

Executive summary

CENTRAL ANTI-CORRUPTION BODY IN BOSNIA AND HERZEGOVINA:

What is possible new approach in dealing with corruption in BH: institutional response?

The corruption is a phenomenon that has been widely recognized in BH society, as a persisting phenomenon that requires decisive and effective response. Our research has ascertained foremost that there is present a negative connectivity of the administrative and political sectors as a residuum of the last war, whether in terms of inherited nepotism, private, political or criminal connections. However, there is overarching consensus in the political and administrative sectors that BH needs specialized, empowered and independent anti-corruption body, which would be able to deal with all levels of corruption, especially those gravest ones, but the topic has to be treated carefully, in order to secure major preconditions of its successfulness, namely financial and political independence of such a body.

Although political will for realization of the project of a strong anti-corruption body in BH might be challenged, the same has to be reconciled with the ascertained fact of the necessity for such a body. This means, beside already mentioned independence from the political interference, that this body must be empowered and autonomous in the process of initiation and conduction of investigations, with territorial supremacy in corruption cases over all the territory of BH, which means actually that internal administrative-political borders in BH should be hardly visible, from the point of the perspective of a powerful anti-corruption agency. Of course, this does not means that

empowered anti-corruption office can go around other relevant institutions and do all things by itself. However, it does *oblige* all the other institutions and individuals, which possess informations deemed to be relevant for a particular inquiry, to cooperate in a most optimal manner.

This body, in accordance to its capacity, would be oriented to dealing with gravest corruption cases, with special attention to the “control” of illicit activities in political-administrative sector. Naturally, no one would suggest that anti-corruption strategy should be reduced solely to an empowered agency, authorized to hunt down “corrupt officials”. Such an institution should be followed by wider efforts, which would include public awareness campaigns aimed toward publicity, but to the decision makers as well; governments support for further professional development of the “auxiliary” state institutions and their officers who deal with the problems of corruption. Among other things former includes providing support in equipment; organization of specialized trainings on corruption and coordinated work that would be guided from the central anti-corruption body).

Why a strong model?

The qualification of a “strong” model understands an agency indispensable for anti-corruptive future of Bosnia and Herzegovina. Such an agency has to be *autonomous* within the governments ministerial system, which is a kind of a pot, where there are various individual and group interests intermingled, and formal or informal instruments present to enact those. An effective anti-corruption agency must not be guided by the external or internal interests. Furthermore, due to the fact that there had been no lustration

process in the after-war period; so that the doors of the political-administrative sphere were wide open for “everyone”, including those with criminal past, mostly induced during the course of the recent war.

Finally, the corruption can not be fought off without a watchdog in the form of an agency as here argued, which presumes its empowerment in terms of the provided operative abilities. The main known pillars of the empowerment are: special operative measures provided to the officers of such an agency; unimpeded access to necessary informations; public hearings; monitoring assets and incomes of public sector decision-makers; freezing assets, seizing travel documents, protection of informers, professional privilege etc. Consequently, the only way to empower an anti-corruption body is a solid legal base that can open the path to an efficient action.

Conclusion

Hereby we suggest, as a response to post-conflict peculiarity of corruption in BH, which is primarily administrative-political, *the establishment of a strongly empowered; highly professionalized central anti-corruption body, specialized in corruption, whose independence and public stand and authority would allow it to investigate the top level corruption cases on all administrative and political levels*, which would than be accordingly treated by the prosecutive-judicial branch.

We also suggest furthering of the reforms and enhancing of the operative abilities of the judicial and law enforcement services, as auxiliary institutions in the context of anticorruption struggle, whose quality of work affects the quality of an anti-corruption agency.

