services; 5. Institutional communication; 6. Informational technologies (e-government). (Public Administration Reform Strategy, 2007.)

Another problem stems from condition of public administration and lack of readiness and/or high level of interest of political actors, except their declarative commitments, to truly execute necessary reform steps: increasing professional standard through increase in capacity of public administration and normative depoliticization in appointing, employment and rating of officers and managers; rationalization of number of employed officers, and migrations of employees from public services with excess personnel to deficient areas; opening of public administration towards citizens and lowering of cost of public administration through modernization and digitization. Very common statement that ‘political elites use public administration as an electoral base and a tool for buying of social piece by employing loyal political party staff’², is perhaps the biggest obstacle towards transformation of public administration. Key aspects of public administration reform – depoliticization and professionalization, organizational and functional restructuring, optimization of number of staff, establishing mechanism of responsibility and orientation towards citizens as its final users³- are still unachieved aims. In Federation of B&H, absence of independent, staffed, materially and financially strong body of coordination, (Bureau for Public Administration is certainly not such body at the moment) which would lead, oversee and control overall process of public administration reform has left especially pronounced consequences.

Process of European integrations explicitly proclaims public administration reform as one of the priorities, criteria or conditions for candidature status and pre-accession negotiations. B&H has submitted application for EU membership in February 2016. In May 2019 European Commission has adopted the Opinion and accompanying Analytical Report on B&H application for EU membership. The Opinion has established 14 key priorities in the areas of democracy/functionality, rule of law, basic rights and public administration reform. B&H shall fulfil these conditions in order to receive recommendation for opening pre-accession talks. The very fact that public administration reform has been set aside as a special condition, undoubtedly indicates the necessity of speeding up this reform process, as even today, five years after the Opinion has been issued, significant progress in this priority has not been achieved, nor in the majority of other laid out priorities. In the Opinion of European Commission on the request by Bosnia and Herzegovina for its EU membership the criteria related to improvement of legislative and institutional framework has been laid out in order to open up the negotiations process, and the one related to the public sector reform states the following:

Execute necessary steps in public administration reform with an aim of improving overall functioning of public administration by ensuring professional and

² Blagovčanin, S. (2017), *Javna uprava - Stanje i tok reforme, Zašto ne*, Sarajevo.

³ Ibid.

depoliticized state administration and coordinated approach towards creation of public policies in the whole state.⁴

Direct connection between public administration reform in B&H and EU integrations is also confirmed in EU membership Madrid Criteria, which implies that every future member state has to have public administration capable of implementing European legal acquis (*Acquis Communautaire*). Speed of B&H integration into the EU will to the large extent be determined by the speed in which professional and effective public administration will be established. This includes increasing the level of understanding of the process of EU integrations, especially obligations which are brought by future contractual relations between B&H and the EU. Reformed public administration is one of the six key criteria of European partnership, document which defines short-term and long-term priorities in preparations for the B&H accession into the EU.

Harmonization of BH legislation with the European standards is very important and sizable task for our country. Equally important and demanding is implementation of such legislation, which in turn is possible only through strengthened, professional and effective public administration. In this regard, after the Public Administration Reform Strategy 2014 has expired, absence of adoption of new strategic framework for a long period of time, and four years long blocking of the Public Administration Reform Fund, has negatively reflected on the overall dynamics of reform process and B&H's EU integration path, as well as on the donor support to this process, while some donors have even recalled the funds they provided into the Fund. All of the beforementioned has in the large extent prevented the Public Administration Reform Coordination Office (PARCO) to execute its function of coordinated and harmonized development of public administration, especially having in mind that capacities, resources and knowledge that PARCO possesses have not been utilized to the full extent.

3. LEGISLATIVE FRAMEWORK

The legislative framework of public administration in B&H is the best evidence of a heterogeneous, complex, cumbersome, and consequently to this, expensive and inefficient administrative apparatus with over 20 laws governing the administrative system of several hundred institutions and administrative organs at three (RS) and four (FB&H) administrative levels, respectively. Following the constitutional competences and administrative-territorial organization of the state, the basic laws regulating the organization and operation of public administration in B&H were

⁴ The Commission's opinion on Bosnia and Herzegovina's application for EU membership, the European Commission, (2019/2020).

adopted for each administrative level (for the state level, each of the entities, then in most cantons, Brcko legislative district, while in parallel there is legislation that more precisely regulates the activities of local self-government).

Of course, without taking into account the constitutional provisions that shape the legal-political and partly the governing system, the basic organizational structure of public administration at the level of Bosnia and Herzegovina is prescribed by two grounding laws: the Law on Ministries and Other Bodies of B&H and the Law on Administration of B&H.⁵ The position of public administration in the Federation of B&H is regulated in a similar way by the Law on the Organization of Administrative Organs in the Federation of B&H and the Law on Federal Ministries and Other Bodies of Federal Administration⁶, where cantons also have their own laws defining the institutional and administrative system, making this entity incomparably more complex, administratively and managerially overstretched. In Republic of Srpska, the area in question is governed in a comprehensive way by the Law on Republican Administration⁷, which in this entity forms a single and largely coherent public administration.

Also, at the state and entity level, civil service laws, i.e. civil servants, regulate the legal status of civil servants, while civil service agencies at the state and entity level are in charge of carrying out the recruitment process, and training and development of civil servants⁸. Laws on civil servants in principle determine the engagement and mandate of the manager, then competency checks, admission, evaluation and dismissal of officers, disciplinary procedure, training, and other labor-legal issues. In the Federation of B&H, seven cantons have their own laws on civil servants which regulate the civil service system more closely⁹. In the end,

⁵ Zakon o ministarstvima i drugim organima BiH, Sl. Glasnik 5/03 i Zakon o upravi BiH, Sl. Glasnik 32/02, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09, 103/09, 87/12 i 6/13.

⁶ Zakon o organizaciji organa uprave u FBiH, „Službene novine FBiH“, br. 35/05 i Zakon o federalnim ministarstvima i drugim tijelima federalne uprave „Službene novine FBiH“, br. 19/03, 38/05, 2/06, 8/06 i 61/06.

⁷ **Zakon o republičkoj upravi** „Službeni glasnik Republike Srpske“, br. 118/08, 11/09, 74/10, 86/10, 121/12 i 15/16.

⁸ **Zakon o državnoj službi u institucijama BiH** („Službeni glasnik BiH“, br. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10, 40/12 i 93/17); **Zakon o državnoj službi u FBiH** („Službene novine FBiH“, br. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 i 4/12) **Zakon o državnim službenicima RS** (Sl.glasnik RS br. 118/08, 117/2011, 37/2012 i 57/2016)

⁹ Seven out of ten cantons in FBiH have a special legislative framework: *Posavski kanton: Zakon o državnim službenicima u tijelima u Županiji Posavskoj* („Narodne novine Županije Posavske“, broj: 9/13, 11/13, 2/14 i 6/17), *Zapadnohercegovački kanton: Zakon o državnim službenicima u tijelima državne službe u Županiji Zapadnohercegovačkoj* („Narodne novine Županije Zapadnohercegovačke“, br.: 16/08; 7/09; 8/12 i 8/13), *Unsko-sanski kanton: Zakon o državnoj službi u Unsko-sanskom kantonu* („Službeni glasnik Unsko-sanskog kantona“, br.:

Brčko District also has its own law¹⁰ governing the position of civil servants, while the competences and organization of local self-government units in addition to the law on the organization of administration, are further defined by entity laws on local self-government.

When we take into account all the laws that regulate the structure and scope of public administration bodies at all levels, then the laws on civil servants, and numerous other laws that closely regulate certain aspects of public administration work (such as the Law on Public Procurement), it is clear that the public administration system in B&H, especially in relation to the size of the country and the population, is highly complicated, fragmented, vertically asymmetrical, significantly incoherent, and as such inevitably over-normed, sluggish, expensive and inefficient public service that does not deliver public services proportional to money spent.

An additional open question is the (in)precise coverage of public administration, i.e. the civil service, because less than a quarter of the total number of public servants (except the civil service there are numerous organs, institutions, agencies, funds, public and state companies with special authorizations, and the entire security, judicial and other apparatus) are part of the conventional civil service system (in line with civil service laws), which produces multiple negative consequences of uneven rights and responsibilities, unequal system of entry, promotion and exit, wage, reward, sanctioning system, etc.

4. THE FUTURE OF PUBLIC ADMINISTRATION REFORM

A well-functioning public administration is a pre-title for transparent and effective democratic governance. As the basis for the functioning of the state, it determines the ability to provide public services, and stimulates competitiveness and growth in the state. Public administration plays a key role in the process of integration into the European Union by enabling key reforms to be implemented. Therefore, the criteria for EU enlargement recognize and emphasize the need for the state to build a public administration that has the capacity to follow the principles of good governance and to effectively transpose and implement *acquis Communautaire*¹¹.

14/17 i 16/17), *Kanton 10: Zakon o državnim službenicima i namještenicima u tijelima državne službe u Hercegbosanskoj županiji* („Narodne novine Hercegbosanske županije“, br.: 1/14 i 5/16), *Tuzlanski kanton: Zakon o državnoj službi u Tuzlanskom kantonu* („Službene novine TK“ br.: 7/17 i 10/17); *Kanton Sarajevo: Zakon o državnoj službi u Kantonu Sarajevo* („Službene novine Kantona Sarajevo“, broj: 31/16); *Bosansko-podrinjski kanton: Zakon o državnoj službi u Bosansko-podrinjskom kantonu* („Službene novine BPK“ broj 3/18).

¹⁰ **Zakon o državnoj službi u organima uprave u Brčko distrikta BiH** („Službeni glasnik Brčko distrikta BiH“, broj: 28/06, 29/06, 19/07, 02/08, 09/08, 44/08, 25/09, i 26/09)

¹¹ Principles of Public Administration, SIGMA-OECD-EU.

*Although public administration reform has been designated as one of the 14 criteria for reaching EU candidate status for Bosnia and Herzegovina, the European Union does not have a detailed or universal acquis in the field of reforming and functioning public administration. That is why the EU, in cooperation with the Organization for Economic Cooperation and Development (OECD), has established SIGMA, as a specialized mechanism that supports the strengthening of public administrations and the implementation of governance reforms in potential candidate countries, which is the current status of Bosnia and Herzegovina. The European Commission (EC) has stepped up its focus on public administration reform (PAR) by presenting six key reform issues and better integrating reform into the enlargement process by linking PAR more strongly with accession negotiations. For many years, the European Commission has been monitoring the range and reforms of public administration in B&H through “progress reports”, and the last report from 2020 noted, among other things:*¹²

*“Bosnia and Herzegovina is in the early stages of public administration reform (PAR) and there has been no progress in ensuring a professional and depoliticized civil service, as well as a coordinated approach to creating policies at the whole country level. The strategic framework for public administration reform has been adopted at all levels of government, and an accompanying action plan must now be adopted. The political body that manages the co-ordination of public administration reform has not yet been established. In order to guarantee a professional civil service, the procedures of the civil service must be based on the principles of merit and without political interference.”*¹³

*Six key reform areas established by the Commission are the cornerstone of the principles of public administration. The principles are not only a set of demands, but they also help create a vision for public administration reform, and the main decision-makers serve as assistance in reforms.*¹⁴

SIGMA Principles of Public Administration

1. Strategic Framework of Public Administration Reform: The leadership of public administration reform and accountability for its implementation is established, and the strategic framework provides the basis for implementing prioritized and sequenced reform activities aligned with the government’s financial circumstances.

¹² SIGMA (Support for Improvement in Governance and Management) joint OECD and EU initiation, mainly funded by the EU.

¹³ Report on Bosnia and Herzegovina for 2020 European Commission, Brussels, 2020.

¹⁴ Principles of Public Administration, SIGMA-OECD-EU.

2. Policy Development and Co-ordination: Centre-of-government institutions fulfil all functions critical to a well-organized, consistent and competent policy-making system, including coordination between ministries, making of policies and financial impact analysis
3. Public Service and Human Resource Management: Organization and functioning of public administration; depoliticization, competence-based employment, training and professionalization
4. Accountability: Transparency of administration, free access to information and possibility of administrative and legal protection
5. Service Delivery: improvement of services for the citizens and companies, including administrative procedures and services of e-government
6. Public Financial Management: commitment to all-encompassing approach to improvement in managing public administration, public finances and budgeting process.

The principles, shown above, include horizontal layers of the management system that determine the overall performance of public administration and are divided into six reform areas. The degree to which a candidate country or potential candidate applies these principles in practice is an indication of the capacity of its public administration to effectively implement *the acquis Communautaire*, in accordance with the criteria defined by the European Council in Copenhagen (1993) and in Madrid (1995). As the country's strategic commitment is full EU membership, for which the pre-accession is, among others, to meet 14 criteria, including effective public administration reform, SIGMA principles represent key parameters in relation to which the country's real progress is measured.

Each of the six principles/areas contains a set of its own indicators through which the scope, range and effects of reform can be evaluated in priority areas, and in the sum of these 47 indicators and dozens of quantitative and qualitative indicators give a completely clear and measurable state of the achieved level of reform. The assessments arising from the European Commission report are not at all positive, leading to the conclusion that SIGMA principles and precisely established indicators are the only relevant roadmap for public administration reform in B&H. All legislative actions and measures of the executive branch without exception will have to be harmonized with the principles described. Only a significantly reformed public administration will be able to carry the burden of accession negotiations and the transposition of Acquis. In other words, without public administration reform, even with progress on the other 13 priorities in the Commission's opinion, Bosnia and Herzegovina will not have the institutional capacity to negotiate, absorb Acquis and fulfil all other obligations that full membership would bring. Therefore, we can take this as a cyclical argument – without reform of public administration there is

no continuation of European integration – just as European integration can only be carried out by reformed, professional and depoliticized public administration.¹⁵

5. CONCLUSIONS, RECOMMENDATIONS AND IDEAS FOR CONSIDERATION

Although the area of public administration reform is extremely broad and complex, relying on recommendations from the last European Commission opinion, it is necessary to focus the argumentation on certain conclusions, recommendations and ideas for consideration, in accordance with SIGMA principles/areas under which the reform is evaluated.

1. Strategic framework for public administration reform

- After governments at the state and entity level adopted the strategic framework for public administration reform for the period 2018-2022, following the action plan at the state and entity level, together with a coordinated monitoring and reporting system and appropriate indicator passports, should be adopted and implemented in the specified calendar.
- The Public Administration Reform Fund should be put into its full capacity and into the function of realizing reform projects within the public administration system, and by quickly and effectively implementing them, restore credibility to the Fund and compensate for missed opportunities to improve the administrative apparatus.

2. Policymaking and coordination

- Given that there is still no coherence between central planning documents, such as the government's medium- and annual work programmes, the framework budget document and the implementation action plan, it is necessary to normatively allow for causality between the listed public policies.
- The impact and quality of analyses that support policy proposals (primarily the proposed law) should be improved at all levels, because, among other things, the financial implications are not counted systematically, and the collection and use of administrative data for policy making is not adequate.
- Improving the quality of the content of public policies includes the development of documents that have been done on realistic analyses

¹⁵ More about the principles, indicators and methodology of monitoring public administration reform: <http://sigmaweb.org/publications/principles-public-administration.htm>

of the current situation, with objectives that are measurable and attainable within the given timeframe and with the accompanying measures required to achieve them. From such documents should be drawn up annual, monthly and weekly realization plans, for each ministry, portfolio, separation, administrative organization. These plans should be developed for every position in the administration working on the implementation of public policies, from assistant minister to expert associate. Based on the realization of these plans, the evaluation of civil servants would be carried out, and the salary would be related to the assessment. The performance of civil servants engaged in the provision of public services would be measured on the basis of the standard and customer satisfaction testing.

- In the organization of the public administration structure, it is clear that the organizational units dealing with public policy making (improving the public interest) should be clearly separated from the organizational units involved in the provision of public services (law enforcement).
- The legal framework governing public participation in decision-making needs to be improved and applied consistently, as it does not contain standards for monitoring and reporting key government planning documents at every level of government, thereby preventing public insight into the work of the authorities. In addition to legislative measures, it is necessary to raise awareness of the different forms of public consultations. It remains essential that technical capacities at all levels of government are strengthened in order to regularly use public consultations as a policy-making tool.
- Orientation and openness to citizens is of great importance. Proactive transparency of public administration by sending information from management to citizens, not just at the request of the media, civil society organizations and citizens. This would also achieve greater transparency in the work of public administration, greater confidence in its work, and improve two-way communication with the public.

3. Managing public finances

- B&H has not yet achieved sufficient budget transparency. Annual budgets and budget execution reports are published only by state-level institutions. The budget for citizens except through ad-hoc activities is non-existent at any level of government, and budget calendars have yet to be adopted.

4. Civil service and human resources management

- Establishing a depoliticized, professional and merit-based civil service remains a major challenge. Republic of Srpska and Brcko District have made no progress in adopting a common policy framework for the civil service. Different working conditions regulated by regulations, as well as various practices at different levels of government (primarily related to selection and employment, the area of the civil service, transfer and improvement requirements, assessments and disciplinary procedures) can hamper the mobility of civil servants. No level of government has a coordinated approach to human resources management and civil service regulations. In particular, the Federation of B&H and the cantons should carefully coordinate the institutional organization of the civil service.
- It is necessary to amend and improve the laws on civil service in order to ensure compliance with the principles of merit at all levels of government, and to strengthen the capacities and autonomy of civil service agencies in order to improve the management of human resources and training, and to carry out human resources management in a transparent and meritorious manner. The key to depoliticizing the civil service is in the laws in question, which should uniformly standardize the autonomy of public administration/civil service from party and political influence.
- Political influence in the procedures for hiring and improving civil servants is present at all levels, with a lack of transparency in the appointment of competing commissions, opaque interviews, unprocessed scoring criteria and the formation of final lists of successful candidates. Candidates continue to be selected without applying the merit principle and the managers of institutions continue to use high discretion in final appointments. No civil service law and employment practices have yet ensured that ethnic, political and other unprofessional criteria do not overcome competences. Dismissal criteria and disciplinary procedures are still underused, including the possibility of appeal. For all of the above, the system of checking the competencies of candidates for entry into the civil service should be fundamentally changed, while the special educational program Academy or the National School of Public Administration or specialized postgraduate/master studies would educate staff for a higher level of civil servants.
- Managing human resources is still very fragmented. Civil service agencies and training units are not coordinating properly. There has been

little progress in establishing a functioning human resources management information system (HRMIS) at all levels of government. The state level needs to adopt a legal basis for HRMIS to become functional for the civil service. The Federation of B&H did so in July 2020, while Republic of Srpska should regulate HRMIS responsibilities between the institutions in charge of public administration and the agency for state administration. The administrative capacities and co-ordination of civil service agencies and integrated training units need to be strengthened.

- The system of remuneration for civil servants remains inconsistent among public institutions and lacks transparency, among other things, due to differences in pay regulations across the country, job classification and pay grades.
- Agencies for the civil service are given insufficient resources for the training and professional development of officers. The impact assessment system has been formally introduced, but it is not used systematically to justify improvements. The new rulebook on the evaluation of the work of civil servants in the Federation of BiH introduced the use of competences and defined the goals as separate criteria for the evaluation of work. There has been no progress in establishing a coherent system for fair evaluation of work, improvement and training as a right of civil servant. Different employment and improvement requirements and practices hamper the mobility of civil servants.
- The problem is, there's no systematic, aggregated data on the integrity of civil servants. Public perceptions of corruption by public officials remain high.
- Consider establishing the Academy of Public Administration (Civil Service) as a postgraduate study (master) in cooperation with European Union states that have a strong tradition of the official system, which could offer academic, study, technical and financial assistance. The Academy would replace the internship program and an expert exam for public administration work, as it has been proven as pure formalism without professional performance. Establishing an academy would facilitate the planning of human resources needed by public administration and quality management. High criteria for admission to the Academy would preserve the integrity and reputation of the civil service and civil servant. The aim of the academy would be to establish a professional, efficient, politically neutral and community-respected public administration.
- A major role in the reform of public administration should be played by the motivation of employees and the stimulating working environ-

ment. The stereotype that the state pays too much for officers, who work much less than employees in the real sector, and they do not deliver the expected level of services to taxpayers, needs to be changed. Since the budget limits the amount of expenditure on salaries of employees in public administration, additional motives should be introduced that will keep young, highly educated, professional people in public administration. Criteria for assessment, promotion, sanctions and dismissal in public administration should be innovated. The current way of evaluating civil servants by managers has not yielded the expected results, and such practices need to be supplemented, through e.g. mutual evaluation of officers, evaluation by service users, etc. Advancement must not only be based on years of experience, but above all on performance in work, in order to stop the outflow of human capital from public administration and the state in general. Managers of state and administration bodies (ministers and directors) play a key role here, which must strictly apply existing regulations with the highest level of expertise and responsibility.

5. Accountability of the administration

- There has been no progress in listing different functions of governing bodies in regulations, or the conditions for establishing, merging or abolishing them. This leaves room for excessive discretion to restructure management without considering the justification and profitability of the changes. Clear lines of oversight and reporting between ministries and subordinate institutions remain missing. The political level does not delegate enough responsibility for deciding to senior civil servants or to the middle level of governance.
- Recommendations from supervisory institutions (parliaments, audit institutions and human rights ombudsman) are rarely implemented. This jeopardizes citizens' rights to good governance.
- The right of access to public information remains unequal due to shortcomings in the legal deadlines for responses to requests for access to public information, an unequal system for submitting applications, incompleteness of on-demand information, information which is unavailable to the public and poor use of a comprehensive public interest test to justify refusing access to information. Legal provisions on data protection and access to information continue to be interpreted in a way that protects private interests more than public interests. There is a lack of an effective institutional mechanism for overseeing

law enforcement or sanctioning violations.

- Citizens' right to administrative proceedings remains unequal due to differences in the efficiency of administrative organizations and courts in the country. There are no effective remedies against excessive length of administrative and judicial proceedings. While applicants may apply to a higher (Supreme or Constitutional) Court, this measure does not ensure that the ongoing processes are accelerated. Administrative inspections need to be strengthened and administrative inspections strengthened and criminal provisions in their conduct tightened.
- There is no systemic collection of data on cases where citizens claim compensation for illegal conduct or misconduct by public administration, so this issue would need to be addressed.

6. Providing services to citizens and businesses

- It is necessary to determine the precise but logical cover of public administration, i.e. public administration/civil service. Namely, there is a whole parallel system of public servants in government bodies, governing organizations, funds, agencies, and especially public enterprises with public powers, public security, judiciary, etc., that do not belong to the civil service system, even though they create/conduct/supervise public policies. This large group of employees are not part of the civil service system, although no doubt, given the social function, sources of funding, and collective and individual labor rights are public servants. In fact, some estimates suggest that in relation to the totality of the public sector or public servants, up to a quarter of them are either up to 25% covered by narrow regulation, while the rest are employees in the category of workers without official status, whose status is regulated by either general labor legislation or special regulations (e.g. police, part of the judicial apparatus, etc.). One option is that the addition of the Law on Public Servants covers all public service employees who have not been treated with special legislation, as referred to in general labor legislation. Here, the key role is played by state/administrative bodies managers (ministers and directors) who must strictly apply existing regulations. They have to be extremely professional and responsible.
- In order to improve user-centered administration, B&H needs to ensure a coherent approach to modernizing, simplifying and digitizing services. Different prices for the same services depending on the timing of the resolution could also contribute to reducing bureaucracy,

and this could assess the work of officers (more days - lower cost, but worse productivity of officers).

- It is necessary to connect and digitize administrative procedures, use digital technologies to reshape and improve administrative procedures, and complete the system of mutual communication between citizens and administration through information technologies (e-government).
- In all these administration organs should introduce budgetary restrictions for employees. For many years, standardization and the setting of the upper threshold of the volume of administration in local self-government units (e.g. 3 officers per 1000 citizens) have been avoided. Budget expenditure for salaries should not exceed a certain amount (the proposal can be 20-25% of the budget). In relation to the number of officers, their competencies and work performance are certainly more important.
- Special administrative procedures should be reviewed or abolished or harmonized with the laws on general administrative procedure. It is necessary to simplify and harmonize business registration procedures, ensure full mutual recognition between entities, including concessions and licensing. The single-wheel system (one stop shop) does not exist for citizens or businesses, except in Republic of Srpska. Systematic monitoring of customer satisfaction with the provision of services does not exist on any level.

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Legislation:

- Zakon o ministarstvima i drugim organima BiH, Sl. Glasnik 5/03 i Zakon o upravi BiH, Sl. Glasnik 32/02, 42/03, 26/04, 42/04, 45/06, 88/07, 35/09, 59/09, 103/09, 87/12 i 6/13.
- Zakon o organizaciji organa uprave u FBiH, „Službene novine FBiH“, br. 35/05 i Zakon o federalnim ministarstvima i drugim tijelima federalne uprave „Službene novine FBiH“, br. 19/03, 38/05, 2/06, 8/06 i 61/06.
- Zakon o republičkoj upravi „Službeni glasnik Republike Srpske“, br. 118/08, 11/09, 74/10, 86/10, 121/12 i 15/16.
- Zakon o državnoj službi u institucijama BiH (“Službeni glasnik BiH”, br. 19/02, 35/03, 4/04, 17/04, 26/04, 37/04, 48/05, 2/06, 32/07, 43/09, 8/10, 40/12 i 93/17); Zakon o državnoj službi u FBiH (“Službene novine FBiH”, br. 29/03, 23/04, 39/04, 54/04, 67/05, 8/06 i 4/12) Zakon o državnim službenicima RS (Sl.glasnik RS br. 118/08, 117/2011, 37/2012 i 57/2016)
- Zakon o državnim službenicima u tijelima u Županiji Posavskoj („Narodne novine Županije Posavske“, broj: 9/13, 11/13, 2/14 i 6/17),
- Zakon o državnim službenicima u tijelima državne službe u Županiji Zapadnohercegovačkoj („Narodne novine Županije Zapadnohercegovačke“, br.: 16/08; 7/09; 8/12 i 8/13),
- Zakon o državnoj službi u Unsko-sanskom kantonu („Službeni glasnik Unsko-sanskog kantona“, br.: 14/17 i 16/17),
- Zakon o državnim službenicima i namještenicima u tijelima državne službe u Hercegbosanskoj županiji („Narodne novine Hercegbosanske županije”, br.: 1/14 i 5/16),
- Zakon o državnoj službi u Tuzlanskom kantonu („Službene novine TK“ br.: 7/17 i 10/17);
- Zakon o državnoj službi u Kantonu Sarajevo (“Službene novine Kantona Sarajevo”, broj: 31/16); Bosansko-podrinjski kanton: Zakon o državnoj službi u Bosansko-podrinjskom kantonu („Službene novine BPK“ broj 3/18).
- Zakon o državnoj službi u organima uprave u Brčko distrikta BiH („Službeni glasnik Brčko distrikta BiH“, broj: 28/06, 29/06, 19/07, 02/08, 09/08, 44/08, 25/09, i 26/09)