



2021 Monitoring Report

The Principles of Public Administration

Bosnia and Herzegovina

**Marian Lemke,
Senior Policy Adviser, SIGMA**

**Paris / Sarajevo
2 December 2021**





Evidence-based in

A joint initiative of the OECD and the European Union, principally financed by the EU



The Principles of Public Administration

2017 edition

Authorized for publication by Karen Hill, Head of the SIGMA Programme.
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The Methodological Framework for Principles of Public Administration

November 2017

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Six areas of PAR



The Principles cover key horizontal layers of the governance system, which determine the overall performance of the public administration:

- 1 Strategic Framework of Public Administration Reform
- 2 Policy Development and Co-ordination
- 3 Public Service and Human Resource Management
- 4 Accountability
- 5 Service Delivery
- 6 Public Financial Management



BiH Monitoring Report 2021

SIGMA monitored the progress of PAR on the four main administrative levels: the State, the Federation of Bosnia and Herzegovina (FBiH), the Republika Srpska (RS) and the Brčko District (BD) - for the period from June 2017 to June 2021.

Monitoring Report covers the country as a whole and does not provide separate indicator values for the different administrative levels.





BiH Monitoring Report 2021

Summary:

Compared to the 2017 SIGMA assessment, progress in all these areas is limited and several serious deficiencies, identified previously, remain unresolved. Even if there is some progress in the legislative framework, the implementation usually is weak and fails to achieve the main objectives of the reforms.





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Public Procurement

Marian Lemke,
Senior Policy Adviser, SIGMA

Paris / Sarajevo
2 December 2021





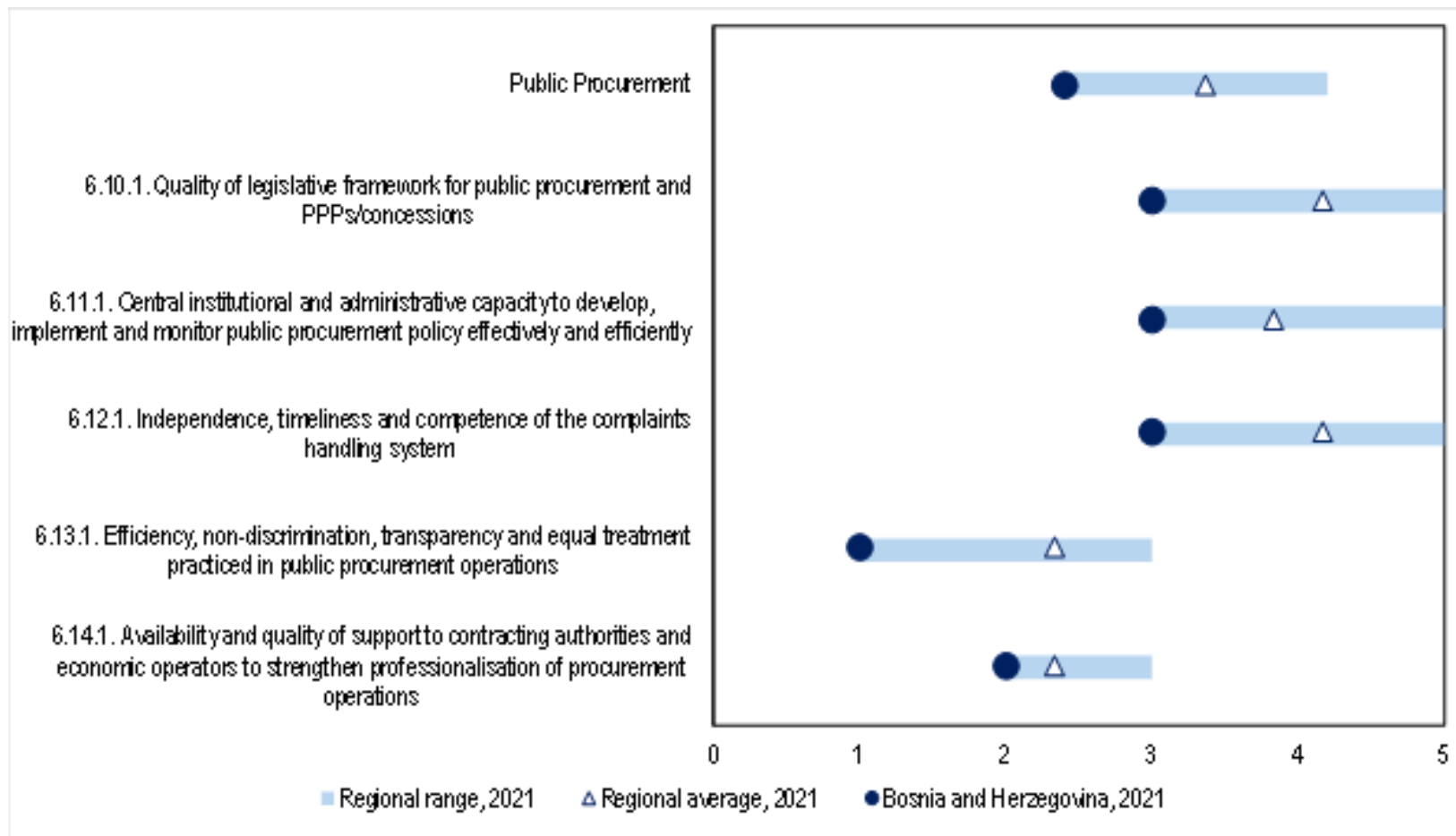
Public Procurement

No progress since 2017:

- PPL not amended
- Draft amendments PPL prepared but not adopted
- Most activities of the Strategy delayed or not implemented
- PPA remains understaffed and unable to fully perform its all functions
- PRB remains the weak element of the system
- Formalistic, inefficient procurement practice ⁷



Regional perspective





Public Procurement

Key problems:

- COVID-related legislation against the EU principles (domestic preferences)
- Serious deficiencies in COVID-related procurements
- Institutions (PPA, PRB) remain understaffed & weak
- Negative trends continue





Public Procurement

Key recommendations:

- New Public Procurement Strategy
- Legislation aligned with 2014 EU Directives
- PPA and PRB strengthened
- Promotion of quality-based contract award





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Bosnia and Herzegovina

Policy Development and Co-ordination

Martins Krievins,
Senior Policy Adviser, SIGMA

Paris / Sarajevo
2 December 2021



Introductory Remarks

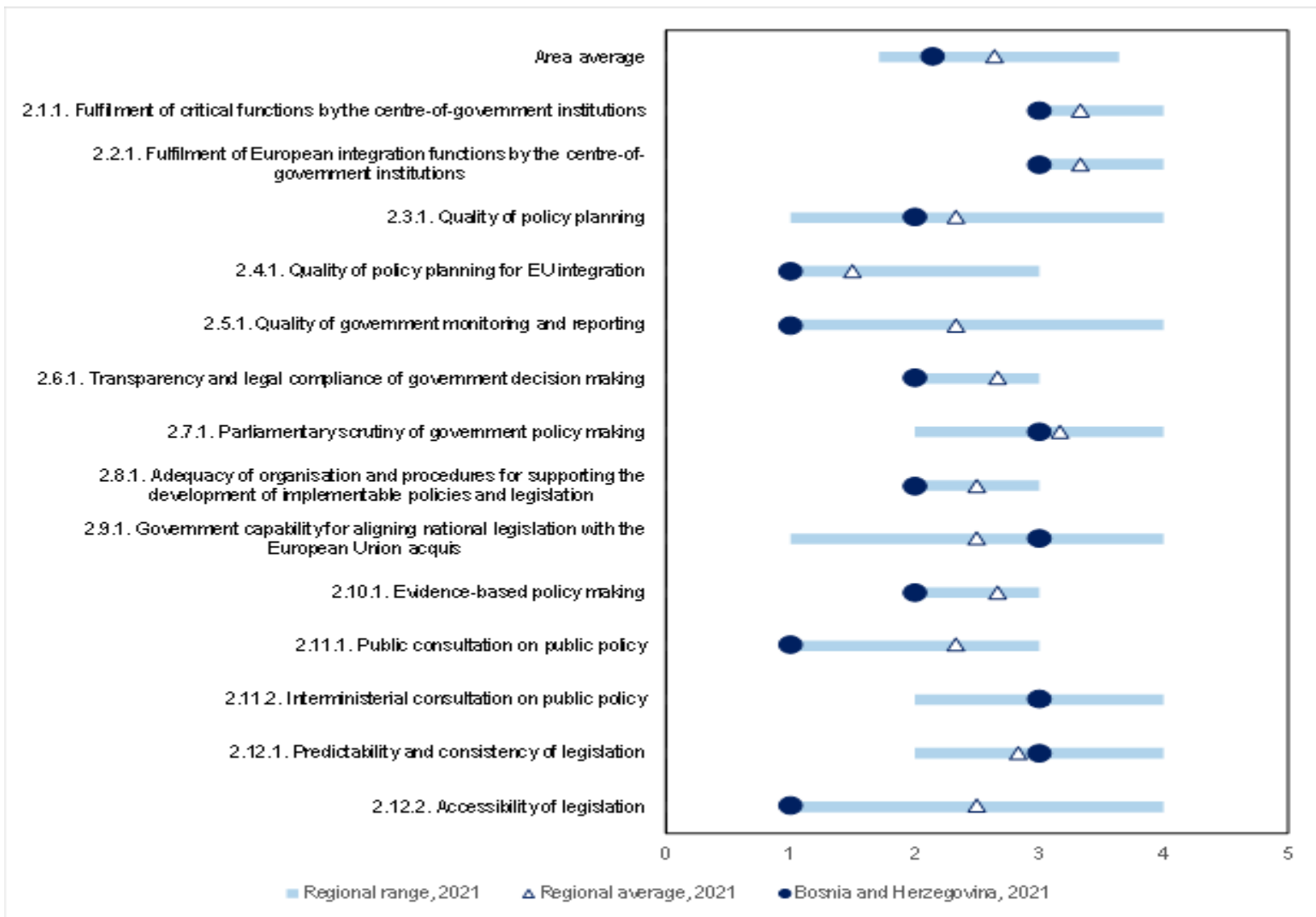
- Overall, there have been no major changes in the Policy Development and Co-ordination area in Bosnia and Herzegovina (BiH) since the 2017 SIGMA assessment.
- There had been incremental improvements at certain aspects and individual levels of government, however, no major breakthroughs – neither positive, nor negative.



Regional Perspective



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Policy co-ordination

Capacities of the Centres of Governments at all levels should be enhanced to provide the guidance and support during implementation of the legal frameworks for sectoral strategic planning, as well as to carry out final checks and quality control of draft planning documents.

Legal framework for sectoral strategic planning should be established at the State level.

All levels should ensure systemic monitoring of implementation of sectoral policy-planning documents, by setting the quality requirements and reviewing the procedures, and should put in place activities to build the capacities required for these purposes. These monitoring reports should also be proactively published on line.



Policy co-ordination



Establish the function of co-ordination of policy content of proposals heading for approval and provide CoG institutions with a right to analyse draft proposals and send them back to initiating institutions if the content is not coherent and consistent with set government priorities and previously announced policies.



BiH should ensure that the new whole-of-BiH European integration planning document (the Programme of Integration) is finalised and adopted soon. The political level co-ordination forum (the Collegium for EU integration) and the administrative-level co-ordination forum (the Commission for European Integration) should meet regularly, monitor implementation of the Programme and take action to ensure efficient and effective implementation.

Policy development

The ministries should establish clear internal rules to ensure that policy development and drafting of legislation are well-co-ordinated and that key elements, such as Regulatory Impact Assessment (RIA) and public consultation, are well prepared.

All administrative levels should ensure implementation of the existing rules and procedures for conducting ex ante RIA on regulatory proposals in line with the existing methodologies, targeting the most significant policy proposals first.

The governments should formally designate an institution (preferably a CoG body) to be in charge of scrutinising the quality of the public consultation process as well as the quality of reporting on this process and its outcomes. Also, a proactive system of informing stakeholders about upcoming consultations should be set up.





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Accountability

Blanca Lázaro,
Senior Policy Adviser, SIGMA

Paris / Sarajevo
2 December 2021





Overview of progress made

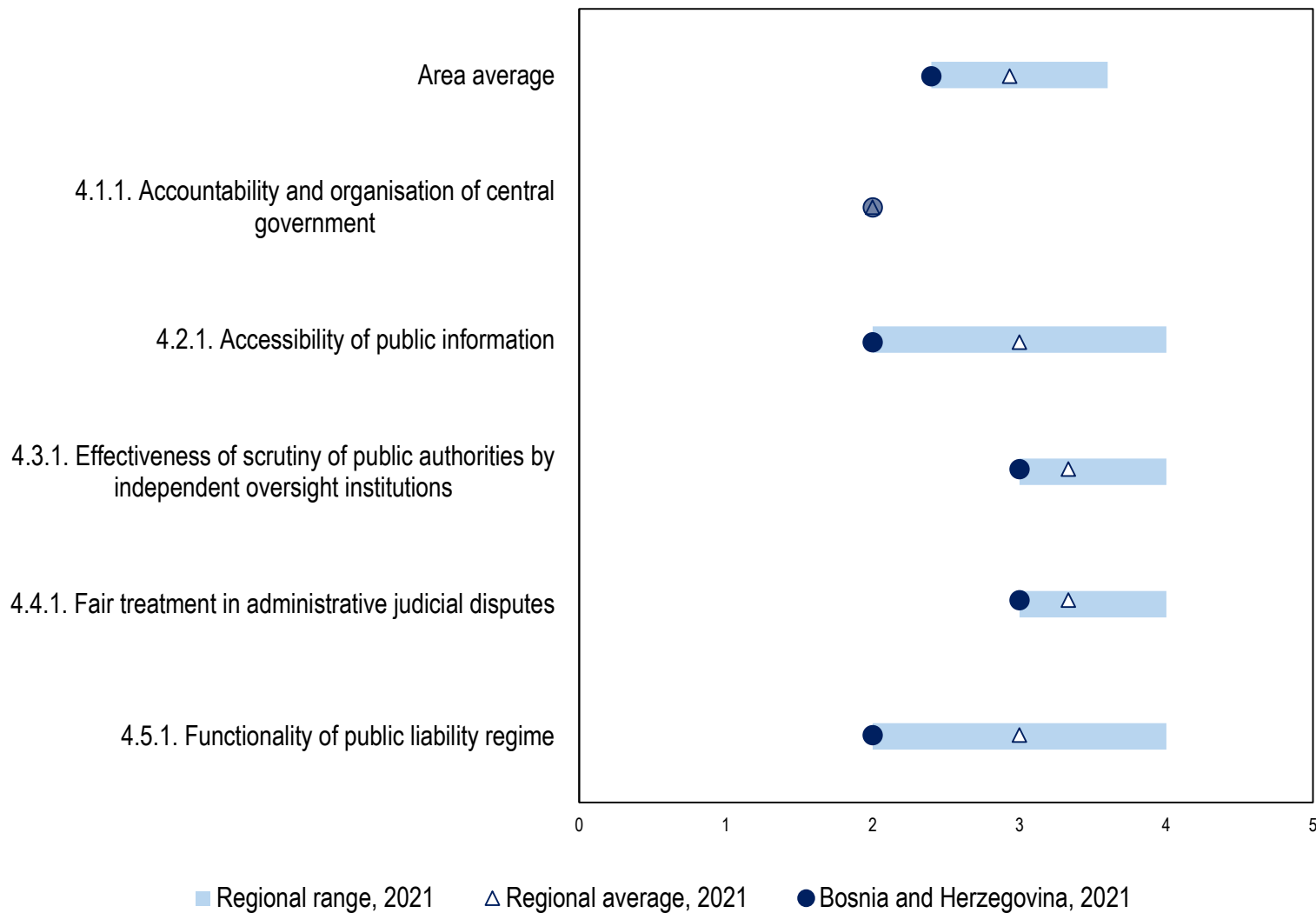
- Overall, legislation fulfils the minimum international standards, except for specialised and independent oversight of free access to information.
- There have been some recent punctual improvements in legislation (measures to address excessive length of administrative judicial proceedings).
- However, implementation is weak in all cases.
- Availability of data improved slightly.



Regional Perspective



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Accountability

Legislation must provide for clearer typologies of public bodies, and establish their degree of autonomy according to their functions.

- Regulatory agencies and other bodies that contribute to implementation of policies adopted by governments should be accountable to them.

The accountability of public bodies subordinated to governments should be enhanced by 1) establishing the obligation for portfolio ministries to set clear objectives, targets and timelines; 2) ensure the resources necessary to achieve them; and 3) conduct regular performance reviews.

Governments at all levels should promote managerial responsibility and accountability by implementing the principle of delegation of decision-making powers within ministries.





Accountability

Parliaments at all levels should amend legislation on access to public information to establish comprehensive catalogues of information to be proactively disclosed, as well as institutions to ensure adequate supervision of compliance with transparency obligations.

- There are no bodies performing oversight functions encompassing collection of statistics, provision of effective remedies and sanctions against refusal of access to information.

The Law on the Ombudsman Institution should be amended to eliminate direct intervention of the executive in the approval of the Institutions' budget and to establish its competence to launch a review of legislation before the Constitutional Court.

Governments at all levels should implement the SAI's and the Ombudsman Institution's recommendations or should formally justify non-implementation. Parliaments at all levels should monitor government implementation of the recommendations and request regular reporting on the topic.





Accountability

In co-operation with the respective Entities' authorities, the **High Judicial and Prosecutorial Council should develop and implement an action plan to reduce the backlog of administrative cases.**

- Special laws regulating the procedure for seeking compensation for excessive length of proceedings were passed in the RS (2020) and the BD (2021).

Ministries of Justice at all levels should develop mechanisms to monitor public liability cases (both court cases and amicable settlements) to more effectively detect and eliminate cases of maladministration resulting in liability of public bodies.





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More information can be found at:

www.sigmaweb.org