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Adoption of the Law on Conflict of Interests proposal – discrimination of citizens

The adopted Law on Conflict of Interests proposal is against citizens' interests and protects public officials, and the adoption procedure remained under the veil of secrecy

Banja Luka, December 4th 2009. – Transparency International Bosnia and Herzegovina (TI BiH) strongly condemns the adoption of the Law on conflict of interest by the Council of Ministers at its session held on December 3rd.

As TI BiH has warned previously, this is the law proposal that contradicts international obligations of Bosnia and Herzegovina, directly aimed against citizens' interests and public interest in general, since it would be impossible for citizens to report conflict of interests and public officials would practically be fully protected.

The proposed solution completely ridicules the institute of conflict of interests, and the procedural aspect of the proposed law predicts absurd provisions, according to which it would be virtually impossible to sanction violations of the law. As TI BiH has already warned, the Law proposal enables public officials to be engaged in private enterprises, and the private interest is put above the public. Additionally, instead of tightening the penal policy, the Law predicts only monetary fines for perpetrators that, compared to the opportunities that the proposed law offers for gaining enormous personal gain, are only symbolic.

Besides being catastrophic by the provisions it predicts, the very procedure of its adoption so far has been on the border of legitimacy and in complete secrecy. Direct responsibility for this unacceptable and non-transparent move is of the Ministry of Justice BiH, as authorised nominator.

TI BiH will request for the Parliamentary Assembly to organise a public debate and call for the Venetian Commission to react on this issue, in order to drastically change unacceptable solutions in the second round of the procedure.