

Agreement on Restructuring of Police Structures in BiH

Being aware of the need for Bosnia and Herzegovina to achieve the ultimate goal of membership in the European Union through the Association and Stabilization Agreement with the EU, and on the basis of the Feasibility Study determining in Item 7.6 that Bosnia and Herzegovina must achieve a structural police reform with regard to rationalization of the police forces with the purpose of prevention of and struggle against all forms of organized crime;

In the intention that the police reform should provide BiH citizens with a more efficient police that are incapacitated to fight all sorts of crime and that are financially sustainable, as well as that reforms may proceed further only through a consensus, prior to the implementation phase;

Referring to the 21 February 2005 letter of the European Commission member Olli Rehn who emphasized that, if Bosnia and Herzegovina is to fulfill all requirements from the Feasibility Study on the structural police reform, all legislative and budgetary powers over police matters must be vested at the state level and applied at functional areas, as to get a technically efficient police, and there must not be political interference in the operational work of the police;

Committed to acceptance of European standards and principles in the police reform implementation through a comprehensive political agreement that should also include a timetable for implementation of the necessary reforms, as the European Commission member Olli Rehn urged in his letter of 26 May 2005;

Bearing in mind the 07 April 2005 Communiqué of the Peace Implementation Council Steering Board in which the Steering Board reemphasized that the three principle defined by the Commissioner Rehn in his letter of 21 February must be honored if the police reform is to be successful, and if BiH is to get a more efficient, single structure of police in accordance with the best European practices, and called on all parties in BiH to achieve a political consensus on the future composition of the police in accordance with the mentioned principles;

Believing that the proposals of the potential solutions referred to in the April common statement of political parties in BiH give a broad base for achievement of a successful police reform;

Acknowledging this reform to be the chief reform that BiH ought to perform if it is to join the states in the region in their advancement toward the European Union, starting negotiations regarding the Agreement on Stabilization and Association, and that Parliaments of BiH and the Entities must pass a decision accepting this Agreement or ratify it, for the negotiations to start;

Bearing in mind the Article 1.3 of the Annex 4 of the General Framework Agreement for Peace in BiH which regulates that BiH shall consist of two Entities, the BiH Federation and the Republika Srpska, as well as the 07 April 2005 Communiqué of the Steering Board of the Peace Implementation Council which emphasizes that the existence of the Entities is granted by the Dayton Accord;

We, representatives of the BiH authorities (the Parties) have decided to conclude the following

AGREEMENT ON RESTRUCTURING OF POLICE STRUCTURES

1. Parties to the Agreement agree to accept the basic European principles determined by the European Commission as the base for restructuring of the police structures in BiH, which were defined in the 07 April 2005 Communiqué of the Steering Board of the Peace Implementation Council, the acceptance of which presents the requirement for the start of negotiations on the part of BiH on the association and stabilization with the European Union:
 - All competencies for legislature and budget issues concerning the police must be vested at the state level,
 - No political interference in the operational work of police,
 - Functional local police areas must be determined by technical policing criteria, where

operational command is exercised at the local level.

2. We accept the need for Bosnia and Herzegovina to continue along its European path and provide through this Agreement the requirements to improve the capacity of police in providing security for BiH citizens in accordance with European standards and principles.
3. We acknowledge this Agreement must be applied in accordance with the Constitution of Bosnia and Herzegovina and Entity Constitutions.
4. We recognize this Agreement shall not in any way or form regulate or raise issues other than those within the domain of police reform and especially the current judicial and prosecutorial system in BiH.
5. We accept the reality that the police reform implies a complex, demanding and lasting process in which we must take into account provision of all security segments and financial restrictions during the implementation process. Bearing this in mind, the Parties to the Agreement agree that the implementation period shall last for 5 (five) years, starting from the day this Agreement comes into force.
6. During the implementation process, and with the purpose of ensuring continuity of all security segments, the Entity and Cantonal Ministries shall support the implementation process within their competencies.
7. The executive authorities in BiH shall form one working body – Directorate for Police Restructuring Implementation (hereinafter: the Directorate), as the agreed-upon common provisional body of the Parties to the Agreement, so as to ensure the efficient performance of the implementation process. The Directorate shall comprise professionals and experts of all levels of authority (BiH, Entities, Cantons), possessing long-years policing and managerial experience. The election and appointment of the members of the Directorate shall be done by the BiH Council of Ministers upon a proposal of and agreed-upon by the executive authorities in BiH. The deadline to establish the Directorate shall be 31 December 2005.
8. The Directorate shall be assigned to make a proposal of a plan for implementation of police structures reform in BiH per phases, including proposals of police regions, taking into account the need to keep a high level efficiency of police structures in BiH in order to ensure general security of citizens during the overall implementation, and by 30 September 2006 at latest, which plan will, inter alia, include the following elements:
 - Proposals of solutions for each of the three requirements of the European Commission referred to in Article 1 of this Agreement, in accordance with the requirements of the European Commission,
 - Detailed time table for the overall implementation period,
 - All other legal acts and rulebooks necessary for the implementation of the reform of police structures in BiH.

Executive bodies of authority of the Parties to the Agreement in BiH shall adopt the proposal of the plan referred to in the foregoing point of the Agreement by 31 December 2006 at latest. The plan adopted by executive authorities in BiH shall be forwarded to the Parliaments of the Parties to the Agreement for ratification as to have the ultimate verification within 60 days as of the day of its adoption at latest.

We, the Parties, accede to this political agreement as the crucial step to enable the European Commission to recommend the initiation of the negotiations regarding the Stabilization and Association Agreement, and we shall affirm that through a decision on or ratification of this Agreement (including the eight foregoing items) by each Entity Parliament and BiH Parliament prior to initiation of the negotiations.

05 October 2005