

**SPAI** –*Stability Pact Anti-Corruption Initiative*

*COUNCIL OF MINISTERS  
MINISTRY OF SECURITY*

*Vjekoslav Vukovic*

*Adviser*

*Phone:00 387 33 213 623*

*Fax:00 387 33 213 628*

*E-mail:vjekoslav.vukovic@tel.net.ba*

**PROGRESS REPORT  
ON  
ANTI-CORRUPTION EFFORTS IN BOSNIA AND HERZEGOVINA**

*Sarajevo, April 2004*

**PROGRESS REPORT  
ON  
ANTI-CORRUPTION EFFORTS IN BOSNIA AND HERZEGOVINA**

*Development*

According to the guidelines set before Bosnia and Herzegovina as a part of the feasibility study, Bosnia and Herzegovina has to date signed and ratified the following international conventions in regard to anti-corruption efforts:

- UN Convention against Transnational Crime, New York, Dec. 15, 2000, ratified on April 25, 2001;
- Sanction-Corrective Anti-Corruption Convention (ratified on April 25, 2001);
- Civil Law Convention against Corruption (ratified on April 25, 2001).

The Presidency of Bosnia and Herzegovina has also issued, on February 14, 2000, the Statement on Intent on Accession to the Council of Europe Assembly of States for Fight against Corruption - GRECO group, and become its full member on February 25, 2000.

In addition, Bosnia and Herzegovina has not signed MERIDA Anti-Corruption Convention.

As special measures undertaken by Bosnia and Herzegovina in its anti-corruption efforts, the basic definitions of the fraud, i.e. corruption phenomenon, are used as the starting points.

The B-H Criminal Code Chapter XIX titled "Sanctions against Corruption and Sanctions against Official and Other Accountability" include and define these penalty acts (Appendix I), while the same are entailed in the Criminal Code of Federation of B-H and Criminal Code of Republika Srpska. There are certain differences as to the treatment of these penalty acts, e.g. penalty acts under Chapter XIX of the Criminal Code of B-H are clearly enumerated and described, while the Criminal Code of Republika Srpska treats the corruption as a misuse of a public institution, position with economic or political mandate for the benefit to other person or upon his/her own initiative to use advantages for himself/herself or for a third person. For this reason merely Bosnia and Herzegovina is committed to design changes and harmonisation of Entity Criminal Codes with B-H Criminal Code.

As a special aspect of anti-corruption efforts in Bosnia and Herzegovina, the Parliamentarian Assembly of Bosnia and Herzegovina adopted the Law on Conflict of Interests in B-H Institutions, and B-H Election Commission was mandated to follow through its implementation. The adoption of all relevant by-laws is currently in the process. Also, all civil servants, as well as politicians, are treated in the sense of conflict of interest under the Election Law, i.e. the Election Commission, as the body in charge for cases of violation of regulations from this field, sanctions politicians whatever their capacity is, be it that of an elected functionary or of a candidate. The same Law on Civil Service was adopted also at the Entity level, and all its chapters on

eventual conflict of interests will be designed in the same way as in the State level Law.

The authorities competent for anti-corruption activities in Bosnia and Herzegovina are as follows: Ministry of Justice, Ministry of Security, Ministry of Finance and treasury, Ministry of Foreign Trade and Economic Relations, B-H Agency for Investigation and Protection, State Border Service, Indirect Taxation Administration, B-H Court, B-H Prosecutor's Office, Entity and Brčko District customs and tax administrations and interior ministries.

### ***Strategy***

When it comes to the strategy of anti-corruption campaign, take note that Bosnia and Herzegovina has adopted the national anti-corruption strategy within Mid-term Development Programme of Bosnia and Herzegovina, adopted at the 40<sup>th</sup> session of the Council of Ministers of B-H, held on February 5, 2004, while, following GRECO recommendations, the General Anti-Corruption Action Plan was adopted, but will, owing to dynamic feature of the paper itself and simultaneous development of a series of institutions for fight of these forms of wrongdoing, undergo certain changes in parallel with development of state institutions competent for the strategy implementation, primarily Ministry of Justice, Ministry of Security and Ministry of Finance and Treasury. It should be stressed also that the anti-corruption efforts are taken largely through the Bulldogger Commission, which defines the direction for development of laws and regulations aimed at the suppression of corruption. Commission's basic role is the adoption of new and amending of the existing legal resolutions, to result in a more effective prevention, detection and procession of corruption. One of the good examples would be the amendment of B-H Criminal Code.

A note should be taken here that in 2001 Bosnia and Herzegovina formally accepted the SPOC and SPAIO initiatives and expressed its full readiness for anti-corruption activities and organised crime. B-H Council of Ministers at its session held on February 14, 2002 also formed a Working Group for fight against organised crime and corruption, and which is also tasked with SPAI and SPOC initiatives implementation.

In this sense, emphasise should be made to the fact that in the development part, Bosnia and Herzegovina provided for premises for SPAI Regional Secretariat, thus meeting its obligations towards the Stability Pact, initialled in June 2002 at the Managing Board meeting in Rome.

### ***Priorities***

Among basic anti-corruption priorities, Bosnia and Herzegovina has placed the regulation of the following issues:

- Public procurement issue as being the sole obstacle to GERCO for Bosnia and Herzegovina, so in that sense, the B-H Ministry of Finance and Treasury has already developed the Draft Law on Public Procurement, with the technical assistance from the European Commission.
- A more concrete development of anti-corruption action plans with GECO recommendations and legislative support from competent institutions;

- Signing of the MERIDA Declaration on Fight against Corruption;
- Intensified cooperation between the Ministry of Security and other B-H level law enforcement authorities with RSLO SPAI in Sarajevo, all with the aim at yielding the anti-corruption efforts more concrete.;
- Coordination of the B-H expert team activities in GRECO with RSLO SPAI in the sense of making the same the contact point also for the SPAI with a view at reaching a high quality anti-corruption synergy.

***Legal framework***

- Law on Financing Political Parties;
- Law on Conflict of Interests;
- Law on Indirect Taxation System;
- Law on Witness Protection;
- Criminal Code of B-H;
- Criminal Procedure Code of B-H.

Set of Legislation currently in the adoption procedure:

- Law on Witness Protection Programme;
- Law on Police Officers;
- Law on Agency for Investigation and Protection (also provides for establishment of Financial Intelligence Unit -FIU);
- Law on Incorporation of Business Persons/entities; of B-H;
- Amendment and Supplement Law on Penalty Procedure;
- Amendment and Supplement Law on Civil Servants.

Appendix I: Excerpt from B-H Criminal Code, Chapter XIX;

Appendix II: Part of Commission Report to the Council, of November 12, 2003;

Appendix III: Anti-Corruption Strategy;

Appendix IV: General Action Plan, including anti-corruption efforts

More information on mentioned reports and strategy available at:

[www.bih.prsp.info](http://www.bih.prsp.info) and [www.dei.gov.ba](http://www.dei.gov.ba) .