WeBER Indicator Summary

AREA: PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT

BOSNIA AND HERZEGOVINA

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IDM
Institute for Democracy and Mediation
Instituti për Demokraci dhe Ndërmjetësim

PAR Area	PUBLIC SERVICE AND HUMAN RESOURCE MANAGEMENT	Country	BOSNIA AND HERZEGOVINA
SIGMA Principle	*4: Direct or indirect political influence on senior managerial positions in the public service is prevented*		

WeBER Indicator	*3PSHRM_P4_I1: Effective protection of senior civil servants' positions from unwanted political interference*

Indicator approach

The indicator measures the extent to which both formal and informal practices protect senior civil servants from political influence and prevent them from exercising their duties in a politically impartial manner.

WeBER combines results of SIGMA's measurement for specific elements covered thoroughly in their methodology with in-house expert analysis of legislation, documents and websites, civil servants' and CSOs' perceptions obtained through surveys implemented in all six participating countries, to create a more balanced approach to the sensitive and controversial issue of the demarcation between professional and political posts in public administration.

Summary of the findings

Law on Administration, Official Gazette of BiH, 32/02, 102/09, and 72/17 (Article 55a) specifies that a person can be appointed to a position of an "acting head" of an administrative organisation (both an independent one and organization within a ministry or other institution) and have full rights and responsibilities until a new person is appointed to that position. Pursuant to this Article, an acting head can only be appointed to a period not exceeding 3 months, and only in specific circumstance and with proper justification, can that period be prolonged to additional three months.

Interviewees also support this finding, and state that there is an ongoing practice of appointing "acting heads" in state-level institutions and the BiH CoM can nominate an acting head without open competition, based on procedures that are unclear and not transparent.

Survey of civil servants shows that over 70% of the civil servants feel that civil servants are, at least partly, appointed due to political support. In fact, they find that senior civil service positions are subject of political agreements and "divisions of the cake" among the ruling political parties.

As for the dismissal of civil servants, this is an occurrence that rarely happens. Only 12.7% of surveyed civil servants stated that formal rules and criteria for dismissing senior civil servants are properly applied in practice. The survey reveals that 54.8% of surveyed civil servants stated that rarely ever is a civil servant dismissed from civil service position due to political influence.

The civil servants survey indicated that over 60% of the interviewed civil servants do not agree that the appointments in civil service are merit based. Therefore they do not agree that the best candidates get the job. This is even more emphasized in the CSO survey, where 83% of the CSOs do not think that the best candidates get the job, and 84% of them finds that senior managerial civil servants are not professional in practice.

With regards to the vetting or deliberation procedures on appointments of senior civil servants outside of the scope of the civil service legislation, at the state level, the criteria for recruitment to senior managerial positions are clearly established, and candidates are required to undertake a public competition procedure similar to that for expert-level staff. A competition committee is formed by the BIH CSA, and candidates are required to undergo the testing process, which is even more demanding than for expert-level civil servants, however, the management of the competent authority has the right to select any of the shortlisted applicants. This procedure differs from the procedure used for other civil servants positions, in which the CSA appoints a civil servant based on his/her results in the selection process. This gives the management of the public authority some degree of discretion in the selection process, which is not unusual for this type of position.

ADS carries out the selection of registered candidates by conducting a check on formal requirements and interviewing candidates with a commission of five (three of the BIH ADS experts and two from the institution in which a candidate should be recruited). For senior civil servants, the rule in the Civil Service Act does not apply to a candidate with the highest score, but the one that the institution wants with only one condition - that he/she is on the list of successful candidates.

Political influence can be felt in each section of civil service. Even if civil servants are not politically affiliated, there is political influence over their work, where a lot of civil servants are afraid to reject direct orders from their superiors at work for fear of losing their jobs. Civil service survey points outstated that, for those that are politically affiliated, it is believed (over 50% of the survey sample) that they would implement illegal actions should their political superior ask them to do that.

Specific observations

Survey of civil servants and CSOs were administered through anonymous, online questionnaire. The data collection method included CASI (computer-assisted self-interviewing). For the survey of civil servants, the sample included N=137 respondents, while n=126 responded the questions from this indicator. The sample for the CSO survey was N=122, the base for questions in this indicator was n=94.

Note: Within WeBER Project, in BiH only the state level is analysed, while the entities are left out due to limited capacities.

Indicator score	*8 (out of 20 points)*
Final indicator value	*1 (scale 0-5) [1]*
Measurement period	*Survey of Civil Servants: March 26th – April 30th, 2018.* *Survey of CSOs: April 23rd – May 28th 2018* *Research: July 2018*

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[1] Conversion of points: 0-7 points = 0; 8-14 points = 1; 15-21 points = 2; 22-28 points = 3; 29-34 points = 4; 35-40 points = 5