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**Huguette Labelle**

Chair, Board of Directors

**Peter Eigen**

Chair, Advisory Council

**Emir Đikić**

Chair of the Board of Directors,

Transparency International BiH

**Transparency International BiH**

Head office:

Gajeva 2, 78000 Banja Luka

Tel/Fax: +387 51 216 369; 216 928;

224 521; 224 520

**Branch office:**

Mis Irbina 18, 71000 Sarajevo

Tel/Fax: +387 33 220 049

<http://www.ti-bih.org/>

e-mail: info@ti-bih.org

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**Adoption of the new Law on conflict of interest in BiH – political violence**

*TI BiH will spread a message to all domestic and international institutions to prevent political violence and discrimination against BiH citizens and use all legal resources to stop legalization of corruption*

**Sarajevo, October 28, 2009** – The making process of the new Law on conflict of interests in institutions of Bosnia and Herzegovina presents a dangerous attempt of ridiculing the notion of conflict of interests, and absolute deregulation of this area. The whole process was completely non-transparent, while Transparency International BiH has been unsuccessfully attempting in all ways to get information on the process of designing this law. It is necessary to organize a public debate on the Law proposal, considering that suggested legal solutions are catastrophic and directly aimed against public interest. Having in mind huge previous difficulties in the implementation of the current Law, it is absurd that the new Law introduces solutions that would make corruption legal, and liberate public officials entirely from any kind of responsibility when it comes to conflict of interests. TI BiH will therefore send the message to all domestic and international institutions to prevent political violence and discrimination against BiH citizens and use all legal resources to stop legalization of corruption.

From the introductory chapters of the Law on conflict of interests, that define persons the law refers to, especially by narrowing the definition of relatives, it is evident that the intention was to relativize and ridicule the Law. The Law proposal enables public officials to be engaged in private companies without any restrictions, the private interests is put above the public interest, and instead of primarily protecting the public interest, it leaves additional space for public officials to be concerned primarily with their own private interests in public service.

The article that proscribes that the procedure can be initiated only ex officio and that citizens would be deprived of that right that they have had by the current law is absolutely unacceptable. TI BiH considers this notion unacceptable, especially having in mind the Court's verdict in the case TI BiH versus Nedžad Branković, as well as the Central Election Commission's practice to arbitrarily make rules that are in collusion with valid legal regulations. The proposed provision of the new law deprives all other interested parties that previously submitted reports to CEC BiH, of remedy or the possibility of appeal and recourse to the Court of BiH. TI BiH considers that this solution is extremely dangerous because it directly discriminates potentially affected stakeholders. We remind that in all the respective legislation in the region, as well as the applicable law in BiH, there is a right of the third party to initiate the report of conflict of interest, as well as commitment of law enforcement organs to take appropriate action, or initiate proceedings on the basis of such applications.

The law is extremely lenient towards officials even when it comes to sanctions. Instead of tightening punitive policy regarding conflict of interest, with the aim of general prevention, the law provides only financial penalties for perpetrators. Relying solely on fines, seen in proportion to the possibilities that the proposed law gives to public officials for gaining enormous personal gain, presents only the symbolic satisfaction of justice, namely, the principle of fairness remains only an abstract notion.

Given all this, Transparency International BiH sees the proposal of the new Law on conflicts of interest in the institutions of Bosnia and Herzegovina as absolutely unacceptable, since it is a law that directly stimulates and legalizes political corruption. TI BiH demands of competent institutions significantly more rigid approach to the development of new legal solutions, or to retain in force the existing law that, at least in formal terms, contributes more to preventing corruption in the country.