

IMPACT ASSESSMENT
ON
THE DRAFT FOR AMENDMENTS TO THE LAW ON THE DIPLOMATIC
SERVICE

Assoc. Prof. Irena Ilieva, PhD

/SUMMARY/

First, the proposed amendments to the existing Law on Diplomatic Service significantly increase the powers of the Minister of Foreign Affairs as a one-man body and eliminate or diminish the role of the collective professional bodies of the Ministry, as the Attestation commission or the College in the evaluation, attestation and career development of the employees in the diplomatic service. Seriously diminished is the role of the Permanent Secretary, as he/she is given a number of purely administrative functions, and has lost the powers that had been granted by the existing law – as the highest professional position in the Ministry of Foreign Affairs, responsible for ensuring the stability and professionalism of the diplomatic service.

Second, the draft law in general weakens the professional nature of the diplomatic service, creating opportunities for the Minister at his/her absolute discretion to appoint and raise people from outside the service without clear criteria for qualification and experience.

This will enforce political appointments on a mass scale, which would destabilize the whole service and would strongly discourage the diplomatic officials.

The provisions on strengthening the independence and political impartiality of diplomats are not consistently followed in the draft amendments. The exemption from this obligation provided for the members of the Cabinet of the Minister of Foreign Affairs leaves the doubt of lack of principles and matching the conjuncture.

Third, the conclusion about the unreasonable strengthening of the discretion of the Minister of Foreign Affairs is obvious.

Fourth, the draft law contains lustration provisions explicitly forbidding persons who declared belonging to the former security offices to hold certain positions.

Fifth, there are draft provisions that violate fundamental human rights.

Sixth but not the last, a number of texts of the draft law directly contradict with the Constitution and give the Minister of Foreign Affairs powers which belong to the exclusive competence of the President and the Council of Ministers.

RIA.BG