

**Review of the
Implementation of the Civil Service Law in
Bosnia and Herzegovina**

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Table of Contents

Credits.....	i
Background.....	1
Findings.....	4
Review Process.....	4
Appointments.....	5
Training Unit.....	8
Information Technology.....	11
Protection of Rights.....	13
Service Demand.....	15
The Appointment Powers of the Director.....	16
Political Influence and Ethnic Balance	17
Recommendations.....	19
Overarching Recommendation	19
Specific Recommendations.....	20
A Special Situation – Ministry of Defence.....	26
Coordination with the Public Administration Review.....	27
Appendices	
Appendix A: CSA Response to Review Team’s Information Request	
Appendix B: List of Documents Reviewed	
Appendix C: List of Interviewees & Distribution List	
Appendix D: The Current Civil Service Procedure	
Appendix E: Training Needs Analysis	
Appendix F: Remarks of the High Representative June 9, 2003	

Credits

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This project was supervised by Michael Henning, Democracy Officer and Marc Ellingstad, Democracy Advisor of USAID/Sarajevo. The Review Team had their full support throughout the project. In addition USAID Director Howard Sumka, Ph.D. provided his insights and full support for an independent review.

Throughout the Review Team's work in Sarajevo it was supported by the language and cultural interpretive skills of Vesna Saraj and the logistics skills of Dalma Cengic at USAID. Jienna Foster of the MSI Washington office provide administrative and logistical support throughout the project.

Executive Summary

The review of the implementation of the new civil service law was commissioned by USAID for the purpose of assessing progress in establishing a new Civil Service system in BiH. The Law creating the CSA was imposed by decision of the High Representative in Spring 2002.

Reasonable progress has been made in establishing the staffing, organization and systems needed to run a modern Civil Service System and the CSA now has about thirteen to fourteen months of operational experience to draw on in refining its procedures and policies.

Working with the new law has revealed some difficulties with the process of recruitment and appointment that are inherent in the procedural aspects of the law. This report makes specific recommendation on how to address these urgent issues. The main recommendation is to streamline the process by changing the law. If this is done properly a drastic reduction in the time to recruit and hire a civil servant can be achieved.

In the near future the CSA is expected to face a very large demand for its services as Common Institutions staff up. It is not prepared for this. Implementing the changes in the law are essential to meet expected demand and more staff resources are required. This can be solved by seconding people from Common Institutions and temporary hires.

The CSA's web site is excellent. It should become the primary communication vehicle for CSA. Most applications are now received via the web.

The most urgent priority for the CSA is getting ready to meet the surge in demand.

Training capabilities and programs can be developed with the competent core staff in place, but Common Institutions are insufficiently developed to understand and articulate their training needs. This problem coupled with the absence of Human Resource Management capabilities in the Common Institutions currently limits the potential for effective training.

Performance Evaluation system development is a responsibility of CSA. However any effort to develop a modern Performance Evaluation system will be fruitless until Human Resource Management capability is developed in the Common Institutions.

Specific additional powers should be given to the CSA immediately. Two key powers are 1) the power to appoint the top scorer on the list if the appointing authority fails to fill a vacancy within thirty days, 2) the power to issue certificates of appointment to Civil Servants as a prerequisite to the Treasury paying them a salary.

The CSA needs the support of the International Community to succeed in developing into an institution that is valued by all parties that may come into political power. Unless it develops the support of the BiH political establishment, its role as an effective catalyst for modern governance will not be sustainable.

Background¹

The Civil Service Agency (CSA) serves the *state* or national government. This is its sole competency. It plays *no* role in human resources management of the entities or of the constituent parts of the Federation. The scope of work for this review is specifically limited to the *state* CSA. In this document the word *state* means national government. The term, BiH, as used in this report means *state*.

OHR created the CSA in order to provide the means to recruit, appoint and protect the professional civil service it envisioned as essential for BiH to become a state with the capacity to perform the difficult tasks required to move down the path toward European integration.

The CSA was created in May 2002 by a law, the Civil Service Law (CSL), issued by Decision of the High Representative. In July 2002 it was adopted by the parliamentary bodies and in August 2002 the first Director assumed his position. During the Fall and early Winter of 2002-2003 staff were hired and the CSA became operational in February 2003. During the July-December 2002 period an EC supported technical team assisted the CSA in establishing the essential technical systems needed to operate the agency. Because the CSA did not become operational until February 2003 this review is being carried out on the basis of thirteen months operating experience of the CSA.

From the outset the CSA has had two main mandates 1) reviewing the appointments of current civil servants to determine if they are properly appointed and 2) developing a recruitment and selection process to staff up the state ministries and other common institutions.

The state is growing in the range and number of functions in its competency as typified by the recent establishment of three additional ministries: Justice, Security, and Defense. According to CSA staff there are currently approximately 850 civil servants employed by BiH (see Appendix A, for listing of current activities of CSA). According to estimates by the Director, this is anticipated to grow to the 1100 – 1200 range² due to the expansion of the number of Ministries and common institutions and a shift in some competencies from entities to BiH.

A principal source of pressure to expand the Civil Service rolls in BiH are the conditions in the recent feasibility study for EU accession³. These require the BiH to take on the competencies typically present in a normal state and perform specific tasks to develop readiness for accession. Specific language from the feasibility report directly relevant to the need for a highly functional and professional Civil Service includes the following general conclusion:

“BiH has not yet assumed full responsibility for government. It needs to show through its own efforts that the High Representative’s Bonn Powers are no longer needed...The powers functionality and coordinating capacity of central government must be strengthened. ...Moreover, BiH’s administrative base remains weak. It still needs to develop a professional, merit-based core of politically independent public servants....BiH’s core challenge of building a self-sustaining state able to integrate into EU structures remains.”

In addition, the feasibility report identified the following crosscutting priorities (among others) that require an effective Civil Service System as prerequisites to achieving the improvements needed in the sectors specified in the feasibility study:

“More effective governance. Council of Ministers and the Law on Ministries. Convene meetings of the Council of Ministers and of Parliament with sufficient regularity to tackle government business expeditiously. Ensure that new state ministries and institutions created by the 2002 Law on the Council of Ministers become properly operational. Implement fully the 2003 – 2004 “Action Plan for Priority Reforms” and establish for 2004 (and following years) a consolidated State-level government work plan matching policy priorities with budgetary resources.”

“More effective public administration. – Make further effort towards creating an effective public administration, including developing a comprehensive and cost-estimated Action Plan for public administration with a clear distribution of competencies. Fund and cooperate with Civil Service Agencies at State and Entity levels.”

Accordingly BiH needs to move rapidly to develop the capacity to function in the International Community as a normal nation-state, if it is to move down the path toward integration with EU. A number of people interviewed by the review team stated that there are significant and powerful political interests in BiH, opposed to strengthening BiH’s capacity to function as a normal state. Indeed, this is reflected by the fact that initial creation of the CSA occurred by Decision of the OHR and only later was adopted through parliamentary procedure. The High Representative’s public address on the occasion of the launch of UNDP’s Governance Perception Survey on the subject of the need and requirement for a CSA and the rationale for its implementation was clear, forceful and unambiguous⁴. The CSA was put into effect in May 2002 and accepted by parliamentary procedure during the Alliance dominated government, which was in power until November 2002 when the nationalist parties came to power. *One factor to recognize in assessing progress is that the government, the Alliance, with which the OHR negotiated the institution of the CSL is not the same government that is implementing it.*

The CSA has been making progress in establishing itself and inserting itself into the appointment processes of ministries and common institutions. Most technical

assistance and financial support has been provided by European or International organizations including OHR which has played a unique role given its powerful legal status. The United States government's role has been limited to providing sufficient financial support to CSA so that a salary adequate to attract and retain a skilled Director is available. The review team has been advised by USAID that other than commissioning this review and providing financial support for the Director's salary the United States government's current program in Bosnia does not include additional support for CSA or for state level institution building in general.

The review team has used information provided by others, including donors, donor funded consultants, BiH officials and OHR staff to develop its findings and recommendations. The scope of this effort did not include original research, survey or technical level assessments of procedures and processes used by the CSA such as exam validity and scoring. The review team understands that Human Resources management throughout BiH and the entities and cantons is included in the comprehensive Public Administration Review carried out by ECO consultancy that commenced during the period of this review. At the outset of data collection the Review Team met with key PAR project staff to gain familiarity with the approach and scope of their effort. The general conclusion was that this review would help set the stage for the PAR review of Human Resources management in BiH. PAR staff were advised that this report would be available to them when it is released by USAID and that this would occur in April.

In considering the tasks of the CSA it is important to note that according to the CSA, OHR and USAID the creation of new ministries will cause a large surge in demand for recruitment and appointment services by CSA. This is a main catalyst for the commissioning of this review.

Approach

The review team conducted its information gathering by reviewing documents (See Documents Reviewed Appendix B), interviewing BiH officials, and interviewing donor representatives and their contractors (See Persons Interviewed Appendix C)

The review is based on the sources described above. Emphasis is placed on the recruitment and review processes because of concerns raised in the SOW about staffing new ministries. This emphasis was generally reinforced by the needs of Ministries/Institutions articulated in interviews. The secondary but important emphasis is on training because it is an *essential prerequisite* for Ministries/Institutions to become effective partners with CSA in building a competent civil service. The conceptual framework the Review Team used in carrying out its tasks is described in the following section.

Current Context for Civil Service Reform in BiH.

Improving Civil Service in BiH, and hence the quality of governance, needs to be approached with recognition that the Civil Service Agency is embedded in a complex governmental and political system. All of the elements of the system have influence and/or power and all must be considered in assessing how to support the development of the Civil Service. There are four main components of the system:

- The political actors – elected officials and party officials.
- The International Community that wants BiH to grow to perform like a normal state.
- The bureaucratic actors including Ministers, Deputy Ministers and managerial civil servants
- The Civil Service Agency itself.

These actors have certain major interests:

- **The political actors** main program is to gain a share of “what the State has to give” for their Party and Party members. One element of the spoils is jobs. Not all of the political actors see the establishment of CSA and/or the steps required for SAA in their interest.
- **The International Community** is inducing BiH toward the path of European Integration and has very high stakes in success. And success requires that BiH have the capability to act like a normal state.
- **The Bureaucratic Actors** are interested in the benefits that accrue by virtue of holding a public post and exercising the powers of that post.
- **The Civil Service Agency** is interested in establishing itself as an organization that ensures BiH has a Civil Service comprised of skilled people. And that it becomes a *permanent* part of the BiH Public Administration.

Findings

Review Process

Article 64 of the Law on Civil Service requires a review of existing Civil Service positions. This Article provides that

“The agency shall issue a decision on termination of employment ...for employees...that have been appointed in contravention of the Law on Public Administration (the law that previously governed Civil Service) or do not

fulfill the requirements of Article 22 (The minimum requirements for appointment to the Civil Service) of this Law.”

Article 64 also provides that vacant positions shall be subject to public competition and that the decision on termination of employment shall become effective after the overall process of public competition has been completed. In addition, Article 64 provides that in the open competition the experience of a candidate previously employed at the position subject to open competition may be taken into consideration. In practice this means that if a position requires three years of experience a person under review may utilize the experience gained while in the current position to meet this requirement.

The procedure for reviewing appointments is carried out by the Rights unit of the CSA. In general the Rights Unit makes a determination of whether a Civil Servant has been properly appointed.

The general procedure follows: improperly appointed Civil Servants and their Ministry/Institution are notified. The institution employing them calls for a Public Competition for the position. The incumbent may apply along with others and on the same basis. When the new Civil Servant is appointed, the previous incumbent is discharged. The Civil Service Law provides for a severance allowance in such cases. There is an alternative approach to resolving cases where the missing credential is the passage of a special knowledge examination. In these cases the incumbent is allowed up to twelve months to cure this deficiency by passing a specialized knowledge examination. Deficiencies in certain education requirements may also be cured in a specified period of time. One important fact concerning the review process is that it is expected to be a one time task as it applies *only* to those Civil Servants employed when the Law on Civil Service was passed. When it is completed staff resources can be reallocated to other tasks within the CSA’s competency. The Unit head estimates that reviews take up a very large portion of the staff’s time at present⁵.

Appointments

The Department for Appointments in the CSA has the responsibility of overseeing the overall process of conducting procedures for appointments to the Civil Service. These tasks are handled by three staff persons. The procedure for qualification as a potential civil servant include the following steps:

1. Submission of an application package in response to a civil service vacancy announcement:
 - 1) Application form
 - 2) Proof of citizenship
 - 3) Certificate of no criminal record/proceedings

- 4) Copy of university diploma (a university degree is a minimum requirement for entry into the civil service⁶)

2. Passing score on the General Knowledge Exam:

The General Knowledge exam is made up of 42 multiple answer questions in seven categories of knowledge:

- 1) Basis of the constitutional system of Bosnia and Herzegovina
- 2) Basis of the civil administration system in Bosnia and Herzegovina
- 3) Administrative proceedings and administrative litigation
- 4) Basis of employment relations
- 5) Office management in administrative bodies
- 6) Funding of institutions of Bosnia and Herzegovina
- 7) Basis of European integration

The Appointments Unit has developed approximately 1,000 potential questions for use on the General Knowledge exam which are rotated at random for each scheduled exam. A study guide is provided on the CSA website, and specialized courses covering the contents of the exam are offered. At this time only 15% -20% of applicants pass the exam (it appears that this low figure is of concern, and recommendations regarding this are made elsewhere in this report). The exams are graded on the spot, and candidates are apprised of their score before leaving the testing site. There is no fee to take the exam, and candidates may retake the exam at a future date (in contrast, in the Federation the Ministry of Justice administers the civil service exam, which includes an oral exam at the cost of \$200USD per exam). The CSA exam is accepted as valid for employment in the Federation.

3. Passing score on the Special Knowledge Exam⁷:

The Special Knowledge Exam is developed by the Commission⁸ (Commissions are made up of 3 appointees of the ministry or agency which has advertised the opening, and 2 appointees made by the Civil Service Administration. Note: for newly formed agencies the 3 internal Commission members may be appointed from other ministries.). The exam is made by the Commission at least one day prior to the exam administration date. The exams are comprised of essay questions, and a computer lab is utilized for the candidates to type their responses (questions and responses may be in any of the three official languages, and in Latin or Cyrillic type). The five Commission members score the exams on a 100 point scale, independently and without consultation with other Commission members. The top and bottom scores are deleted and the

remaining three scores averaged to develop the candidates final score, a score above 75% is considered passing at results in an invitation to the Oral Exam for the position.

4. Passing score on the Oral Exam:

The Oral Exam is administered by the Commission and scores are assigned on a 30 point scale. The Commissions are not juries. That is, it is the practice of commissions to score candidates without discussion of the merits of each. In addition, the score of each commission member remains confidential.

5. Appointment to the Civil Service:

The scores of the Special Knowledge and Oral Exams are totaled, and this score determines the ranking of the candidates which is then transmitted to the agency or ministry which initiated the vacancy process. For non managerial Civil Service positions the CSA makes appointments in consultation with Ministry/Institution. For managerial Senior Level Civil Service the appointing authority is the Ministry/Institution⁹

In its by-laws/Civil Service Law the CSA is mandated to develop and administer a highly structured process for carrying out recruitment, testing and selection. This process is slow, is open to delays and delaying techniques outside of the CSA, and the calendar time to administer this process is detrimental to the goal of utilizing a merit based system to attract the most qualified candidates into public service. (See Appendix D, which presents a diagram of the complete process). Several recommendations are made to streamline this process later in this report.

The general view of the people in the government interviewed is that while party and ethnic criteria for selection continue to play a role in appointments, the political establishment's discretion in appointment has been limited to a pool of candidates that are competent products of the Civil Service Examination System. This is viewed as a major accomplishment.

This following anecdote is presented as a representation of the adverse consequences of failure to make timely appointments of high quality Civil Servants.

The Review Team interviewed the Governor of the Central Bank for his views on the appointment process. He had served as Chair of the Commission for the Appointment of the Director of Statistics. He thought the special examination process and oral interview process went satisfactorily (better than he anticipated) and the people recommended for appointment were all well qualified. He also noted that the scores of the commission members tended to cluster, which he took as a positive sign.

While this process was completed approximately six months ago no appointment has yet been made. It is the Governor's view that the appointment is delayed because a current employee was slated for the job and was not on the list.

The Governor's view is that the country is performing economically much better than the statistics about the economy show, largely due to antiquated methodology. In his words "the statistics undersell the country".

During mid March it was announced that BiH was awarded a credit rating of B minus with a positive outlook, its first credit rating. In bond rating language this means that the rating agency expects the statistics describing the economy to improve over the next year and that if this occurs there is a high probability of an upgrade in the bond rating. The Governor is doubtful about the possibility of an upgrade unless the Department of Statistics has leadership that can modernize the data collection and analysis capabilities of the Department.

If the Governor's view is accurate, the failure to appoint a skilled Director from the list of qualified candidates will levy a significant cost on BiH.

Training Unit

The Training Unit of the CSA consists of 3 persons (of which one is currently on maternity leave). The Training Unit began its organizational phase in February of 2003. During the period of 2003, in its first 10 months of operation, the Training Unit accomplished the following level of training delivery:

- 11,500 + Participant/hours of training
- 149 Training days of training
- 25 Training seminars designed, sponsored and conducted
- 3 Conferences organized
- 404 Civil Servants participated in training

The staff of the Training Unit has a broad and comprehensive understanding of training not simply as an on-call skills development function, but also in the context of utilizing training as a means of transforming organizations. This vision of training and its wider role in human resources development is critical, well understood within the CSA, and serves as a destination point towards which the Training Unit is moving. The Director of the Training Unit is in accord with the Training Needs Analysis Report completed by the European Union in May of 2002 (conducted 9 months before the initiation of the Unit, see Appendix E).

In 2003 the Director of Training has been engaged in highlighting the role of training within the various ministries and agencies of BiH. This has been an uphill battle, as there is little understanding of the role of training in the ministries/institutions beyond technical skills training.

The Training Unit handles all logistical responsibilities as well as content of training programs. Where training may be offered by the international community, care is taken to ensure that the content meets the needs of the intended participants. While the CSA has taken advantage of the participation of foreign donors in the delivery of training programs, this is not a totally 'supply driven' response to training. The CSA works with collaborating foreign training providers to customize training programs so that they are 'demand driven', i.e. that they meet the needs of the intended participants and corresponding ministries or units. In addition to customized training programs, the following seminars were co-sponsored and delivered for a wide audience of civil servants as well as political leaders:

Public Communication Tools: strengthening the understanding of public communication, internal and external communication, e-government, marketing as strategic function for public administration.

EU Projects: working tools for European cooperation and development, project cycle management (phases: programming, identification, appraisal, financing, implementation, evaluation).

European Legislation Tools: structure of the Union directives, characteristics of the directives, community law.

Management tools for Public Administration: different approaches in organizational design, the importance of quality, differences between services and products, leadership and delegation, change management in organizations.

Economic Policy Tools: economic policy and the EU, economic policy and foreign policy, foreign interactions (the World Bank, the IMF, EBRD, WTO), the IMF and the stand-by arrangements.

The Training Unit is a unique training institution within BiH. No other training capacity exists other than that of the Foreign Ministry which maintains its own specialized training department, including foreign language training and specialized training for foreign representatives of BiH.

At this time there is no defined professional training policy at the state level and there exists a lack of coordination among the Ministries. The Training Unit has set its own goal of filling this void within the government structure. That is, the Training Unit is not simply concerned with training within the CSA, or training related to newly appointed civil servants, but is trying to act, by default, as the training unit of BiH.

Ministries do not include within their budgets a line item for training, nor for the wider scope of human resources management.

While no direct donor assistance is provided to the Training Unit of CSA, courses utilizing international resources and exports have been conducted throughout 2003. Wisely, the training unit of CSA participates in the customization of programs conducted by the international community.

Beginning in October 2003, all Ministries and organizations within BiH were surveyed in order to gain an understanding of the training needs which exist, and their perceptions of the role of training. This training needs assessment provided subjective information, and provides a valuable starting point for the development of training programs for the civil service. Most of the organizations within the government require a deeper understanding of training, training's role, and the use of training to develop the long-term capability of the staff. Training is currently viewed as an on-call service which provides individually directed educational functions. *There is little sense of the role training can play in an organizational transformation process, outside of the CSA.*

While there have been positive aspects and results of the involvement of the international community, there have been disappointment as well. The development of several training initiatives, including the E-Net center program has been extremely slow in taking form, and there has been little involvement of the CSA since initial buy-in was sought by the foreign collaborating institution. Successful international community collaborative activities have been provided by the governments of Poland, Austria, Germany, and Spain. There are currently promising areas for cooperation with the Governments of France and Spain for implementation in 2004.

Planned activities and projects of the Training Unit for 2004 include:

- Project I Analysis of BiH Institutions' Response to Questionnaire
- Project II Implementation of TEMPUS project JEP-17022-2022
(Civil Servants' Capacity in Public Administration)
- Project III Strategic Approaches to Management of Human Resources
Development
- Project IV Computer Proficiency Courses
- Project V Preparation of Applicants for the Civil Service Exam
- Project VI Organization of Training in Cooperation With the Embassy
of France
- Project VII Organization of Training in Cooperation With the Embassy
of Spain
- Project VIII Twinning project for the Ministry of Finance and Treasury

The broad areas of training emphasis for 2004 include:

1. Fundamentals of Human Resources Management In Public Service
2. Skills Development in Writing Legal Norms
3. Public Service Management
4. Regional And Local Development
5. Good Governance and Institutional Development

Specific new training course designs in the following technical topic areas are being developed for delivery in the 2004 calendar year:

Financial Management of the Public Sector: budgeting, accounting and control of public expenditure, public and ethical management in financial and tax administration.

Management Skills for Administrative Professionals: mastering change with management skills, fine-tuning your team skills, controlling your workday, communicating with credibility, dealing productively with conflict.

Training for Civil Service: training system management, training system development, training delivery and methodology.

Information Technology

The Information Technology Unit (ITU) at CSA consists of one employee, although additional slots have been allocated it is extremely difficult to fill IT positions at the pay scale authorized for the CSA. The ITU holds all responsibilities for both internal and external uses of IT technology.

The CSA has an excellent web based job announcement, application and applicant communication system. Based on discussions with the ITU Head (and only employee), virtually all applications are distributed via the CSA Web site (www.ads.gov.ba) and many potential applicants secure their information about open competitions via the web site. The web site maintains all application information in the three official languages of BiH.

As of December 2003 over 165,000 hits on the website were recorded and the current daily volume of hits is in the 200-300 range. Interested applicants can register to receive periodic newsletters and announcement updates via e-mail. To date some 1,400 job seekers have registered for this service, and some 60 newsletters were distributed in 2003. Through this system as many as 500 potential candidates have requested applications for a single position. The website contains a discussion forum (where complaints as well as praise of the CSA application procedure can be found).

The website also contains study guide information for potential candidates who will be taking the Civil Service General Knowledge Exam.

The general opinion of CSA staff is that the web is the primary method most potential applicants use to track announcements of vacancies. Because all potential applicants must have university degrees, the staff view is that almost all are familiar with computers and have access to them. As noted by the ITU, even the Ministry of Foreign Trade (which is dependent on communications external to BiH) does not have a website, nor does the Council of Ministers.

The ITU is also building a Civil Service database of employees in the Civil Service, but this is proceeding slowly due to the fact that the sole employee of the Unit is also entering all of the data (of the 850 Civil Service employees, some 300 + have been entered). The database was constructed by a foreign consultant utilizing Microsoft Access. The size and complexity of the database envisioned will eventually require more sophisticated database software.

At this time there is no formal linkage or reporting responsibilities between and amongst the personnel departments of the various ministries/bodies of the BiH and CSA. However, since reporting and coordination should be based on IT. The ITU has taken the initiative to examine the establishment of a unified database within and between the BiH, and the entities. Noting that there is not yet a civil service agency within the Federation this task becomes an even greater challenge. The ITU deserves credit for undertaking this initiative and creating the basis for CSA to obtain approval from the Council of Ministers to pursue this extremely important IT topic.

The ITU has developed a Data Security Plan, and noted that the BiH Commission of Data Security is yet to develop rulebooks related to the use of IT within BiH. Other initiatives being undertaken by the ITU is the development of an Application Management Information System to enable web distribution of announcements and applications and a means for accepting applications via the web.

The ITU holds a broad view of the role of CSA within both the Government of BiH and the larger society of BiH. As eloquently stated by the Information Technology Unit Head.

“We are the Civil Servants, we will serve for life...the politicians for only four years.”

Protection of Rights

The Unit for Protection of Rights does not deal with technical qualifications of candidates for newly created positions, but it plays a primary role in the review of civil servants who were employees of BiH prior to the creation of the Civil Service Law. The functions of the Unit for Protection of Rights implements the following basic activities:

1. Preparation and drafting of legal documents,
2. Reviewing employment positions,
3. Disciplinary actions related to Civil Servants,
4. Issuing opinions and interpretation of laws related to the Civil Service,
5. Resolution of issues related to applications and appeals of Civil Servants.

During 2003 the Department completed the drafting of eight bylaws (internal rulebook), and an additional four bylaws which arose from other laws influencing the CSA. Delays of several months in the implementation of bylaws have occurred due to delays by the Council of Ministers in responding/approving the bylaws.

The review process for employees (verifying legality of prior appointments, compliance with base employment criteria) completed in 2003 include:

Total Number of Civil Servants to Be Reviewed			827
Reviews Completed in 2003			
1.	Agency of Statistics	9	
2.	Ministry of Foreign Trade and Economic Relations	56	
3.	Ministry of Foreign Affairs	315	
4.	Ministry for Human Rights and Refugees	39	
5.	Legal Services of the Council of Ministers	4	
6.	Directorate for European Integration	38	
7.	Assistant Ministers (not employed in above Ministries)	9	
8.	Standing Committee for Military Matters		
9.	Secretariat for the Elections Commission of BiH	2	
10.	Secretariat of the Presidency of BiH	21	
Total Reviews Completed in 2003			493
Remaining Civil Servants to Be Reviewed in 2004			334*

* approximately 50 additional reviews were completed between the end of 2003 and the issuance of this report.

This first year of operation of the CSA has demonstrated that there is not a broad understanding of the functions of a Civil Service, or the scope of powers of the Civil Service Agency. Presented to the Department in 2003 were 89 requests from institutions or civil servants for interpretation of provisions of the law and bylaws regulating the Civil Service. Certain aspects of the CSL are not clear, and the process of harmonization of laws within the State continues. The Civil Service Board of Appeals accepted 29 requests and appeals during 2003, of which 28 cases confirmed the initial decision of the CSA.

Service Demand

The need for public competitions to fill Civil Service positions is growing rapidly. The following two factors are the principal drivers of demand.

1. The Head of the Rights Unit estimates the reviews will result in approximately ten to twenty percent of current incumbents to be improperly appointed. At a minimum, with approximately 850 civil servants this would mean creating public competitions for about 40-45 positions, if it is assumed that half the improper appointments are cured by special examination or other means. The CSA Section Head for Rights estimates the review will be complete during summer 2004.
2. The expanding number of Ministries/Institutions and the need to staff them to meet current requirements and address the requirements of the feasibility study requires significant numbers of technically capable staff. While hard numbers are difficult to obtain, a reasonable estimate, based on discussions with BiH officials is in the range of 150 – 300 over the next two years. The rate and pace of demand for public competitions is pushed by the EU feasibility requirements and supported by budget allocations, but is constrained by the unavailability of office space and support. It also appears limited by Ministries/Institutions recognition of the finite capacity of the CSA to run public competitions and acute limitations in Ministry Human Resource planning capacity. Specifically Ministries do not have a clear idea of 1) what they will need, 2) when they will need it and 3) when they will be able to accommodate new staff.

In preparing an initial demand scenario, illustrated on the Table below, the following assumptions have been used.

- Public competitions for 200 positions (150 new positions and 50 positions due to the review) will need to be *completed* in the next 24 months (8 quarters).
- A typical public competition takes 6 months.
- Demand for Public Competitions is evenly distributed over the period

The following table provides an initial conceptual scenario of projected demand on the CSA based on the assumptions in the previous paragraph (200 competitions to be completed within 8 quarters will require all starts to be made in 6 quarters, $200/6 = 33$).

Illustrative Service Demand Chart

QTRS	1	2	3	4	5	6	7	8
Public Competitions	33	33	33					
Public Competitions		33	33	33				
Public Competitions			33	33	33			
Public Competitions				33	33	33		
Public Competitions					33	33	33	
Public Competitions						33	33	33
Competitions in progress	33	66	99	99	99	99	66	33

In examining the Table it should be noted that the Public Competitions are not consecutive. That is, during all but the first and last quarters the CSA will be working on more than 33 public competitions as new competitions start before the previous lot is complete.

The review team does not believe that the scenario above accurately predicts the future demands on CSA, rather it is an illustration of the potential impact of a surge in demand and strongly suggests that BiH/CSA require hard data from Ministries so a more accurate projection of demand can be created. Without it, CSA will always be in a reactive posture. The demand is likely to be greater than illustrated.

The Appointment Powers of the Director

Article 28 of the Law on Civil Service provides two different schemes for the appointment of civil servants: one for non-managerial civil servants and one for managerial civil servants. The relevant sections of Article 28 follow:

1. *The appointment of a civil servant shall be carried out by the Agency, upon prior opinion of the competent institution, in accordance with the results accomplished by this candidate during the selection process.*
2. *The competent institution shall appoint the managerial civil servants, upon prior opinion obtained from the Agency, from the list of successful candidates who have passed the open competition.*

Thus, the Director of the Civil Service Agency has broader powers to influence the appointment of non-managerial civil servants than managerial civil servants. With this power the Director is in a good position to address inappropriate interventions in the

appointment process on ethnic and/or political lines in the non-managerial civil service ranks. This will be particularly important as the Ministries/Institutions ramp up their staffing at the non-managerial level during the next 12-24 months.

Political Influence and Ethnic Balance

One expectation of the effect of the Civil Service Law was that political influence and ethnic balance considerations would be sharply curtailed. The comments of the people interviewed tended to fall into two categories:

- Those that viewed progress under the Civil Service Law as a very positive and significant step. These people tended to cite two main facts to support their case 1) that the political establishment now widely understands that its discretion in appointing Civil Servants is curtailed because the choice of appointment is confined to a list of qualified candidates provided by the CSA. and 2) that even if a politically influenced appointment process is carried out the person appointed will have the qualifications to perform the functions of the job because they will have passed through the qualification based selection process carried out by the CSA.
- Those that were disappointed in the pace of implementation of the new Civil Service Law and the vigor with which it has been implemented. These people tended to be largely, but not exclusively, from the International Community. They articulated with considerable passion their hopes for the positive changes the CSL would bring to public administration in BiH. Their most frequently articulated concerns were the lack of a forceful review process, political influence in the appointment of secretaries and the long delay after a list is provided in securing approval of the Council of Ministers for High Level appointments.

The Law on Civil Service specifically states in Article 2 that

“The structure of civil servants within the civil service shall generally reflect the population of Bosnia and Herzegovina in accordance with the last census.”

This portion of the law, while not specifying specific quotas for BiH or for each Ministry/Institution, recognizes that for the foreseeable future a “fair share” of Civil Servant positions is due to each of BiH’s ethnic groups. According to the Review Team’s information, during the Yugoslav period it was customary in Bosnia to allocate jobs along ethnic lines. In the post Dayton period it has become customary to allocate public jobs by party as well as ethnic lines, perhaps a blurred distinction in an environment where parties are ethnically based. In this context having ethnicity and party affect Civil Service is not unexpected, especially in an environment characterized by high unemployment and underemployment of University graduates.

While the Civil Service is to be a reasonable reflection of the population mix, earmarking of slots and thus eliminating from consideration members of two ethnic groups for a particular position is anathema within the legal framework of the OHR/IC and indeed the laws and constitution of BiH. OHR staff has been explicit and forceful in articulating their concerns and objections to designation of specific positions for specific ethnicities a priori. The Review Team shares this concern. However, the Review Team has stressed in conversation that the method by which reasonable ethnic balance will be achieved and maintained is a topic that OHR, *as a matter of policy*, has left to BiH's discretion in the text of the Civil Service Law it imposed. The Review Team believes that the recommendations in this report, if implemented, will reduce these concerns.

The Director of the CSA stated during the debriefing that he has observed a rule book for an institution with the ethnicities of all positions noted in the rule book, a situation he characterized as completely inappropriate. This is an illustration that issues of ethnic allocation continue to be a part of the political culture of the BiH. In conversation with the Review Team the Director observed that the Civil Service selection process operated by the CSA has no provision for ethnic allocation and the Review Team found no evidence or anecdotes contradicting this. The main potential point of intervention appears to be in the discretion granted to appointing authorities, especially for managerial level Civil Servants.

The Commission structure that evaluates special knowledge and conducts interviews includes three persons named by the Ministry. These may be influenced by their political superiors, a risk noted by the High Representative in his remarks on the law's implementation, remarks in which he stated that this would be a system that to work would be based on trust. The progress over the last thirteen months has been very significant. In information provided to the Review Team by OHR the most serious difficulties in implementing the new law occurred around the time (November, 2002) that the nationalist government took office and just as the CSA was being organized.

The Review Team was not advised of significant evidence of direct political interference occurring during the last eleven to twelve months in the competitive examination and selection process. The Review Team concludes that there is broader acceptance of the Civil service system than was the case at the beginning of the current government. However, the Review Team was informed of long delays in appointing some managerial Civil Servants because a preferred person or type of person was not on the list generated by the statutory competitive process¹⁰. This is a manipulation of the system, an act of omission rather commission. Nevertheless, under current law the appointing authority is not required to make an appointment and the CSA has no authority to intervene.

The Review Team observed a high level of tension between OHR and CSA. OHR has a dilemma, as the political culture, history and legal concepts that undergird BiH support the allocation of political power and government benefits along ethnic lines.

OHR has created an institution, CSA, that must deal with these political/cultural realities in a practical and effective way in a political environment. In contrast, OHR has a responsibility to serve guardian/advocate of a high standard of public administration that is difficult to realize all at once. Both OHR and CSA face the problem of properly staffing the Ministries quickly and effectively.

The recommendations of the Review Team suggest that OHR view the development of CSA as work-in-progress and place its support behind structural and systems changes, especially legal changes which can *immediately* strengthen the hand of CSA within the government and achieve the expeditious and proper staffing of the Common Institutions. OHR needs to focus more heavily on the major structural changes it can help CSA make and less on the details of individual transactions. Although OHR does have a duty to monitor overall progress, OHR should do this in an aggregate manner.

The changes in law recommended by the Review Team appear obvious and can be implemented immediately. But the Review Team did not have a sense that these had been previously “placed on the table” or considered by either OHR or CSA even though they would solve certain chronic problems immediately. Rather the Review Team’s sense is that both CSA and OHR tend to have a somewhat excessive attachment to formalism. As a result they tend to overly focus on fine points of the current Civil Service Law, rather than on the main problem: staffing BiH with competent Civil Servants in a rapid and effective way.

The Review Team’s core argument is that OHR and CSA should focus *collaboratively* on how to address the problem (staffing) and adjust the law and procedure to do this as expeditiously as possible, based on the experience of the first thirteen to fourteen months of operation. In current parlance, both CSA and OHR need to begin to think *out of the box*.

The Review Team also observes that for CSA to be a *sustainable* component of the BiH government it requires a constituency beyond OHR. It needs to grow into a respected and valued part of the government – *valued by any set of political parties that assumes power in the future*.

Recommendations

Overarching Recommendation

There is one overarching recommendation: *Prepare the CSA for the step up in service demand due to the surge in demand for Open Competitions as the BiH government expands to perform the roles required to enter the path toward European Integration*. Passing laws will not be adequate to move down the path, real technical work is required in all sectors, especially those specified in the feasibility report. This work cannot be accomplished unless BiH Ministries/Institutions are staffed with people who possess the skills to perform the work required. Given the historically weak

government capacity at the state level *creating this capacity requires an exponential increase in capability of the CSA and BiH government to recruit, qualify, appoint and train civil servants.*

To help address this *tsunami*, the Agency and the IC should *consider providing a senior expatriate Civil Service professional* to the CSA to help it:

- Forecast and monitor demand for its services by gaining a comprehensive assessment of the recruitment needs of Ministry/Institutions for the next two years,
- Develop a plan that includes staffing and prioritization that will enable the Agency to meet the demands,
- Refine its procedures so quality is maintained, but the processes are simplified and accelerated where possible and
- Assist in the development of Human Resource Management capacity in the Ministries/Institutions.

The Review Team's opinion is that three, five or ten years from now the success of the CSA will be judged by how effectively it recruited and appointed a competent and skilled Civil Service during the initial years of its operations.

Specific Recommendations

The OHR has very broad legal authority to exercise any of the powers of BiH¹¹. It could in fact exercise any of the powers of the appointing authorities – including appointment from the lists.

The OHR has a sound policy basis for using these extraordinary powers in very limited instances. The Review Team understands the rationale for encouraging and supporting the Council of Ministers and parliamentary bodies make law and policy. However, given the very high significance of the Civil Service appointments now scheduled and their volume, *OHR should use these powers*, in consultation with CSA and BiH, to make immediate changes to the Law *to strengthen the appointment process and quality control process. It is particularly important for the changes to the CSL to be in effect prior to the recruitment and appointment of any additional managerial Civil Servants. In fact, the changes in the CSL should be written so that the enhanced powers of the CSA apply to any recruitments now underway that are "stuck"*. Another rationale for using the powers of the HR to fix the CSL is that the current law is largely the creation of OHR, and it would make sense for OHR to help with essential fixes for problems discovered in the first year of experience.

Legislative Actions to Improve the Operations of the CSA

1. *Amend Law to Authorize the CSA Website as the sole Official Announcement Mechanism for Vacancy Announcements.* The change in law should make the CSA web site the official posting site for vacancies and other legal announcements (amendment to Article 20, and Article 21). This change will result in a reduction of 1-2 months from the typical current recruitment schedule. *Delete from the Law publication requirements on anything other than the web.*
2. *Amend Law to Authorize the Default Appointment of Candidates by the Director of the CSA if the Competent Institution Does Not Make an Appointment Within 30 Days* The appointment process should be modified so that timely appointments from the lists are ensured. The Law on Civil Service and/or the implementing by-laws should be amended so that if the appointing authority does not appoint from the list within 30 days then the top scoring candidate secures the position without further action by the appointing agency. In this situation the CSA would automatically issue a certificate of appointment to the top scorer.
3. *Amend Law to Allow Payroll Control for Civil Servants Through the CSA.* To address the problem of illegal appointments, that is the placement of people in civil service positions without the lawful procedure, a provision should be added to the law that requires that *no* occupant of a civil service position shall be paid by the Treasury unless a certificate is issued by CSA certifying that it is a proper appointment.
4. *Amend Law to Shorten Announcement Time from 30 Days to 21 Days From the Date of Publication on the CSA Website.* Amendments to Article 20, and Article 21 will be required.
5. *Assist the CSA in securing medium to long term institutional support for implementation of a comprehensive training program that builds HR management capability in Ministries and in BiH generally.* The Training needs of BiH are well documented in *Training Needs Analysis Report, European Union* (see Appendix E, for an illustrative list of potential training programs/interventions). What is needed now is substantive, sustained training support, not ad hoc efforts or well meaning supply driven programs.

CSA Actions to Improve the Operations of the Civil Service System

Procedures established in by-law or agency procedure should be reviewed to determine if the procedural requirements can be shortened and streamlined. Specific recommendations include:

1. *Actively collaborate with OHR in writing the amendments to the CSL recommended above.* The CSA operating level staff as well as the Director should be thoroughly engaged in this effort so that the practical and operational implications of changes can be assessed in the drafting process.
2. *In addition to the changes to the Civil Service Law recommended above which are urgent* CSA should begin a comprehensive technical and policy review of the CSL. This review should identify conflicts with other laws that define administrative practices so that technical issues can be resolved and policies refined. This process should produce changes in law that fully support the development of a professional civil service in BiH. This is a piece of technical analysis that could be performed by local legal consultants and BiH government lawyers. A technical reform package should be ready for government and parliamentary approval by the end of 2004.
3. *Amend Bylaws to Allow The General Knowledge Exam and Specialized Exam to Be Conducted on the Same Day.* Devote mornings to the administering of the General Knowledge Exam, notify the applicants of their passing/failing status, then administer the Specialized Exam in the afternoon of the same day.
4. *Schedule Firm Dates for the Oral Exams at the Same Time the Special Knowledge Exam is Scheduled.* When the vacancy announcement is made, the Application Date, and the dates for the General Knowledge/Specialized Exam and the Oral Exam will be established and advertised.
5. *Amend Bylaws to Change Notification Process Following Scoring of the Specialized Knowledge and Oral Exams.* Notification process: at the time of submitting their applications, each applicant is assigned a unique number for this particular job vacancy. This number will be utilized to publish on the website, passing/failing grades on the two exams. Make this information available on a call-in telephone line as well. Dates for each of the steps: Application deadline, date of General Knowledge and Specialized Exam, and Oral Exam will be included in the original CSA Website announcement.
6. *The Agency Should Consider Amending Bylaws to Allow a Ranking System on the Specialized Exam and Oral Exam.* The General Knowledge Exam is a totally *objective* exercise, i.e. the candidate answered the questions correctly, or wrongly. Thus it is easy to supply a numerical score. Both the Specialized

Exam and the Oral Exam are totally *subjective* in nature. Assigning numerical scores, and then discarding the top and bottom scores may unfairly demote, or promote a candidate. Since five commission members are doing this independently errors may be introduced into the system. The Agency should consider utilizing a Ranking System, whereby commission members Rank candidates into three tiers (Excellent, Acceptable, Unacceptable), and then those from the first tier are ordered (1st, 2nd, 3rd). Weighted scores could then be utilized to establish the top candidates. The score on the General Knowledge Exam should not be again taken into consideration, that served as the entry point, and should not influence rank of an individual applying to a specific job (this will be the role for the Special Knowledge and Oral Exams).

7. *The Agency Should Establish a Public Relations Annual Plan and Aggressive Advertising Program.* With the deep perception held that entry into Civil Service is difficult, a mystery, and is not effective in bringing the best talent, and particularly the best *young* talent, into government service, a concerted and well publicized public relations initiative should be undertaken. This “*branding*” of Civil Service and of the CSA should be undertaken in all forms of the media; posters, newspapers advertisements, television, radio, sponsored events (at universities), and so on. Advertisements should point to the CSA website for additional and detailed information. In designing the program CSA should consider how to reach citizens living in the Diaspora. There are many well-educated citizens in the Diaspora who could make significant contributions to the development of BiH.
8. *The Agency Should Consider Special Intake of Young Professionals Into Internship Programs or Other Categories of Special Service.* Accepting university students into special “*Presidential Management Intern*” or “*Parliamentary Intern*” programs could be a means for current government leaders to make use of intelligent and motivated staff members, as well as a means of recruiting potential future Civil Servants. This also will add in a major way to the transparency of the operations of the state government. Outreach for these programs should consider how to attract citizens from the Diaspora. In all outreach activities the CSA should capitalize on its exemplary web site which is a communications device as well as being a signifier of a modern forward looking government.
9. *The Agency Should Take a Leadership Role in the Discussion of, and Decisions Related to Ethnicity and Government Service.* This issue needs to be seized upon and not left solely to individual Ministries, political parties or other groups. Policies related to data collection associated with ethnicity should be made. This dialogue should be in an open forum, as government activities in this arena will certainly influence public perceptions regarding ethnicity in BiH well into the future.

One step it can take immediately is to develop a reporting system that describes progress in filling the ranks of Civil Servants. This report should probably be a monthly or quarterly report to the Council of Ministers, *but it should be a public document*. It could be published on the website and summaries should be published in the media. This report should be structured so that aggregate progress in meeting the ethnicity allocation requirements in the CSL can be evaluated. In designing the reporting system consideration should be given to how a periodic public report can inform the public of BiH's progress toward "normalcy". In addition, consideration should be given to how broad public understanding of the role and effectiveness of CSA can buffer the Agency from unwarranted political influence.

10. *The Agency Should Consider Mechanisms of Increasing the Pass Rate on the General Knowledge Exam.* The fact that some 80% to 85% of applicants fail the General Knowledge Exam indicates that something should be addressed. Those that fail are all university graduates and may offer good service to BiH, but may become disappointed after an initial failure, and under current procedures will lose the opportunity to compete for the job for which they applied. There are several possible actions which may assist in opening the doors to this large body of university graduates:
 - a. *Offer Exam Tutoring and Exams on a Weekly Basis,*
 - b. *Conduct Exams on a Weekly Basis (not tied to particular job announcements),*
 - c. *Make the Entire Exam Study Guide Available on the CSA Website (as well as in printed form).*
11. *Hire Temporary Employees During the Upcoming Tsunami.* CSA has many data entry, typing, and documentation preparation tasks for which temporary employees could be utilized.
12. *Consider a Seconding Arrangement from Ministries.* In order to manage the anticipated upturn in recruitment activities, request temporary seconding of staff from existing Ministries, ensure that seconded staff do not work on assignments related to their primary Ministry.
13. *Consider Formalizing the Human Resources Management Function of BiH.* Currently no HRM function exists within the individual Ministries or the state as a whole. While the Training Unit is anticipating and preparing activities related to HRM, the establishment of an HRM Unit would be beneficial. The CSA needs to either develop Human Resources Management capacity in Ministries or identify strategies for the Ministries/Government to do this. At a minimum it should prescribe the kind of Human Resource capacity, in functional terms, that ministries require and then assist in securing resources and providing support and training to Ministries. *CSA should play this role in*

supporting HR development in line Ministries because it can never fulfill its own mandate unless and until this capacity is developed. For example, it is unlikely that any positive benefit will be achieved from developing a Performance Evaluation system, as required by the CSL, until Human Resource management capacity exists in Ministries. Similarly the CSA will not have the benefit of Ministry manpower development plans to plan its own work until this capacity exists.

14. *Consider Formalizing the Performance Evaluation Function of BiH.* While the CSA does have the authority by law for this function (Articles 29, 30, and 31), this is a massive function and should be complementary to the development of HRM capabilities. CSA should consider the establishment of an Performance Evaluation System, *but should not commit resources to this or other performance evaluation efforts until BiH is prepared to make significant long term investments in HRM function in Ministries.*
15. *Amend Law to Shorten the Publication Requirement for vacancies to 15 days, but as recommended above, use the web for publication.* As a matter of practice, announcements describing the job and directing people to the web site should appear in widely read newspapers. Amendments to Article 20, and Article 21 will be required.
16. *The Agency Should Consider Improvement in the Composition of Commissions.* The Agency should consider methods of obtaining commission members that will not be subordinate to the person being evaluated. This is a fundamentally uncomfortable situation that carries high potential for less than professional scrutiny of candidates and potential adverse consequences for commission members if evaluation scores leak. This will become less of a problem as senior posts are filled.

Improving the Appointment Process, a Step by Step Scenario.

The appointment process requires streamlining, as stated in the overarching recommendation. The Review Team envisions specific changes to enable this. The sequence of specific action steps that should be implemented include::

1. Change the CSA law to make the CSA webpage the *sole official notification* point for job vacancy announcements and other official notices. The date, place, time of the General Exam & Special Knowledge Exam and all other legally required information should be posted on the web site. All other requirements for notice publication should be deleted from the CSL and any relevant rules and procedures.
2. Although not required by law, vacancies should be advertised in private newspapers at the same time as the webpage announcement and should include information included in the official announcement and direct the

reader to the web site for the official announcement and application materials. This expense for advertising should be paid by CSA and charged back to the hiring agency's budget. The amount of charge back should be determined and authorized by the hiring Ministry when the CSA is requested to begin the hiring process.

3. The length of time applicants would have following the vacancy announcement to submit completed applications should be 21 days rather than 30 days. This would be consistent with commercial practice in BiH.
4. Conduct General Knowledge Exams on an open continuous basis.
5. Conduct General Knowledge and Special Knowledge Exam on the same day. For example: Candidates would take the General Knowledge Exam in the morning and those that passed with a high enough score plus those who previously passed with a high enough score would take the Special Knowledge Examination in the afternoon.
6. Complete scoring the Special Examination one week after the exam.
7. Notify exam takers of their score via web and phone using the following method. Assign a unique number for this particular job vacancy to each applicant. Publish passing/failing scores on the website by unique applicant number. In addition this information can be available on a recorded call-in telephone line.
8. Schedule the Oral Exam for two weeks from the date of the Special Knowledge exams (#5 above). Score and produce final list of candidates eligible for appointment.

By instituting the process above, the hiring schedule will be reduced from approximately 5-6 months to 4-6 weeks with no compromise in the quality of candidates selected for appointment.

A Special Situation – Ministry of Defence

The newly created Ministry of Defence requires rapid staffing of the forty-four Civil Service positions allocated to it. There is some urgency as timely filling of these slots is a requirement for admission to NATO's Partnership for Peace. Neither the Military Advisor to the High Representative nor the Chief of the Defence Reforms Section (OSCE) believe that either timely or effective recruitment can occur through the current lengthy Civil Service process. Both are keenly aware that appointments made now will shape the character and capabilities of the Ministry for a long time to come.

One approach to solving this problem and solving the general problem of the lengthy appointment process might be to create a special regime for the Ministry that 1) meets its unique needs and 2) pilots all of the appointment acceleration recommendations included in this report.

This would require a special provision in the CSL, applicable to the Ministry of Defence that would be designed to deal with the specific problems of staffing a Ministry from the ground up.

Coordination with the Public Administration Review

The Review Team has consulted with the Team Leader of the System Review of Public Administration in BiH, which was just commencing in March 2004. This review will cover all of the Public Administration at the state and entity level and will include the state Civil Service Agency and Law. The work and report is not expected to be complete until near the end of 2004.

The Review Team suggests that given the urgency of addressing CSA capacity issues that those recommendations in this review that can be characterized as either urgent or obvious be implemented immediately e.g. the changes in law and procedure. In no event should these recommendations be held until the completion of the PAR study, as this will delay effective implementation by at least a year. However, the Review Team does recommend that the PAR team conduct its review of the CSA *after* the recommendations in this review are implemented, so that the PAR effort can be used to evaluate and refine implementation practices. This would enable the PAR effort to help CSA refine and enhance the effectiveness of the practices recommended by this review, in this way the PAR review could bring a great deal of value added to the next stage of process refinement.

The Review Team envisions a schedule in which CSA/OHR concur on revisions to the law quite quickly. *Quickly enough so that the CSL modifications are effective in May 2004.* This will provide five to six months of operational experience before the PAR review is complete. This review can then be used to help CSA move to the next stage.

ENDNOTES

¹ It is assumed that readers of this report are familiar with the recent history of the BiH, particularly the war, Dayton accords, and subsequent actions by OHR and other international and local political actors.

² The Director stressed that this was an estimate subject to change.

³ Report from the Commission to the Council on the Preparedness of BiH to negotiate a Stabilisation and Association Agreement with the European Union. Brussels Nov-18-2003.

⁴ Speech of the High Representative on June 9 2003 – Appendix F

⁵ For Ministry/Institution status of the Review Process, please see Appendix A.

⁶ Law on Civil Service Article 22.

⁷ Ibid. Article 26

⁸ Ibid. Article 27

⁹ Managerial Civil servants are described in Article 7 as Senior Executive Manager (Sekretar) and Senior Executive Manager with a special assignment (Sekretar sa posebnim zadatkom), and Assistant Minister.

¹⁰ The Director of Statistics previously mentioned is an example as are certain other appointments.

¹¹ Conversation with Consuelo Navarro, Legal Officer, OHR

Appendix A

Reply of CSA on the Request Submitted by Mr. Richard Kobayashi and Mr. Michael Palmbach, USAID

of March 9, 2004

LIST OF INSTITUTIONS OF BOSNIA AND HERZEGOVINA

Agency for Branding of Animals
Agency for Promotion of Foreign Investments
Civil Service Agency
Agency for Information and Protection
Agency for Statistics
Archive
De-mining Center – BHMACH (Mine Action Center)
Directorate for European Integration
State Border Service
Institute for Standardization, Measuring and Intellectual Property
Institute for Accreditation
Election Commission
Audit Office
Veterinary Office
Commission for Real Property Claims
Commission for Protection of National Monuments
Ministry of Civil Affairs
Ministry of Finances and Treasury
Ministry of Foreign Affairs
Ministry of Communication and Transport
Ministry of Justice
Ministry for Security
Ministry of Foreign Trade and Economic Relations
Ministry of Human Rights and Refugees
Civil Service Appeal Committee
Department of Civil Aviation
General Secretariat of Parliamentary Assembly
General Secretariat of the Presidency
CIPS Project
Regulatory Commission for Communication
Service for Joint Services of the Institutions of BiH
Secretariat of the Standing Committee for Military Issues
General Secretariat of the Council of Ministers
Legislative Office of the Council of Ministers

A) Number of posts being currently filled in the Institutions of Bosnia and Herzegovina

1. Secretariat of the Standing Committee for Military Issues of BiH – Selection Commissions established, public exam completed including the written part of the special-technical exam for all posts, as well as interviews for 10 posts

- Head of Department – 4 posts
- Head of Section – 3 posts
- Special Adviser – 2 posts
- Senior Special Assistant – 5 posts
- Special Assistant – 7 posts

Note: 396 applications received and processed within the public competition procedure, out of which for 72 candidates we organized public exam and the public exam evaluation procedure.

2. De-mining Center of Bosnia and Herzegovina – Public exam completed, Selection Commission established

- Head of the Logistic Department – 1 post
- Senior Special Assistant – 1 post
- Special Assistant – 1 post

Note: 11 applications received and processed within the public competition procedure, out of which for 5 candidates we organized public exam and the public exam evaluation procedure.

3. Ministry of Communication and Transport of BiH - Public exam completed, Selection Commission established, written part of the special-technical exam is currently being conducted.

- Assistant Minister – 4 posts
- Chief Inspector – 1 post

Note: 102 applications received and processed within the public competition procedure, out of which for 12 candidates we organized public exam and the public exam evaluation procedure.

4. Ministry of Foreign Trade and Economic Relations of BiH - Public exam completed, Selection Commission established

- Assistant Minister – 2 posts

Note: 36 applications received and processed within the public competition procedure, out of which for 9 candidates we organized public exam and the public exam evaluation procedure.

5. **Ministry of Civil Affairs of Bosnia and Herzegovina** - **Public exam completed, Selection Commission established**

- Assistant Minister – 4 posts

Note: 31 applications received and processed within the public competition procedure, out of which for 4 candidates we organized public exam and the public exam evaluation procedure.

6. **Agency for Statistics of BiH** - **Public exam completed**

- Senior Special Assistant – 2 posts
- Special Adviser – 1 post

Note: 19 applications received and processed within the public competition procedure, out of which for 7 candidates we organized public exam and the public exam evaluation procedure.

7. **Ministry of Foreign Affairs of BiH** - **Public exam completed, Selection Commission established**

- Adviser to the Minister – 1 post
- First Secretary – 1 post

Note: 15 applications received and processed within the public competition procedure, out of which for 1 candidate we organized public exam and the public exam evaluation procedure.

8. **Election Commission Secretariat of BiH** - **Public exam completed, Selection Commission established**

- Secretary General – 1 post
- Department Head – 7 posts
- Special Adviser – 1 post
- Senior Special Assistant – 4 posts
- Special Assistant – 10 posts

Note: 503 applications received and processed within the public competition procedure, out of which for 42 candidates we organized public exam and the public exam evaluation procedure.

9. Ministry for Security of BiH – taking of public exam scheduled for 19 March, 2004 and candidates have been invited in writing to take the exam

- Assistant Minister – 4 posts
- Section Head – 11 posts
- Chief Inspector – 1 post

Note: 436 applications received and processed within the public competition procedure, out of which for 38 candidates we organized public exam and the public exam evaluation procedure.

10. Agency for Promotion of Foreign Investment of BiH – taking of public exam scheduled for 25 March, 2004 and candidates have been invited in writing to take the exam

- Department Head – 3 posts
- Special Adviser – 3 posts
- Senior Special Assistant – 2 posts
- Special Assistant – 1 post

Note: 291 applications received and processed within the public competition procedure, out of which for 67 candidates we organized public exam and the public exam evaluation procedure.

TOTAL FOR A) public competition procedure is currently being conducted for filling in vacancies in the aforementioned institutions of BiH for **88 posts – vacancies**, and the **total of 1840 applications** were received and processed within the mentioned public competition procedure.

Note: some vacancies need to be filled in by more than one employee – civil servant.

B) List of current requests for appointment – official publication of public competition, in order to conduct public competition procedure for filling in vacancies in the institutions

I Public competitions published upon the request of institutions, deadline for submission of applications expired – preparing for the public competition procedure – review of applications, making of list of candidates who need to take public exam, preparation of notifications, establishment of Selection Commissions

1. Ministry of Justice of BiH

- Assistant Minister – 4 posts
 - Commander of the Department of Judicial Police – 1 post
2. **Ministry of Foreign Affairs of BiH**
 - Assistant Minister – 1 post
 3. **Secretariat of the Presidency of BiH**
 - Secretary General of the BiH Presidency – 1 post
 - Secretary for Organizational and Financial Affairs – 1 post
 - Special Adviser – 1 post
 - Senior Special Assistant – 2 posts
 - Special Assistant – 2 posts
 4. **Ministry of Communication and Transport of BiH**
 - Section Head – 1 post

Separately: State Border Service of BiH – CSA drafted and published public competition for 30 posts (77 employees), we will establish the Selection Commission

II Drafted and published public competitions - deadline for application have not yet expired – Agency is in the process of preparation and classification of applications

1. **Ministry of Foreign Trade and Economic Relations of BiH**
(Deadline for application is 19 March, 2004)
 - Special Adviser – 2 posts
 - Senior Special Assistant – 1 post
2. **Ministry of Civil Affairs of BiH – Directorate for Implementation of CIPS Project**
(Deadline for application is 19 March, 2004)
 - Senior Special Assistant – 2 posts
 - Special Assistant – 1 post
3. **Ministry of Foreign Trade and Economic Relations of BiH**
(Deadline for application is 2 April, 2004)
 - Senior Special Assistant – 1 post
4. **Ministry for Human Rights of BiH – Fund for Return**
(Deadline for application is 02 April, 2004)

- Fund Manager – Secretary with Special Assignment – 1 post

5. Ministry for Human Rights of BiH

(Deadline for application is 02 April, 2004)

- Representative/Agent of the BiH Council of Ministers before the European Court for Human Rights – Secretary with Special Assignment – 1 post

6. Ministry for Transport and Communication - Directorate of Civil Aviation of BiH

(Deadline for application is 02 April, 2004)

- Special Adviser –8 posts
- Senior Special Assistant – 1 post
- Special Assistant – 1 post

III Drafted public competition – sent for publication but have not yet been published in the «Official Gazette of BiH» therefore the deadline for applications did not begin to expire yet.

1. Ministry of Foreign Trade and Economic Relations of BiH

- Special Adviser – 2 posts

2. Ministry for Human Rights and Refugees of BiH

- Assistant Minister – 3 posts
- Section Head – 1 post
- Special Adviser –4 posts
- Senior Special Assistant – 3 posts
- Special Assistant – 2 posts

3. Institute for Standards, Measuring and Intellectual Property

- Special Adviser – 1 executive

4. Ministry of Foreign Affairs of BiH

- Special Assistant for web page – 1 post

TOTAL FOR B): *current requests for filling in vacancies in the aforementioned BiH institutions – 51 posts – vacancies*

Note: some vacancies need to be filled in by more than one employee – civil servant

SEPARATELY: CSA also received requests from the following:

1. Directorate for European Integration of the Council of Ministers of BiH – for 21 posts – final harmonization of the request and the text of the public competition is ongoing
2. Standing Committee for Military Issues of BiH – for 21 post - final harmonization of the request and the text of the public competition is ongoing
3. Agency for Information and Protection of BiH – for 6 posts – we are awaiting necessary data to be submitted

C) Status of current requests

Following the above, we can see that the requests from the institutions are processed in accordance with the dates of their submission, and as for the institutions which submitted more than one separate request, the status of their requests is as follows:

1. **Ministry for Transport and Communication of BiH** – submitted separate requests for three public competition announcements (16 posts – vacancies in total), out of which the first public competition procedure is being conducted at present – it is in the phase where candidates take the written part of the special exam, second public competition procedure started – application were reviewed and processed, and the deadline for application for the third public competition has not expired yet – applications are still being collected.
2. **Ministry of Foreign Trade and Economic Relations of BiH** – submitted separate requests for 4 public competition announcements (the total of 8 posts), out of which one is being conducted at present (public exam completed), and for two public competitions the deadline for application did not expire yet – applications are being collected, and the fourth one was sent for publication but it has not yet been published in the «Official Gazette of BiH»
3. **Ministry of Civil Affairs of BiH** – submitted separate requests for two public competition announcements (7 posts in total), out of which one is ongoing (public exam completed), for the second public competition the deadline for application did not expire yet – applications are being collected.
4. **Ministry for Human Rights and Refugees of BiH** - – submitted separate requests for 3 public competition announcements (15 posts in total), out of which the deadline for application have not yet expired for two public competitions – applications are being collected, and the third public competition announcement has been sent for publication but has not yet been published in the «Official Gazette of BiH».
5. **Ministry of Justice of BiH** - submitted separate requests for 2 public competition announcements (5 posts in total), out of which both are in preparation.

Other institutions as mentioned above, submitted the requests for only one public competition announcement, and they are under the procedure as listed above under A and B of this document.

D) Status of requests previously submitted

Status: 8 public competition procedures have been fully completed.

Comment: For all public competitions we received very large number of applications which is reflected in the following information:

- Public competition for the Secretaries of Ministries and Secretaries with Special Assignment – for **9** posts (*8 Secretaries and 1 Secretary with Special Assignment*) we received **211** applications;
- Public competition for **1** (one) Special Assistant post in the Patent Dept in the Institute for Standards, Measuring and Intellectual Property – **18** applications;
- Public competition for **4** civil service posts (2 Special Assistant posts and 2 Senior Special Assistant posts) in the BiH De-mining Center – **24** applications;
- Public competition for **2** posts – Director and Deputy Director posts in the Agency for Statistics of BiH – **24** applications;
- Public competition for **2** posts - Director and Deputy Director posts in the Directorate for Civil Aviation – **21** applications;
- Public competition for **12** civil service posts in the Ministry of Finance and Treasury of BiH (3 Section Heads, 5 Senior Special Assistants, 4 Special Assistant posts) – **213** applications;
- Public competition for **6** civil service posts in the Secretariat of the BiH Parliamentary Assembly (2 managerial civil servants, 1 Senior Special Assistant post, 3 Special Assistant posts) – **172** applications;
- Public competition for **8** civil service posts in the Agency for Information and Protection (SIPA) (7 Special Assistant posts and 1 Department Head)
- Internal competition for **1** civil servant in the BiH De-mining Center.

The total number of received and processed applications as per the above mentioned previously conducted public competition procedures **is about 1000**, since at present we do not have accurate information on the number of applications for Information and Protection Agency (SIPA), for which we received extremely large number of applications -

Note:

Section for Appointments (three civil servants) shall perform the following during the implementation of the public competition procedure:

- subject to a Decision shall establish the Selection Commission among the list of independent experts based on regulation of the institution on behalf of which the public competition is conducted and the competent officer from the Section shall take minutes recording the Commission work (every Selection Commission holds three session on average) and assist Selection Commission in other matters as well;

- Shall review each received application individually for each post – vacancy;

- shall invite in writing candidates who did not pass special administrative exam to take public exam organized by the Section for Appointments (which entails formulation of contents

of test papers for public exam, grading test papers, publication of results and sending the information on examination results, i.e., issuing certificates for candidates who passed the public exam);

- *shall inform in writing candidates who did not meet conditions listed in the public competition announcement and send back their documentation;*
- *shall invite in writing candidates who meet conditions required by the public competition announcement to take the written part of special exam during which Section Officers, after distributing sealed questions, shall supervise the taking of the written examination, then make copies of the candidates' test papers and distribute them to Selection Commission members for evaluation (grading);*
- *Officers of the Section of Appointments, after receiving grades assigned to test papers by the Selection Commission, make the final table of grades for the written examination for all candidates, based on which successful candidates shall be invited to attend an interview;*
- *after interviews are conducted Section officials shall generate final table with grades composed of grades received for written and oral examination, and submit the list of successful candidates to the institution on behalf of which public competition was conducted;*
- *All candidates shall be informed in writing about results achieved on the special exam.*

E) Appointment of civil servants – status- Decisions issued

Pursuant to the Civil Service Law, following all public competition procedures conducted (**Item D**) the Section issued Decisions on Appointment of civil servants from the list of successful candidates, i.e., the opinion (short list) of managerial civil servants was submitted to the institution competent for appointment. Apart from that, appointments of civil servants have also been made based on external transfer and internal competition.

1. Ministry for Transport and Communication

- Secretary of the Ministry – 1 post

2. Ministry of Finance and Treasury of BiH

- Secretary of the Ministry – 1 post
- Assistant Minister – 3 posts
- Section head – 3 posts
- Special Adviser – 1 post
- Senior Special Assistant – 5 posts
- Special Assistant – 3 posts

3. Ministry of Foreign Trade and Economic Relations of BiH

- Secretary of the Ministry – 1 post
- Senior Special Assistant – 3 posts
- Special Assistant – 1 post

4. Ministry of Justice of BiH

- Secretary of the Ministry – 1 post

5. Ministry of Civil Affairs of BiH

- Secretary of the Ministry – 1 post

- 6. Ministry of Foreign Affairs of BiH**
 - Secretary of the Ministry – 1 post
 - Section Head (Minister-Adviser) – 1 post
 - Special Adviser – 1 post
- 7. Ministry of Security of BiH**
 - Secretary of the Ministry – 1 post
 - Section Head – 2 posts
- 8. Secretariat of the BiH Parliamentary Assembly**
 - Secretary of the Commission in the Parliamentary Assembly – 2 posts
 - Senior Special Assistant – 1 post
 - Special Assistant – 3 posts
- 9. Council of Ministers of BiH**
 - Secretary General – 1 post
- 10. Directorate for European Integration of the Council of Ministers of BiH**
 - Director – 1 post
- 11. Directorate of Civil Aviation of BiH**
 - Director General – 1 post
 - Deputy Director General – 2 posts
- 12. De-mining Center of BiH**
 - Assistant Director – 1 post
 - Senior Special Assistant – 2 posts
 - Special Assistant – 2 posts
- 13. Agency for Information and Protection of BiH**
 - Special Assistant – 1 post
- 14. Agency for Statistics of BiH**
 - Director – 1 post
 - Deputy Director – 1 post
- 15. Veterinary Office of BiH**
 - Director – 1 post
 - Deputy Director – 1 post
 - Secretary – 1 post
 - Section Head – 1 post
 - Special Adviser – 3 posts
- 16. Agency for Promotion of Foreign Investment in BiH**
 - Deputy Director – 1 post

- Assistant Director – 1 post
- Special Adviser – 1 post
- Special Assistant – 2 posts

17. Institute for Standards, Measuring and Intellectual Property

- Special Assistant – 1 post

NOTE: CSA provided professional and administrative assistance in conducting the competition, i.e., testing for persons not having a civil service status to the following:

▪ **Office for Auditing Financial Activities of the BiH Institutions**

- Senior Auditor – 1 post
- Auditor – 2 posts
- Assistant Auditor – 1 post

F) Establishment of priorities

The CSA is conducting a procedure of filling in civil service vacancies (appointments) upon the request put by institutions according to the dates of receipt of request from institution. Exceptionally, in case of emergency, if requested by the institution, the Council of Ministers of BiH, or the BiH Presidency, the Agency can ignore the timeline of the request submission and process the request of individual institutions.

G) Assessment of incoming requests in the future

The CSA is not at all able to give an estimate of number of requests for appointments which institutions may submit to the Agency in the future, having in mind the fact that the large number of new institutions are being created and we still do not know anything about their required civil servant capacities, and the filling in of the posts in the existing institutions depend on the job requirements as well as on the available funds in the budget allocated to these institutions.

Overview of the institutions in which the review procedure is completed with structural data:

1. AGENCY FOR STATISTICS OF BIH

- The review enveloped – 09 (all civil servants have previously been employed in accordance with the law)
 - Special Adviser – 03
 - Senior Special Assistant 05
 - Special Assistant 01
-

TOTAL: 09

2. MINISTRY OF FOREIGN TRADE AND ECONOMIC RELATIONS

a. the review enveloped 56 people (in the meantime employment terminated for 3 persons, and after the completion of the review process 1 person was employed as full time employee)	
b. civil servants approved by the review -	50
c. not approved by the review – termination of employment -	06
d. civil service posts in the Ministry:	
Secretary of the Ministry	01
Assistant Minister	04
Head of Internal Org. Unit	20
Special Adviser	23
Senior Special Assistant	06
Special Assistant	02
<hr/>	
TOTAL:	56

3. MINISTRY FOR HUMAN RIGHTS AND REFUGEES

a. the review enveloped 39 people	
b. civil servants approved by the review	32
c. not approved by the review – termination of employment	07
d. civil service posts in the Ministry:	
Secretary of the Ministry	01
Secretary with Special Assignment	01
Assistant Minister	04
Head of Internal Org. Unit	12
Special Adviser	09
Senior Special Assistant	10
Special Assistant	02
<hr/>	
TOTAL:	39

4. LEGAL SERVICE OF THE COUNCIL OF MINISTERS

a. the review enveloped 4 people	
b. civil servants approved by the review	3
c. not approved by the review – termination of employment	1
d. civil service posts in the Service:	
Secretary of the Service	1
Special Adviser	3
<hr/>	
TOTAL:	4

DIRECTORATE FOR EUROPEAN INTEGRATION

e. the review enveloped 34 people (plus 2 advisers of the Director)	
f. civil servants approved by the review	30
g. not approved by the review – termination of employment	04
h. civil service posts in the Directorate:	
Secretary with Special Assignment – Director	01
Assistant Director	01
Head of Internal Org. Unit	11
Special Adviser	08
Senior Special Assistant	09
Special Assistant	04
TOTAL:	34

5. SECRETARIAT OF THE PERMANENT ELECTION COMMISSION

a. the review enveloped 2 persons	
b. civil servants approved by the review	02
c. not approved by the review	-
d. civil service posts:	
Legal Adviser	02
TOTAL:	02

6. MINISTRY OF FOREIGN AFFAIRS

The review process enveloped 315 persons; however, the final review report for this Ministry was not completed because a few days ago the Decision on Exemption from Relevant Provisions of the Civil Service Law in the BiH Institutions was adopted. Namely, the mentioned Decision formulated that apart from titles formulated by the Law, there should be other titles assigned to civil servants pursuant to Vienna Conventions from 1961 and 1963 (for example: ambassador, ambassador «at large», Executive Official «ad interim», Minister Adviser, Adviser, I Secretary, II Secretary, III Secretary, attaché). Same titles have already been formulated by the Rulebook on Internal Organization of the mentioned Ministry.

7. MINISTRY OF FINANCES AND TREASURY

a. the review enveloped 38 people	
b. civil servants approved by the review	30
c. not approved by the review – termination of employment	08
d. civil service posts in the Ministry:	
Secretary	01
Assistant Minister	06
Head of Internal Org. Unit	10
Special Adviser	05

Senior Special Adviser	13
Special Assistant	03
TOTAL:	38

8. ASSISTANT MINISTERS – which are not part of the above Ministries

9. SECRETARIAT OF THE BiH PRESIDENCY

Secretariat of the BiH Presidency assigned posts as follows:

Secretary with Special Assignment	01
Secretary	02
Head of Internal Org. Unit	04
Senior Special Assistant	02
Special Assistant	12
TOTAL:	21

NOTE: the final review report is in preparation

- 1) According to the Work plan of the CSA for 2004 (which we already delivered), we expect that the Review will be finalized by the end of June 2004 having in mind the extent of work, method of work (mentioned below) and the capacity of the Agency. Namely, the Agency can only assign two of its people to perform the Review process activities.
- 2) Following the Review in the Institutions, the Agency is drafting and submitting to the institutions the First Draft of the review report, on which the institution (in consultation with a civil servant) will submit suggestions and opinion to the Agency with regard to the review report. After suggestions are reviewed, although such procedure is not regulated by law, the Agency introduced a practice to organize joint discussions between civil servants and representatives of the institution who are dissatisfied with the review report, but also if so requested individually with civil servants for clarification of statements formulated by the Review. Then, the final text of the Report on the Review procedure is made and submitted to the institution, and the relevant Decision is delivered to a civil servant for which it was identified that he/she were not employed in accordance with the law, while others receive an act confirming that they passed the Review procedure.
- 3) Pursuant to Article 63 of the CSL, civil servants have a right to file an appeal with the Civil Service Appeal Committee (separate institution independent from the Agency) for each final decision issued by any institution of Bosnia and Herzegovina, as well as for any Decision of the Agency arising from the Review.

- 4) Pursuant to Article 64, Para. 2 of the same Law the Decision on Termination of Employment (issued upon the Review) shall come into force after the full completion of the public competition procedure being announced for the post of a civil servant who did not pass the Review. Pursuant to Para. 3 the work experience of the public competition candidate who previously filled in the post for which the public competition was announced, can be taken into consideration in the course of the public competition process.

Appendix B

List of Documents Reviewed

Bosnia Civil Service Review
Project No. 4801-006-S1-44-00
2 – 21 March, 2004

NB: The documents listed below were read/studied as background materials the Review Team. However since many of the documents are undated, untitled and at times internal working documents or drafts, the citations listed are not in standard form.

Law on Civil Service in the Institutions of Bosnia and Herzegovina.

HR Decision Imposing the Law on Civil Service in the Institutions of Bosnia and Herzegovina.

Law on the Council of Ministers of Bosnia and Herzegovina, 2 December, 2002.

Public Management Profiles of Western Balkan, Bosnia and Herzegovina – State Level Only, Second Draft.

Government Structure of Bosnia and Herzegovina, Update September, 2003.

Written responses/documentation related to Study Team investigation and requests, Jakob Finci. Head of the Civil Service Agency.

16 Tenets of Participatory Action Research.

Working Document, Follow-up to the Feasibility Study for Bosnia and Herzegovina, Indicator and Monitoring Table, Draft (16 Priority Actions).

Report from the Commission to the Council (on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation and Association Agreement with the European Union) Commission of the European Communities, Brussels, 18.11.2003, COM(2003) 692 final.

Listing of Laws of Bosnia and Herzegovina, Office of the High Representative .

Report on Work of the Department for Appointments for 2003, Civil Service Agency, Sarajevo, January, 2004.

2003 Activity Report, Training Unit, Civil Service Agency, Sarajevo, January 2004.

Training Needs of Employees of BH State Institutions in 2004, Training Unit, Civil Service Agency.

Workplan for 2004, Training Department, Civil Service Agency.

Technical assistance for the establishment of the FBiH Civil Service Agency, United Nations Development Program.

Making Federalism Work – A Radical Proposal for Practical Reform, European Stability Initiative, 8 January, 2004.

Translating Reform Plans into Training Priorities, Civil Service Agency in BiH Government Institutions.

Opinion on the Question put by Delegate, Ms. Jelina Đurkovic, in the House of Representatives of the Parliamentary Assembly of BiH Secretary, Enisa Hadžovic

Training Needs Analysis Report, European Union Support to the Common Institutions of the state of Bosnia and Herzegovina. STE Mr Graham Saunders, May 2002.

Federation of Bosnia Hercegovina Political Parties – In brief

Political Parties and Coalitions in Republika Srpska, February 2003

Appendix C

List of Interviewees & Distribution List

Bosnia Civil Service Review
Project No. 4801-006-S1-44-00
2 – 21 March, 2004

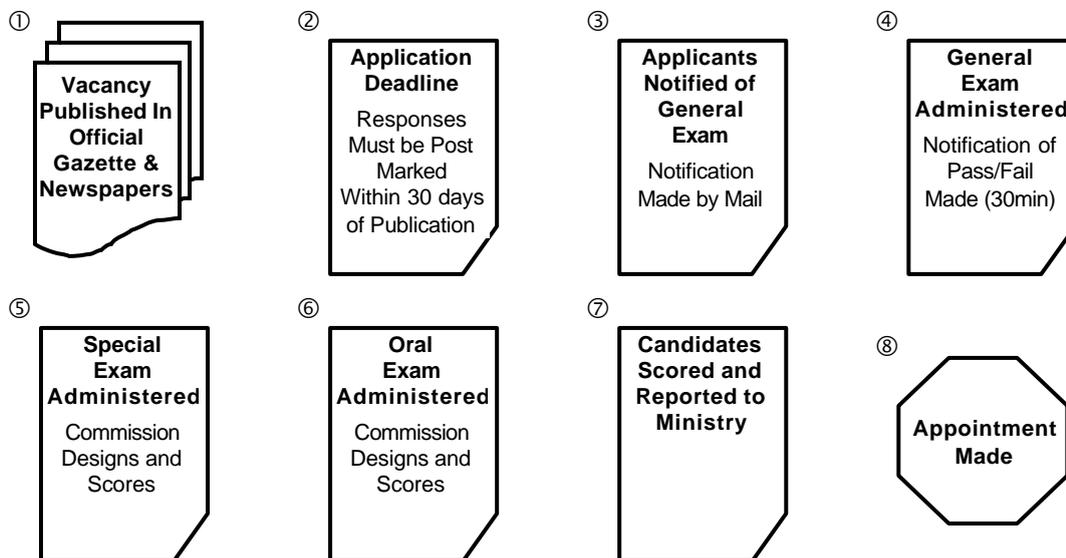
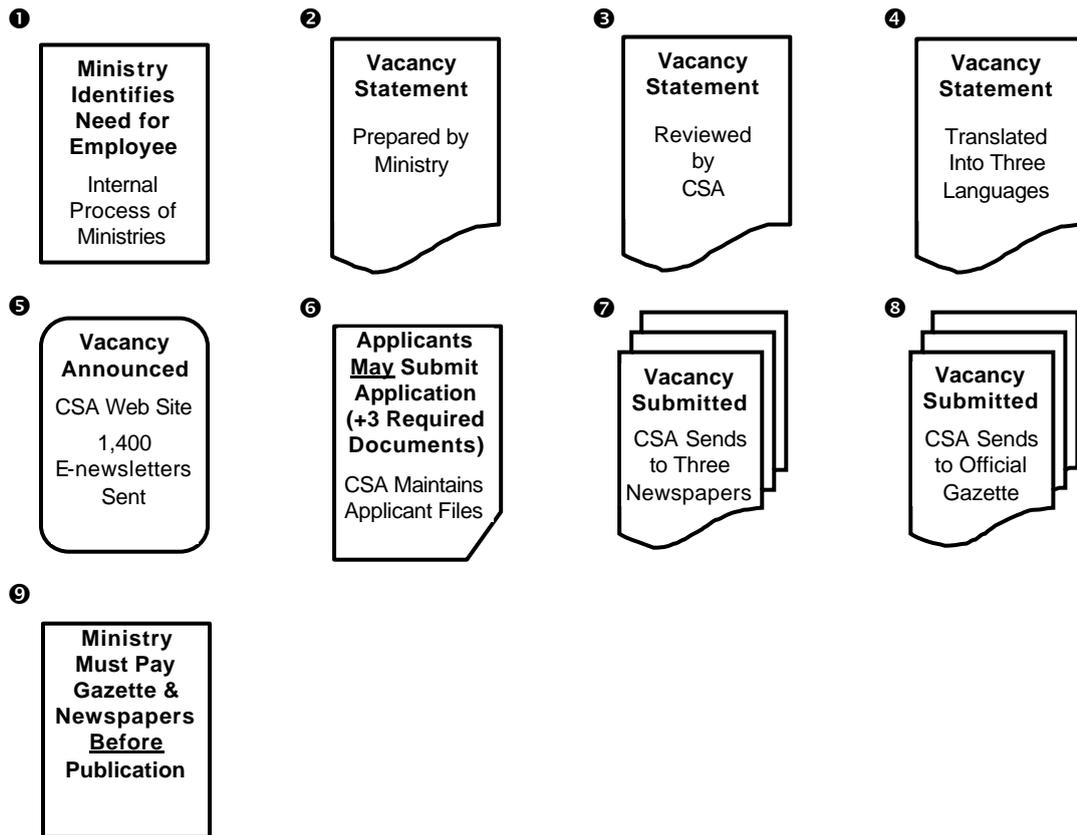
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Appendix D
The Current Civil Service Procedure



Appendix E

TRAINING NEEDS ANALYSIS REPORT

N.B. This report is included as an excellent example of a comprehensive approach to training for application in Bosnia and Herzegovina.

EUROPEAN UNION SUPPORT TO THE COMMON INSTITUTIONS OF THE STATE OF BOSNIA AND HERZEGOVINA

COMPONENT III: CIVIL SERVICE DEVELOPMENT

Identification of Training needs of staff in the State institutions where International Donor assistance is required to support institutional capacity development:

The Presidency
The Parliamentary Assembly
The Council of Ministers
The Ministry of Foreign Affairs
The Ministry of Treasury
The Ministry of Foreign Trade and Economic Relations
The Ministry of European Integration
The Ministry of Civil Affairs and Communication
The Ministry of Human Rights and Refugees
The State Audit Office

Author: STE Mr Graham Saunders

May 2002

Proposed Interventions - Generic Training and capacity development areas identified

1. Vision/Mission Workshop
2. Leader/Manager Skills
3. Appraisal/Evaluation Skills
4. Problem Solving Skills and Decision Making Skills
5. Assertiveness Training
6. Time Management.
7. Teamwork Skills
8. Meetings Skills
9. Communications Skills
10. Fighting Corruption
11. Stress Management
12. Conflict Management
13. Presentation Skills
14. Quality Management
15. Negotiation Skills
16. Document/Report Writing
17. Project Management
18. Human Resource Management
19. Interviewing skills
20. Operational and Strategic Planning and Budget Management Skills
21. Public Archives-Document management and administration
22. Ethics and Professional Code of Conduct
23. Equal Opportunities and Human Rights in Providing Public Services
24. Management of Change in the Public Service
25. Public Relations – Communication with the Public and the Media
26. European Integration –Accession -Copenhagen Criteria for the adoption of the
acquis
27. Public Administration and Good Governance
28. Induction Training

Vision/Mission Workshop:

Probably the single most important ingredient for the success of any organization is a complete understanding by every member of its long-term goals and strategies. The mission emerges from the vision, which is based on the strategic thinking undertaken by the political leaders and generates the various goals and objectives of each of the BiH Institutions. An understanding of the current and future organization mission and the resulting mission statement is vital to the ongoing effectiveness of the organization. When there is clear understanding of the various elements of the mission it generally follows that problems like stress, conflict, low morale, uncertainty, poor decision making etc are greatly reduced in number and intensity.

A considerable amount of strategic thinking has been undertaken during the recent past, and this is reflected in, amongst other things, the Work Program of the Council

of Ministers of Bosnia and Herzegovina for 2002. Most of the Institutions are in a period of change and these changes will have an impact on their mission. It is suggested that all Civil Servants attend a workshop on this subject so that they come to understand the cascading effect of the vision, mission and goals of their organization. In the larger Institutions it may be necessary for the senior people to attend a first workshop. These senior attendees could then prepare a mission statement to communicate to their people.

It is recommended that this workshop encourages discussion of the mission and that a half-day is needed for each participating group.

Leader/Manager Skills:

This training is concerned with the skills that need to be acquired by anyone who is in a position where they manage people, or likely to be in the future. The combination of being a leader as well as a manager is very important in modern society. Leaders have certain skills, which cause others to follow them without question even though they may have very few management skills. Managers on the other hand may be very good at managing logistics, money, equipment, manufacturing processes etc but may need to improve their people leadership skills. The combined talent of being a leader/manager is what is required today. The intention in this training program is to identify the skills required by modern managers and discuss action plans as to how participants can develop into the leader/manager mode.

The Law on the Civil Service has implicit and explicit implications for the role of the manager in the BiH institutions of the future. This program will review these implications and, in particular, review the role of the manager as teacher, coach, mentor and a skilled provider of feedback to improve performance and overcome defenses.

This training program should be a four-hour event in an informal setting designed to maximize the interaction of participants.

Appraisal/Evaluation Skills:

Article 30 of the Law on the Civil Service covers performance evaluation. The implications of this law for performance evaluation and appraisal are discussed in Section 3 of this Report. The Civil Service Agency will need to decide how the law is interpreted and therefore the form that the appraisal/evaluation system will take, and what supporting documentation will be needed. The decisions made by the Agency will have an impact on management actions. Whatever the Agency decide managers will then need to be trained in order to ensure that they have the understanding and skills needed to manage the process and to interview their staff. The content of the training cannot be defined until the Agency has developed its policy, but “leading practice” suggests that the goals of the appraisal (evaluation) system should be;

- Communicating a vision of the organisation’s objectives to all employees
- Setting departmental and individual performance targets
- Conducting a formal review of progress towards these targets
- Identifying and solving problems that are inhibiting progress

- Identifying training and development needs,

The appraisal system is a powerful management tool. Not just managers who appraise their staff at the end of each year can use it, but also, and perhaps more importantly, it can be used by each staff member to set their own goals and appraise themselves on an ongoing basis throughout the year. It is suggested that all appraising managers attend a training session on this subject. During this session participants will learn about effective interviewing techniques and come to understand how to use the system, how to set agreed goals, and how to assess their own work and that of subordinates.

Participants will be provided with the supporting documentation necessary.

The time needed to train managers will depend upon the system that is adopted. If the system concentrates on evaluation, then the program can be conducted over a four-hour session. If an interactive process that is dependent on management interviewing skills is preferred then a longer training program will be needed.

It is also recommended that staff that are appraised attend a two-hour briefing session.

When sourcing a trainer for this course emphasis should be placed on the trainers' knowledge of the appraisal system as well as the skills required.

Problem Solving and Decision Making Techniques:

As these two skills are so closely linked in their day-to-day application it is suggested that the skills required are taught at the same time.

Problem Solving Techniques: Problem Solving generally consists of three stages, i.e. identifying the problem, analyzing the cause of the problem and arriving at the solution to the problem.

Decision Making Techniques: One of the hardest skills for anyone to practice is the skill of making decisions yet this should be part of everyday life in everyone's work/career situation. Sometimes due to the environment, culture, historical background etc it may be difficult for some people to make decisions. There is a thought process that can be learned which helps an individual or a team to make decisions in a disciplined and timely manner. It should be remembered that it is not only managers that make decisions. Everyone makes many decisions each day without realizing it and every decision has a consequence. It is important that everyone understands the elements involved in decision making and appreciate the difficulties involved in the decision making process. Participants will be provided with physical tools (methodology flowcharts) that will help them make decisions in the future. The techniques and methods learned will help the participants overcome problems at work and also outside of work.

Learning the skills of Problem Solving and Decision-Making provides an effective foundation for developing further leadership skills, including assertiveness and confidence to actually make decisions.

A total of six hours is required for both topics for an interactive workshop type course.

Assertiveness Skills:

This is a major problem area for people, particularly in times of dramatic change, and a skill that is vital for people to obtain if they are to compete as equals with others. This is particularly important for members of institutions who are dealing with uncertainty, conflict, and a wide variety of people and organizations. The Assertiveness training program will outline the differences between aggressiveness, assertiveness and non-assertiveness and will allow participants to understand how to recognize and categorize their own behavior and that of others. In addition it will help participants to handle situations where difficult or bad behavior is practiced. This program can be conducted in a two-hour session.

Time Management:

This is a worldwide problem, which causes severe stress and disruption to working patterns, work output and personal life. It is not an easy problem to overcome but with some discipline it can be at least alleviated. People who practice time management techniques generally find that their work output enhanced with less effort. The idea behind time management is not that you have to work harder but that you have to work smarter. In other words you should be able to do your work in less hours each day leaving more time for other interests and ensuring an altogether less stressful life. The Time Management program will help participants identify the things that are currently wasting their time. It will also provide them with knowledge on how to better plan their time and avoid wasting any. It will give participants some work charts to use, which will provide a disciplined methodology for them to follow. This training is useful for all participants no matter what their position in any organization. This program can be conducted in a four-hour session.

Teamwork:

Any task, which requires more than one person to carry it out, requires teamwork. This is closely related to co-ordination of work-related activities with departments and other institutions. In virtually all activities in modern work practices teamwork is a definite requirement. A lot of time and effort is being spent by organizations worldwide trying to get their people to understand the elements of teamwork and to practice the art. The program should highlight the elements of teamwork using questionnaires and an exercise. The different roles required to make an effective team should also be described to highlight the advantages and principles of teamwork. This program can be conducted in a three-hour session.

Meetings Skills:

Almost all civil servants participants participate in some meetings and some civil servants participate in many and will continue to do so. It is therefore important that

all employees are capable of fully participating at all meetings in a variety of capacities. It is important that everyone understands how to:

- ❑ Plan and organize meetings
- ❑ Conduct/chair meetings
- ❑ Record the proceedings of meetings
- ❑ Participate at meetings
- ❑ Produce Minutes of Meetings with actions agreed
- ❑ Follow up to ensure that agreed actions are implemented

This program can be conducted over a four-hour period and should take the form of an interactive group discussing the stages of a meeting and the various elements involved. Participants should also be provided with work charts and check lists which will help them to organize/participate in meetings.

Communications:

Internal communications has been identified as a serious skill deficiency by a number of contributors to this training needs analysis and many believe that this is a deficiency that should be addressed as a matter of urgency. It is closely linked with every aspect of daily work and if the internal communications element is rated poorly it adversely impacts on the output of each member of the group and the organization in general. This program can be conducted in many ways but it is recommended that an interactive training session be organized over a three-hour period which will address all the modern methods of communications, compare them with current BiH practices and identify how improvements can be made.

Fighting Corruption:

The role of the State in providing a quality, corruption free public service to its citizens was emphasized by a number of managers. This program would discuss and review the principles of service provisions, service quality, impact of individual values and systems, factors for corruption, factors for reform, corruption models. The program would highlight systems, which could be incorporated into organizational procedures to restrict and limit corrupt practices from taking place.

A two-hour seminar is recommended.

Stress Management:

With the heavy workload suffered by everyone in modern society in addition to a rapidly changing culture, constantly changing environment and imposed deadlines it is natural for stress levels to be high among members of any group. It is unlikely that pressures will be alleviated in the foreseeable future in the BiH environment, so therefore action should be taken to reduce the stress levels among groups and within individuals.

A stress management course will examine the causes of stress, create an understanding of the effects of stress and provide solutions about how to combat stress. A personal action plan can then be created for each participant, which will help him or her to handle their individual stress problems.

This course can be conducted over a two-hour period.

Conflict Management:

A number of managers identified problems with managing relations with groups both within and outside their own Institution. Some conflicts are inevitable, but confronting issues and problems in an effective way can lead to improvements in any organization's overall effectiveness. Building relationships between groups requires an "organization development" rather than an individual perspective. Nevertheless, developing individual knowledge and skills in the causes of conflicts and disputes and in the methods to be used in managing conflict can make a contribution.

This course can be conducted over a two-hour period.

Presentation Skills:

A difficult task for many people is to stand up in front of an audience and give a talk, even on a subject that they like and know a lot about. However this task is one that is facing almost everyone in the modern working environment and is closely linked with the characteristics of confidence, assertiveness, stress etc.

Members of institutions involved in public administration will always need the ability to make good presentations. Therefore it is suggested that a presentation skills course which should be very interactive in character, and should include the use of Video equipment (for reference and action replay). It will also involve identification of the components of a good presentation, structuring a presentation and physically giving a short presentation.

This training can also give participant's confidence in matters of protocol in relation to PA.

A checklist on how to prepare and conduct presentations including the use of visual aids can be supplied to participants for future use.

The program can be conducted in two sessions of three hours.

Quality Management:

A number of managers interviewed for this training needs analysis identified the potential improvements in overall performance that could be achieved by improving the quality of individual performance. In many ways all the training activities proposed in this report are designed to improve the quality of individual performance through building skills, knowledge, commitment, flexibility, co-operation, responsiveness, and enthusiasm. Quality is an attitude of mind. This program quality attitudes and behaviors and examines how quality systems (e.g. ISO9000) that can be used to support and develop the quality values.

This course can be conducted over a two-hour period.

Negotiation Skills:

This is another skill that is useful for civil servants who deal with many different people and different cultures and especially in the international context. Senior managers and other individuals who are involved in negotiations could benefit from the program. It will involve a review of the negotiation process, highlighting the pitfalls associated with negotiations and the methodology of good negotiating. It will involve interactive learning and case studies.

A four-hour program is recommended

Document/Report Writing:

Civil servants are required to produce a wide variety of documents and reports. This results from the nature of their work and they therefore need to be assisted to upgrade their practical skills regularly. The course could be in two stages as follows:

Stage 1 will consist of participants learning the basics of document and report writing during a two-hour interactive session. In this stage participants will be asked to begin constructing a document or report on any aspect of work/non-work that they wish.

Stage 2 (one week later) will consist of a two hour session where participants will produce the finished report and allow participants to read and comment on each other's reports.

Project Management:

Managing and taking part in project work gives employees an opportunity to accept new challenges and develop their skills and knowledge. It is important that everyone involved in projects understand the nature of procedures and activities, which commence at the concept stage of any project and finish after the final evaluation, and report, is completed. The project cycle may include designing the project, securing funds, submitting a proposal, selecting a team, starting the project, managing the project, monitoring, evaluating, reporting and closing down the project. Emphasis should also be placed on the actual managing of a project and participants should be provided with literature, which they can use as a procedural tool for future project cycle management.

It is suggested that a four-hour program be conducted where participants will learn to understand the project cycle and how to manage it and how to work effectively within a project team.

Human Resource Management

The whole field of human recourse management is one of the key areas for all line mangers in organizations. The management of human resources is today one of the most important areas of managing institutions and managing dramatic adjustment and change in a number of countries. It involves the census of civil servants in duty as well as the implementation of new methods of public management. It must no longer

limit itself to the every day running of personnel, but from now on must forecast on the evolution of staff their jobs, and their development. The immediate issues are certainly different from one country to another, but the common stakes are present everywhere which include the following

- a) the necessity to control public spending
- b) to take account of the effects of technical progress and the search for new ways of enhancing the value of civil servants and their motivation and development
- c) the essential problem of the civil service are more those of rendering the system dynamic and mobilizing civil servants than those of the classical aspects of status and hierarchical organizations, which must ultimately lead to providing an improved service to the state

The recommended course program should be targeted at all assistant ministers and the new secretary positions and staff from the new civil service agency and focus on the following: management of human resources and systems of organizations in the civil service, methods, techniques and tools at the disposal of managers of human resources, management forecasting of staff and skills, in-house training development, contents and foundation of a professional and non partisan public administration system, problems set by modernization within a context of economic development and change

The course should 2 and a half days or 5 half- day sessions

Interviewing skills

The skills required in interviewing are essential if managers and senior staff in organisations are to be involved in decisions relating to the recruitment of staff, the promotion of staff and in staff evaluations and appraisals. It is essential that managers are fully equipped to deal effectively with interviews, in a fair, open, transparent and professional manner, which is seen to be objective. Given the responsibilities in the new Civil service Act for staff appraisals, it is recommended that all managers participate on this course program.

The course should be interactive and videos should be used for role- play and feedback. One full day or 2 half- day sessions are recommended

Operational and Strategic Planning and budget management skills

The key attributes for any senior manager in the public service should include the following:

Giving purpose and direction; Making a personal impact; Thinking strategically;
Getting the best from people; Learning and improving; Focusing on delivery and not process

In order to ensure that these messages and skills are developed as part of the organizational management procedures, it is important that managers develop the skills and tools to implement these concepts in a comprehensive framework of management application tools, which can assist.

Planning and budget management is a management tool, which can be used effectively by managers to achieve these goals and improve their management effectiveness in their daily work.

It is recommended that all managers participate on a training program, which will enhance their skills and understanding in this area, in order to increase their skills in strategic planning, and budget management. The course should be for one full day or 2 half-day sessions.

Public Archives - Document Management and Administration

Public archives, meaning the total amount of documents produced or received by public administration institutions are of a major concern in many organisations and in many country settings. This was clearly expressed as an issue by all state institution staff who provided information feedback to this report. The quantity of the information, which has to be stored, is increasing and the nature is changing, which leads to unprecedented problems regarding their keeping and storage, (in particular concerning the archives produced by computers).

The archives is the proof of the action led by the public authorities and therefore they constitute one of the bases of their democratic control, but also a tool to make the institutions invested of power aware of their responsibilities and finally a way to fight against corruption.

The aim of the course in this topic would be to provide administrators in the institutions responsible for archive data and files with examples of best practice. This can be demonstrated with examples in this field from EU member states, in legal aspects, organisation, methods and professional standards and systems and to help them think about how these could be transposed to the local situation in their institutions. The requirements under the laws which govern the freedom of information has made this issue much more important for public institutions as access to information has now become a right not a privilege for citizens of a democratic state.

Ethics and Professional Code of Conduct

The Law of Conflict of Interest in Governmental Institutions of Bosnia and Herzegovina is due to be implemented in 2002. The law aims to enhance the professional code of conduct of public officials to encourage transparency, objectivity and impartiality in all decision making. Ethics and professional codes of conduct in the civil service has become a very topical debating subject in many countries and is now regarded as the most important code to implement across government institutions. This is regarded as important in order to change organisational cultures and to modernise and professionalise public administration systems and to protect the citizen by trying to ensure corrupt free decision making in providing government services to the public and in the general management of public officials and the institutions.

It is recommended that all assistant ministers and other senior decision-makers in the institutions attend this program. , The program should aim to focus on the

development of strategies and procedures to ensure managers respect the code of professional conduct in decision making processes. The course should be run for 1 full day or two half-day sessions.

Equal Opportunities and Human Rights in Providing Public Services

Bosnia and Herzegovina is now a member of the Council of Europe, and with this membership comes many obligations and responsibilities in the treatment of its citizens. One of the founding principles is that public authorities should strive for the highest standards of administration in their dealings with the citizen and their staff. With a view of achieving this aim they should ensure that citizens and staff are dealt with properly, fairly and impartially.

Dealing Properly with people means dealing with them

- promptly, and without undue delay
- correctly, in accordance with the law and other rules governing their entitlements
- sensitively, by having regard to their age, to their capacity to understand often complex rules, to any disability they may have and to their feelings, privacy and convenience
- helpful, by simplifying procedures, forms and information on entitlements and services, maintaining proper records and providing clear and precise details on time limits or conditions which might result in disqualification
- responsibly, by not adopting an adversarial approach as a matter of course where there may be fear of litigation

Dealing Fairly with people means

- treating people in similar circumstances in like manner
- accepting that rules and regulations, while important in ensuring fairness, should not be applied so rigidly or inflexibly as to create inequity
- avoiding penalties which are out of proportion to what is necessary to ensure compliance with rules
- being prepared to review rules and procedures and change them if necessary
- giving adequate notice before changing rules in a way which adversely affects a person's entitlements
- having an internal review system so that adverse decisions can be looked at again and reviewed by someone not involved in the first decision
- informing people how they can appeal, co-operating fully in any such appeal and being open to proposals for redress

Dealing, impartially, with people means

- making decisions based on what is relevant in the rules and ignoring what is irrelevant
- avoiding bias because of a person's colour, sex, material status, ethnic origin, culture, language, religion, sexual orientation, attitude, reputation or because of who they are or who they know
- ensuring, where a service is based on a scheme of priorities, that the scheme is open and transparent

- being careful that one's prejudices are not a factor in decision making

It is recommended that all civil servants should go on this course program. The Human Rights Ombudsman of BIH, who is based in Sarajevo, runs free courses covering the above topics, and arrangements should be made for a series of seminars to take place in the state institutions.

The course should be for 1 full day or 2 half-day sessions

Management of change in the Public Service

The management of change has become an important skill which managers in the public sector are having to embrace fully to steer their departments and institutions through the organizational processes of improving administration standards especially in relation to the EU Integration process. Organizations are constantly changing due to the new international commitments and government responsibilities, which flow, from these changes which have a dramatic impact on the institutions administration and staff. The course is recommended for all senior managers of the state institutions.

At the end of the course, the participants should have an awareness of;

- a) The civil service reform process (case studies of countries in the region and EU member states)
- b) Modernizing Government to prepare the institutions for EU Integration
- c) Practical frameworks for developing change strategies
- d) New models and behaviors of leadership

The course should be run for 2 full day or 4 half-day sessions

Public Relations – Communication with the Public and the Media

Senior managers and civil servants in the public sector are finding that due to the greater transparency of information demanded by the citizens and greater pressures for accountability from a stronger and free press, lobby groups and from organized civil society groups. That presenting information to the public and the media has become much more demanding and requires specific skills. Whilst most institutions try to have a press or public relations official or expert, this is not always the case and civil servants are finding that they are having to deal more and more directly with the press, and the wider public in presenting their institutions programs and responsibilities. It is recommended that all managers in the institutions attend the course. On completion of the course the participants should be able to:

- a) handle interviews from four principal areas (press, TV, radio and face to face with the general public)
- b) make a positive impact during the interview
- c) put across the points that need to be made effectively on behalf of the institution

Realistic simulations should be used which cover the skills of organizing and delivering press conferences and giving a variety of interviews to the media and to the wider public.

The course should be run over 1 day or 2 half-day sessions

European Integration –Accession -Copenhagen Criteria for the adoption of the acquis

From discussions held with the senior staff of the institutions, it was clear that more and better information needed to be provided to all staff regarding the European integration process, and what this specifically will mean for their institutions and for their daily work activities.

It is important to start this process with the senior staff for them to become more familiar with the experiences of EU accession countries in the region and how this process has affected the work in their institutions and the work of their civil servants so that the BiH civil servants can become better prepared.

All managers should be made aware of the EU Enlargement process, Agenda 2000, the Copenhagen Criteria for the adoption of the acquis and the Accession negotiation Roadmap.

This should be highlighted using practical case study examples of EU accession country experiences in the region.

A EU Expert or senior official from the EC Delegation in Sarajevo or Brussels should lead this seminar with contributions from Regional Senior Civil Servants who should be invited from Hungary, the Czech Republic and Slovenia from main line Ministries to provide case studies of their experiences in selected Ministries. Contributions should also be made from Senior Civil Servants from the Ministry of European Integration in BiH.

On completion of the course the participants should have a better understanding of the European Integration process and how it will impact on their institutions and their daily work activities.

It should also highlight further training areas for the future to prepare all the staff for their new obligations and specific responsibilities in their field of competence.

All managers in the institutions should attend the course

It is recommended that the course be run over 2 days or 4 half-day sessions

Public Administration and Good Governance

It was clear from the analysis that staff who attended the Public Administration course organized by the EU project were very satisfied with the content and found the one-week course informative. However, most stated that it was too short and there was an urgent need to target all the senior managers of the institutions and it is hoped that UNDP can continue with this training.

UNDP (United Nations Development Program) are currently developing a training course plan focused on Good Governance, and it is recommended that this UNDP training be targeted at all the senior managers in the institutions including the staff of the new Civil Service Agency.

The course should be designed for managers, who are involved in putting in place or operating within new systems of administration, which require new approaches to corporate governance.

In the public sector this is commonly known as *Good Governance principles*.

Good governance is about good management and accountability, managing within a complex organization and being able to identify and implement the different aspects of good governance principles in the public administration system, which is becoming more dynamic and transparent.

The course should aim to equip managers with an underpinning knowledge of *Good Governance* principles that will enable them to acquire the required skills to develop strategies and tools to provide stewardship and leadership within the operating framework of their institutions.

Potential course provider: UNDP - (BiH)

Recommended course program for all senior managers in the institutions and the staff of the new Civil Service Agency

Course duration: The course should be run at two levels, strategic level for senior managers and operational level for managers and run for 2.5 days or 5 half-day sessions

Induction training.

Many of the people spoken to have highlighted induction as an area where improvements could be made relatively simply. Induction is a process rather than a training activity, but all managers need to understand their role in helping their new staff understand and feel comfortable in their new responsibilities. The principal elements of this would include

- a formal welcome on the first day by the human resource unit and the appointment of a mentor to provide guidance in the early months
- introductions to key colleagues
- a package containing background papers about the Institution, about the employee's rights and duties, and about the working relationship generally
- some early experience of what the Institution does, and how it fits into the State level responsibilities
- Within a reasonable period, a short training course (perhaps run by the Agency for all new recruits) covering the elements of public administration.
- The civil servant trainers who are now based in all state institutions and number some 34, could start the induction training process in their institutions if they were supported and encouraged by their institutions to develop this course program.

Appendix F

Remarks of the High Representative June 9, 2003

Delivered on the occasion of the launch of the UNDP Governance Perception Study.

If we are serious about handing over full governance of this country to its elected officials – and we are – we cannot afford to feel any comfort with the status quo. We now have modern Civil Service Laws in place at all levels in BiH. This is a good start. But it is only a start.

I have lost count of the number of times in the last 6 months when I have had to intervene to prevent elected officials from undermining the spirit of the civil service laws.

We have good Civil Service Agencies in place at the state level and in RS, but they will need some help. Monitoring this space is a massive task, and breaches will occur. But, particularly with regards to the key management jobs at senior levels of government, we must defend the principles of a merit-based, independent professional public administration if the civil service is not to remain a playground for patronage.

Being a former Politician myself, I am inclined sometimes to give politicians the benefit of the doubt. The new civil service system has caught many by surprise. The transition from a system run on the basis of political appointment to one based on open competition and merit is not easy.

Two lessons come out of this experience for me. One is the need for education, both among the political classes and the civil service, about the scope of the new laws. All actors should be aware of their rights and obligations in the new system. I encourage the Heads of the Civil Service Agencies present here today, Mr. Finčić and Mr. Kutlija, to look at ways of doing this.

The second lesson I have learned is that we cannot afford to be afraid of change. I have spent much of the last 6 months calling for the protection of civil servants and public officials from politically motivated removals. I did this to protect good officials from politically motivated removal – something that has too often followed a change of government in this country. Politics clearly has no place in the Civil Service, and we have made that clear. But neither does incompetence, mismanagement, corruption or obstruction. Neither Civil Service Laws, nor the Civil Service Agency, nor the High Representative, should allow bad civil servants to remain in the system.

An extensive review process of incumbent civil servants is built into the system, as are fair disciplinary and dismissal procedures. We must ensure that the authorities are aware of the proper scope of these provisions and use them in a legal and fair manner to root incompetence out of the system.

Only by protecting and promoting the good, and identifying and rooting out the bad, will we be able, over time, to build up a professional cadre of well educated, expert civil servants, capable of serving this country and its citizens.