



Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina

December 2004



31 December 2004

HE Paddy Ashdown
High Representative
Office of the High Representative for Bosnia and Herzegovina

HE Adnan Terzic
Prime Minister
Council of Ministers of Bosnia and Herzegovina

Dear Sirs:

In accordance with Articles 1 and 9 of the Decision of the High Representative [Bosnia and Herzegovina Official Gazette 36/04] issued on 5 July 2004, I have the honour to hereby submit my Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina (hereinafter Final Report).

The Final Report provides a comprehensive review of the work of the Police Restructuring Commission (PRC) during its brief tenure including the results of the plenary meetings of the PRC. The report contains supporting appendices of the agendas of the meetings and the conclusions summarizing the main points of discussion that together serve as the official record of the proceedings.

At the first meeting in July 2004 the PRC accepted a working methodology based on the principle of consensus. The methodology stipulated that debate on points of discussion would not be subject to voting in the PRC, but I reserved the right as Chair to determine when the PRC had reached an acceptable level of consensus on an issue.

Importantly, the working methodology specified that the PRC recognized and would not infringe on the role of the legal institutions – governments and parliaments – as the appropriate decision-making bodies for implementing police restructuring recommendations.

Also, the Final Report proposes to the Chair of the Council of Ministers and the High Representative recommendations for a “single structure of policing under the overall political oversight of a ministry or ministries in the Council of Ministers”.

The recommended single structure adheres to the 12 directing principles of police restructuring, enumerated in Article 2 of the Decision, including a policing service that is, inter alia, efficient and effective, financially sustainable, reflecting the ethnic distribution



in Bosnia and Herzegovina, protected from improper political interference, and accountable to the law and the community.

The recommendations in the Final Report fall into two main categories. The first is the recommendation on the institutional features of the single structure. Accordingly, Bosnia and Herzegovina will be vested with exclusive competency for all police matters, which includes legislative and budgetary competency. The Minister of Security of Bosnia and Herzegovina would have responsibility for overall political oversight of the single structure of policing in Bosnia and Herzegovina. The independent, national Police Inspectorate will monitor the effectiveness and efficiency of the single structure of policing.

In the single structure, the State Investigation and Protection Agency (SIPA), the State Border Service (SBS), and the new Local Police Bodies will form the Police Service of Bosnia and Herzegovina. The Local Police Bodies will operate in Local Police Areas commanded by Local Police Commissioners. The Local Police Bodies will prevent, detect and investigate common crimes, and provide rapid intervention, traffic control and safety, crowd control and public order to the citizens of Bosnia and Herzegovina. Community policing is a main feature of police work in the Local Police Bodies.

The second main recommendation addresses the territorial disposition of the Police Service. It calls for the Local Police Bodies to operate in Local Police Areas made up of groupings of existing municipalities and that technical policing criteria shall determine their geographical size, shape and location. The existing political lines between the entities, Cantons in the Federation or districts in the Republika Srpska have no direct significance in the formation of the Local Police Areas.

With regard to the Local Police Areas, the PRC considered three options for the geographical size, shape and location of the Local Police Areas. The first option contains 5 police areas, the second 9 police areas and the Greater Sarajevo Metropolitan Police Area (GSMPA), and the third 10 police areas and the GSMPA. In the course of the final PRC meeting in December 2004, I decided to forward the three options to the High Representative for further consultations and consideration.

With regard to the recommendations of the PRC for the single structure of policing, I would characterize the proceedings as reaching an acceptable level of professional consensus on exclusive state competency for policing and for technical policing criteria determining the local police areas. This comprehensive concept of the single structure is the essential element of the proposition of the PRC. It will ensure the necessary breakthrough in quality of public security for both the national and international stakeholders. As for the second level, while I submitted the three options, I would



recommend handling this level with enough flexibility so as not to weaken the large consensus on the first level.

I have undertaken all good faith efforts to elaborate the professional consensus into the enclosed recommendations for the single structure.

I should note that political restrictions placed by the Republika Srpska National Assembly on the PRC participants from the Republika Srpska prevented the full endorsement of the main recommendations. Therefore, it is my best judgment that the Final Report reflects an acceptable professional consensus but that political obstacles not directly related to professional policing remain. Therefore, I am submitting the Final Report in my role as Chair.

To allow for easy reference, I would like to explain the organization of the Final Report. The first chapter, “Executive Summary,” provides a brief overview of the main recommendations. The second chapter, “Mandate and Methodology,” describes the legal basis for the PRC and the political support for the PRC accorded by the Institutions of the European Union, the United Nations International Criminal Tribunal for the former Yugoslavia, the North Atlantic Treaty Organization, and the Peace Implementation Council.

The second chapter also reports on the PRC meetings and gives special emphasis to the information inputs that guided the PRC process. It also describes my activities as Chair of the PRC, including important meetings with the leaderships of the Parliaments of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the District of Brcko, and the Republika Srpska. I also report on the two public forums held by the PRC.

The third chapter, “Concept Paper,” is an expansive description of the institutional features of the single structure of policing. As mentioned above, the recommended structure calls for exclusive state competency for policing legislation and funding and a reorganized Local Police Service operating in Local Police Areas determined by technical policing criteria.

The chapter describes a greatly enlarged role for the Ministry of Security and consolidated administrative services including human resources, training standards and management of a Training Institute, common procurement, information technology and communications, and forensics.

Chapter 4, “Territorial Disposition of Local Police Areas” reports on the groupings of the existing municipalities that make up the territorial size, shape and location of the Local Police Areas. The chapter will also include data validating the technical policing criteria



used to determine the Local Police Areas. As I have explained above, the three options currently under consideration by the High Representative represent the options that received legitimate discussion in the PRC.

The fifth chapter, “Police Restructuring Implementation Strategy,” proposes a transitional arrangement under the Ministry of Security to manage the initial stages of the restructuring effort. The strategy identifies the key areas of implementation activity and describes a method for absorbing the implementation structure into the permanent administrative bodies under the Ministry of Security that will manage the single structure in the future.

Chapter 6, “Financial Factors and Police Restructuring,” reports on the current costs of policing in Bosnia and Herzegovina, potential savings from restructuring, and the methods available for providing budgetary resources for policing. The Chapter provides an overview of the Single Account of Bosnia Herzegovina and proposes interim arrangements for financing the restructured police in the short-term. This chapter generally provides descriptions of factors that decision-makers would consider when budgeting for the Police Service of Bosnia and Herzegovina.

The seventh and final chapter, “Legal Provision for the Single Structure,” contains the draft legal instruments required to implement the recommendations in the report. Specifically, the chapter has an explanatory introduction and then the draft amendments to the Constitutions of Bosnia and Herzegovina. A draft law on the Police Service of Bosnia and Herzegovina will regulate the establishment of the single structure as well as its organization, management and the relationships between its various components, and includes transitional provisions for a phased implementation process. The chapter also includes proposed amendments to the Law on the State Investigation and Protection Agency and the Law on the State Border Service to ensure that these police bodies function fully in the single structure. Additionally, there is a description of amendments to the Law on Police Officials of Bosnia and Herzegovina, which would regulate to the working relations of police officials working for any police body or organization in Bosnia and Herzegovina. The chapter closes with a list of all other legislation that requires amending.

The Final Report will contain supporting annexes as referenced in the main body of the report.

Also, I would like to mention another order of business raised in the PRC with regard to on-going initiatives related to police reform in Bosnia and Herzegovina. I had advised the PRC in July 2004, and would further advise you, that police reform in any country is a dynamic process. The security challenges of today and tomorrow require constant



evaluation to improve performance. I would recommend that the efforts of the European Union Police Mission's (EUPM) Ministerial Consultative Meeting on Police Matters (MCMPM) and the Police Steering Board (PSB) should continue to identify and implement areas of reform of police activity.

Similarly, I have determined that the Police Restructuring Support Measures earlier proposed to the authorities of Bosnia and Herzegovina to introduce uniform police identification cards and for transitioning to state function the administrative staff in the Cantonal and Republika Srpska Ministries of Interior and in the District of Brcko who issue personal identification documents (ID cards, driving licenses, passports, and vehicle registration) are wholly consistent with the main objectives of the PRC. I recommend their implementation without further delay.

Finally, I would like to express my sincere gratitude to EUPM Commissioner Kevin Carty for his valuable participation in the PRC and the extremely useful contribution of the EUPM personnel to the PRC process. I do not believe we would have achieved the great measure of success without the inclusion of the police professionals of the European Union. Also, I would like to show my appreciation to the Delegation of the European Commission in Sarajevo for their active involvement in the PRC process and the full support they showed to our work. In the same way, I would like to state for the record that the constant support of SFOR and EUFOR and the US Government in their roles as observers was indispensable to our success.

In my direct environment as a Chair, I benefited from the daily support of my Deputy David Blakey and of the senior advisor, Dr. Bernhard Prestel. Without their experience and enthusiasm I could not have realised my task.

However, I would like to save my most sincere regards for the professional and serious-minded leaders in Bosnia and Herzegovina that made up the participants of the PRC. It is my sincerest conviction that all the participants from Bosnia and Herzegovina contributed to a bold and far-reaching endeavour each with the intent of wanting to make this country a prosperous and peaceful member of the European family of nations. It was my great honour to serve with these distinguished individuals.

Yours sincerely,

Wilfried Martens
Chairman
Police Restructuring Commission



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1. Executive Summary

The Chair of the Bosnia and Herzegovina Police Restructuring Commission has determined an acceptable level of professional consensus exists for proposing to the Council of Ministers and the High Representative a “single structure of policing under the overall political oversight of a ministry or ministries in the Council of Ministers”.

The proposal adheres to the 12 directing principles of police restructuring, enumerated in Article 2 of the Decision of the High Representative [Bosnia and Herzegovina Official Gazette 36/04], including a policing service that is, *inter alia*, efficient and effective, financially sustainable, reflecting the ethnic distribution in Bosnia and Herzegovina, protected from improper political interference, and accountable to the law and the community.

The proposal stipulates that the Institutions of Bosnia and Herzegovina will be vested with exclusive competency for all police matters, which includes legislative and budgetary competency. The Minister of Security of Bosnia and Herzegovina will have responsibility for overall political oversight of the single structure of policing in Bosnia and Herzegovina. The independent, national Police Inspectorate will monitor the effectiveness and efficiency of the single structure of policing.

The State Investigation and Protection Agency (SIPA), the State Border Service (SBS), and the new Local Police Bodies will form the Police Service of Bosnia and Herzegovina. The Local Police Bodies will operate in Local Police Areas commanded by Local Police Commissioners. The Local Police Bodies will prevent, detect and investigate common crimes, and provide rapid intervention, traffic control and safety, crowd control and public order to the citizens of Bosnia and Herzegovina. Community policing will be a main feature of police work in the Local Police Bodies.

Groupings of existing municipalities will make up the Local Police Areas and technical policing criteria shall determine their geographical size, shape and location. The existing political lines between the entities, Cantons in the Federation or administrative regions in the Republika Srpska will have no direct significance in the formation of the Local Police Areas.

In each Local Police Area, a Community Oversight Council, made up of local elected officials, members of the judiciary and community leaders, will maintain community oversight and accountability of the performance of the police. Community Oversight Councils will provide the mechanism for direct participation of citizens in the development of policing priorities and objectives in their area. A local policing plan for each Local Police Body will ensure local priorities are central to the work of the police. A transparent Public Complaints Bureau, accessible to the citizens, will ensure further public accountability for police performance.



A National Director of Local Police, with defined operational authority, will ensure that all Local Police Commissioners are cooperating and sharing information to the degree necessary to guarantee effective law enforcement across Local Police Areas. A state-level Conference of Directors and Commissioners, made up of the heads of the police services of the single structure, will meet on a regular basis to coordinate police activities throughout Bosnia and Herzegovina. A National Policing Plan, developed in harmony with Local Policing Plans, will set annual priorities and objectives to help ensure consistent and coordinated policing activities in Bosnia and Herzegovina.

The state-level Police Administration Agency (PAA) will provide basic centralized support to the police services in the single structure, including coordination of recruitment, promotion and transfer of all police officials under a single set of standards, salary and rank conditions. The PAA will provide a human resources mechanism that will ensure that policing in Bosnia and Herzegovina generally reflects the ethnic structure of the population. A single police training system, operating under the Ministry of Security, will ensure the same standard of police education for all police officers serving in Bosnia and Herzegovina.

Other common functions will include a centralized information technology and communications system accessible to all police services. The PAA will conduct common procurement of goods and services for all police services in Bosnia and Herzegovina to ensure inter-operability of equipment and cost-effective use of budgetary resources. Also, an independent State Forensics Service will offer modern crime solving technology to all police services in Bosnia and Herzegovina.

A high profile senior professional with a solid reputation will head the implementation process in order to bring legitimacy to the role. This person will require the assistance of international police experts from the European Union. The current programmatic European Union Police Mission (EUPM) has already made significant improvements to the police in Bosnia and Herzegovina and has aligned its organization to the future needs of the implementation process.



2. Mandate and Methodology of the Police Restructuring Commission

I. Legal Mandate

High Representative's *Decision Establishing the Police Restructuring Commission*

The Police Restructuring Commission (PRC) based its work on the High Representative's Decision of 2 July 2004, which mandated the PRC to propose a "single structure of policing under the overall political oversight of a ministry or ministries in the Council of Ministers". (Appendix 1)

Article 2 of the Decision enumerates twelve principles, to which the future policing service of Bosnia and Herzegovina must adhere. These principles include the requirement that the future policing service be efficient and effective, financially sustainable, reflecting the ethnic distribution in Bosnia and Herzegovina, protected from improper political interference, and accountable to the law and the community. In addition, it must ensure that policing is discharged in line with democratic values, international human rights standards and European best practice, and in inclusive partnership with local communities and civil society.

In addition to making recommendations, the PRC had the mandate to suggest constitutional and legislative changes, where appropriate, to realize its proposal. The recommendations presented in Chapter 2, "Concept Paper" and Chapter 7, "Legal Provisions for the Single Structure of Policing", of this report represent an acceptable level of professional consensus within the PRC on how to build an effective police service that will provide security to the citizens in Bosnia and Herzegovina.

II. Political Mandate

A. The Case for Restructuring

The international community has participated in police reform in Bosnia and Herzegovina, since the end of the war. Annex 11 of the General Framework Agreement for Peace (GFAP) established the International Police Task Force (IPTF), under the management of the United Nations Mission to Bosnia and Herzegovina (UNMIBH). IPTF had the mandate to monitor, observe, and inspect law enforcement activities and facilities, including associated judicial organizations; to advise law enforcement personnel; to train law enforcement personnel; to assess threats to public order; and to advise governmental authorities in Bosnia and Herzegovina on the organization of effective civilian law enforcement agencies.



Through international police co-locators in police stations, IPTF provided daily support to the local police, and monitored the compliance of the police with international human rights standards. IPTF played a lead role in the establishment of the State Border Service (SBS). UNMIBH's Human Rights Office engaged in the investigation of human rights violations by the police and intervened in cases of serious police misconduct. Through a process of certification, UNMIBH subjected all police personnel to basic background checks against minimum eligibility requirements, including screening for evidence of war crimes, and created a registry of all local police personnel.

On January 1, 2003, the European Union Police Mission (EUPM) took over the police reform mandate of the IPTF. The EUPM, supported by the European Commission's institution building programmes and as part of a broader Rule of Law approach in line with the general objectives of Annex 11 of the GFAP, aims to establish sustainable policing arrangements under Bosnia and Herzegovina ownership in accordance with best European and International practice, thereby raising current police standards. The EUPM works specifically to develop police independence and accountability, to increase the capacity of the police to fight organized crime and corruption, to improve the financial viability of the police, and to improve management and human resource practices.

It is noteworthy that the programmatic activities of the EUPM have improved the performance of policing in Bosnia and Herzegovina and prepared the path for successful police restructuring. It is highly advisable to consolidate the progress made so far and dovetail existing EUPM programmes into the police restructuring implementation activities. This would ensure continuing value and efficacy to the current EUPM projects.

While the IPTF and EUPM have made significant contributions to improving the effectiveness of policing in Bosnia and Herzegovina, the sustainability of their reforms has been compromised by systemic problems arising from the overall organization of policing in Bosnia and Herzegovina. In particular, policing is currently carried out by over 15 police forces, fragmented and uncoordinated along ethnic and administrative lines. Unable to operate across the Inter-Entity Boundary Line (IEBL), police face criminals who are united, well resourced, and operate with near impunity. These systemic deficiencies result in a system incapable of dealing effectively with complex crimes, including organized crime, corruption, and trafficking in drugs and human beings.

These problems were highlighted in a review of the police agencies in Bosnia and Herzegovina, financed by the European Commission (EC) and published in July 2004. The *Financial, Organizational and Administrative Assessment of the BiH Police Forces and the State Border Service* (Assessment Report) identified serious systemic deficiencies arising out of the operation of multiple independent law enforcement agencies outside of a single structure. Besides the problems mentioned above, these include duplication of functions, and lack of communication and coordination between law enforcement agencies. The improper influence of politics on policing in Bosnia and Herzegovina was another serious deficiency highlighted in the



Assessment Report. Moreover, the current system was found to be financially unsustainable within Bosnia and Herzegovina's oversized public sector.

B. Police Restructuring and European Integration

The European Commission (EC) has formally called for systemic reform of the policing structures in Bosnia and Herzegovina in the *Report on Bosnia's Readiness to Negotiate a Stabilization and Association Agreement* (Feasibility Study) of 2003. The EC sees "structural police reform with a view to rationalizing police services" as a necessary step in establishing the Rule of Law and a key element in Bosnia and Herzegovina's accession to the European Union (EU).

The Institutions of the European Union have taken an active role in the work of the PRC. During the PRC's visit to Brussels in October 2004, the then-European Commissioner for External Relations, Christopher Patten and EU Secretary-General Javier Solana explained in detail the EU's minimum requirements for successful police restructuring in Bosnia and Herzegovina:

1. The Institutions of Bosnia and Herzegovina must be invested with all competences for police matters in Bosnia and Herzegovina;
2. This includes legislation and budgeting for police matters exclusively at state level;
3. Political oversight should be exercised by the Ministry of Security at state level and
4. The size and shape of local policing regions should be determined according to criteria that make sense from the point of view of effective policing, rather than by political considerations.

Commissioner Patten followed-up the PRC visit Brussels with a letter to the Chair of the Council of Ministers of 16 November 2004, explaining the EC's expectation of police restructuring (Appendix 2):

"The EU has a direct stake in this matter, because if BiH is not able to tackle crime effectively, that has a bearing on crime elsewhere in Europe, including the European Union...The EU also has an interest in making sure it has effective law enforcement partners in BiH with which it can deal – police counterparts at the state level, with broadly the same competencies as their opposite numbers elsewhere in Europe. The current policing structure does not provide for this."

These prerequisites were reiterated by EC Ambassador to Bosnia and Herzegovina, Michael Humphreys, in a Note sent to the PRC Chair on 13 December 2004. (Appendix 3)

C. Cooperation with the ICTY

The failure of the Republika Srpska (RS) to arrest a single person indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) has further highlighted the inadequacy of piecemeal reform and the need for comprehensive police restructuring. Following NATO's



rejection of Bosnia and Herzegovina's application to join its Partnership for Peace programme, the Heads of State and Government participating in the meeting of the North Atlantic Council issued on 28 June 2004 the Istanbul Summit Communiqué expressing their concerns that Bosnia and Herzegovina has failed to live up to its obligation to cooperate fully with ICTY, which constitutes a fundamental requirement for the country to join Partnership for Peace and look for systemic changes necessary to develop effective security and law enforcement structures. (see excerpt in Appendix 4)

The Chief Prosecutor of ICTY in her address to the United Nations Security Council on 23 November 2004 reiterated the connection between police restructuring and arresting war criminals:

“[The fact] that nine years after Dayton, the authorities of Republika Srpska have not apprehended a single individual indicted by the ICTY... confirms the existence of fundamental systemic weaknesses built into the law enforcement and security structures of BiH, and in particular Republika Srpska”.

D. The Peace Implementation Council

The Peace Implementation Council (PIC), a body comprised of 55 countries and agencies committed to support the Dayton peace process meets regularly to review progress and define the goals of peace implementation.

During its meeting of 24 May 2000, the PIC stated that “a democratically accountable police and independent judiciary are prerequisites for the Rule of Law and the full protection of human rights” and insisted that “the authorities complete the police restructuring process.” (Appendix 5.1)

In its Communiqué of 11 December 2003 (Appendix 5.2), the Steering Board of the PIC, *inter alia*, expressed support for the High Representative's intention to focus on improving the effectiveness of the police, in close co-operation with EUPM and in its Communiqué of 1 April 2004 (Appendix 5.3), the Steering Board expressed its support for a restructuring of the BiH police, guided by the highest European standards and the need to ensure the financial sustainability of the police sector and supported the establishment of a Police Restructuring Commission.

In December 2004, with added urgency, the Steering Board reiterated the need for urgent implementation of the systemic changes in security and law enforcement structures that were called for at the Istanbul Summit. (Appendix 5.4) The Steering Board reminded the BiH authorities that a positive outcome in police restructuring will require the establishment of a single policing structure in BiH and noted the European Commission view that this would require all legislative and budgetary competency vested at the State level and applied in functional areas based on technical policing criteria.



III. Working Methodology of the Police Restructuring Commission

The PRC was comprised of members, associate members and observers (listed by name in Appendix 6).

Besides the Chair and Deputy Chair, the members of the PRC were the Minister of Security of Bosnia and Herzegovina, the Minister of the Interior of the Federation of Bosnia and Herzegovina who also represented the Prime Minister of the Federation of Bosnia and Herzegovina, the Minister of the Interior of the Republika Srpska who also represented the Prime Minister of the Republika Srpska, two Ministers of the Interior of Cantons of the Federation of Bosnia and Herzegovina, a mayor from the Federation of Bosnia and Herzegovina, a mayor from the Republika Srpska, the Mayor of the Brcko District, a representative of the Chairman of the Council of Ministers of Bosnia and Herzegovina, and the EUPM Commissioner.

The associate members were the Chief Prosecutor of Bosnia and Herzegovina, the Director of the State Investigation and Protection Agency of Bosnia and Herzegovina, the Director of the State Border Service of Bosnia and Herzegovina, the Director of the Office for Co-operation with Interpol, the Director of the Federation Administration of Police, the Director of Police of the Republika Srpska, and a Cantonal Police Commissioner.

Representatives of SFOR, EUFOR and the American Embassy served as observers on the PRC.

The PRC adopted a working methodology at its inaugural meeting in July 2004 (Appendix 7). The agreed document stipulated that:

1. There will be no voting in the PRC. The Chair will lead discussion and debate designed to reach consensus. The Chair will determine when the Commission has reached an acceptable level of consensus on an issue.
2. The Chair will prepare Conclusions of each PRC meeting that will summarize the main points of discussion and distribute them to the PRC participants prior to the next meeting.
3. At the beginning of each PRC meeting, the PRC participants will have an opportunity to suggest amendments or make clarifications to the Conclusions from the previous meeting(s).
4. The PRC will adopt the conclusions by consensus and the adopted Conclusions will form the record of proceedings and serve as the basis for recommendations made in the final report.
5. Agenda items achieving consensus will be taken from the agenda and recorded into the Conclusions; agenda items requiring more discussion will remain on the agenda for the next meeting(s).
6. The PRC recognizes and will not infringe on the role of the legal institutions – governments and parliaments – as the appropriate decision-making bodies for implementing police restructuring recommendations.



Appendix 8 contains the Agendas and Conclusions from all PRC meetings.

During the 1st meeting Sarajevo in July 2004 and the 2nd meeting in Banja Luka in August, the PRC considered the EC Assessment Report on the police in Bosnia and Herzegovina and reached a number of conclusions:

- Bosnia and Herzegovina is a single common public security space;
- The PRC should proceed by first finding the best model for efficient, sustainable, citizen-oriented policing. After the best model is found, then the legal implications should be considered;
- Realistic benchmarks should be set for lowering the percentage of total public expenditure dedicated to policing in Bosnia and Herzegovina;
- The future system of policing should be less complicated, less expensive and more efficient;
- Greater efficiency is particularly important in fighting complex crime, terrorism, organized crime, drugs and human trafficking, as well as investigating war crimes and carrying out war crimes arrests;
- Common police support functions at state level should include:
 - A single, inter-operable information and communication system;
 - A common system of police ranks and salaries;
 - A common process of recruitment, selection and training.
- The overall number of police officers in Bosnia and Herzegovina should be reduced, and the reduction should be based on a valid social plan.

During the 2nd meeting in Banja Luka, the PRC also looked at examples of European policing structures, with an eye to incorporating those elements applicable to the situation in Bosnia and Herzegovina. Discussions of other European systems revealed several common aspects of European best practice:

- Policing is usually conducted at two levels: national and local;
- Police legislation is almost always exclusively at state level;
- Budgeting for police is usually at state level only;
- A common rank, uniform and salary system is the norm;
- A common training system for all police is the norm;
- Common support functions, including:
 - A single database/information system;
 - Compatible communications systems;
 - Common procurement for heavy equipment;
- Oversight of policing by local communities is of paramount importance.

At the 3rd meeting in Mostar in September, the PRC analyzed the security challenges facing Bosnia and Herzegovina and the necessary measures to address these challenges. The challenges listed were organised crime, terrorism, war crimes, property crime, drugs, human trafficking and



general criminality. The PRC also examined how specific restructuring measures, such as the formation of a central database and common pay scale for officers, could improve the effectiveness of the police in meeting these challenges.

At the 4th meeting in Sarajevo in October, the Chair tabled a first draft of the Concept Paper, which combined the official conclusions of the first three meetings, Assessment report analysis, lessons learned from other European systems, and the specific security challenges facing Bosnia and Herzegovina. The Concept Paper became at this point the basis for further discussions in the PRC.

At the 5th meeting held in Brussels in October, the PRC continued to examine examples of European policing structures, specifically the systems of Switzerland and Belgium. Also, the PRC met with highest officials from the European Union, including then-European Commissioner for External Relations Christopher Patten and EU Secretary-General Javier Solana. (Appendix 9)

In Brussels, the PRC presented to the Institutions of the European Union a unanimously agreed Declaration (Appendix 10), whereby the PRC reaffirmed its commitment to fulfil its mandate to propose a single structure of policing for Bosnia and Herzegovina under the overall political oversight of a ministry or ministries in the Council of Ministers. The Declaration acknowledged the EU's expectation that real police reform will be achieved in Bosnia and Herzegovina as a vital part of the accession process.

In November, a working meeting of the PRC was held at the offices of the EUPM in Sarajevo, specifically to discuss the organization of policing at the local level. The PRC reached important conclusions on the institutional features of policing at the local level and arrived at a set of technical professional criteria to determine the design of efficient and effective local police areas.

The PRC dedicated the 6th meeting in Brcko in mid-November and the 7th and final meeting in Sarajevo in December completely to discussions and debates on the institutional features of the final concept contained in this report. The last meeting included a line-by-line review of the updated Concept Paper by the full PRC, during which members made suggestions and amendments to the text. The PRC also discussed and debated the application of the already agreed criteria on designing Local Police Areas at the 7th meeting.

In conjunction with the PRC meeting in Brcko in November, the Chair also met with the leaderships of the Parliaments of Bosnia and Herzegovina, Federation, Brcko, and the Republika Srpska and gave report on the activities of the PRC. In the frank exchange of views with the parliamentarians, there was general acknowledgement that the policing system in Bosnia and Herzegovina currently does not function properly and that the reform would be part of the European Union accession process. However, the Chair did not detect a political consensus on the way forward with police restructuring.



In addition to the inputs described above, the PRC heard the views of the public on police restructuring at two public forums, held in Sarajevo in October and Brcko in November. At the first event, members of the PRC listened to the views of representatives from non-governmental and professional organisations, including police unions and human rights NGO's, on the effectiveness of the police as a service to the local community. Several conclusions emerged from this meeting:

- That police restructuring is an important and desirable goal;
- That the police should be trained to see their role as a service to the community;
- That police officers must receive adequate salaries if they are to provide effective and efficient service to citizens and that police salaries should be equalised throughout the country;
- That closer links between police institutions and citizens, including civil society groups, are necessary to increase public confidence in the police and to increase the efficacy of the police in combating serious problems like domestic violence, juvenile delinquency and public disorder;
- That some problems (such as organized crime and juvenile delinquency) have been increasing and the police need to be given the tools to deal with these problems;
- That the police should be trained to understand and deal with domestic violence;
- That the police need to do more to ensure the security of minorities and returnees;
- That the police need to be insulated from pressure from politicians.

At the second public consultation, held in Brcko on 17 November 2004, the proceedings were opened to the public at large and advertised in local newspapers and radio. Citizens attending the event voiced their concern about a range of security problems, including increased drug abuse among young people, corruption, organized thefts and a general increase in criminality, and their disappointment in the ability of the police to tackle these problems. Participants suggested some changes to the current operation of the police, including the need for a centralized criminal database, better equipment, increasing the authority of local police officers, and the eventual downsizing of police.

The PRC also considered the results of a public survey commissioned by the BBC World Service Trust, in which a majority of respondents supported the building of an efficient state to end corruption, better salaries for the police, the need for a state police, the need to end duplication of services by the entities, cantons and municipalities and the need to move existing entity functions to the state. This study, as well as the two public meetings held by the PRC, indicate public support for several elements of police restructuring presented in this report.

IV. The Proposal

The recommendations outlined in the next two chapters of this report are the cumulative result of the concentrated effort of the PRC to combine the advice of the European Union, examples of European best practice, public opinion and analyses of the weaknesses of the current system of policing, in order to design a “single structure of policing” that adheres to the High



Representatives Decision. In particular, the recommendations adhere to the 12 guiding principles set out in Article 2 of the Decision:

1. Ensuring that policing in Bosnia and Herzegovina is structured in an efficient and effective manner.

- A state Conference of Directors and Commissioners and other institutional mechanisms will ensure that all police services at the national and local level provide support to one another, exchange information through a central database and coordinate operations as a single structure.
- Local policing will be carried out in Local Police Areas, designed according to rational technical policing criteria.
- A single Police Administration Agency, under the Ministry of Security, will provide centralized police administration and support services to all police services in Bosnia and Herzegovina.
- National and local policing plans will set clear priorities and objectives for the police, who will be held accountable for their performance by the Ministry of Security and by Community Oversight Councils, representing local communities.
- An independent, national Police Inspectorate will inspect and report on the effectiveness and efficiency of individual police services, as well as the overall single structure of policing.

2. Ensuring that the Institutions of Bosnia and Herzegovina are able to carry out fully and effectively their law enforcement responsibilities.

- The Institutions of Bosnia and Herzegovina will have exclusive legislative and budgetary competency for all policing matters.
- The Minister of Security will exercise overall political oversight over the functioning of all police services in Bosnia and Herzegovina.
- The State Investigation and Protection Agency (SIPA) and the State Border Service (SBS) will receive the full support and cooperation of the local police, by law.

3. Ensuring that policing in Bosnia and Herzegovina is cost-effective and financially sustainable.

- The Police Administration Agency, under the Ministry of Security, will centralize resources, providing common human resources, databases, and other support services previously carried out by each individual police service.
- The Police Administration Agency will conduct centralized procurement allowing cost-savings through bulk purchasing of high cost items.
- Local Police Areas based on rational policing criteria will contribute to a substantial reduction in the total number of police officers and an attendant reduction in the cost of policing.



4. Ensuring that policing staffing levels and conditions in Bosnia and Herzegovina are in line with European best practice and cognizant of prevailing social factors.

- The state Law on Police Officials will ensure that all police officials in Bosnia and Herzegovina have the same status and working conditions, including a uniform salary and benefit scale, attached to a uniform system of ranks.
- Local Police Areas, organized on rational policing criteria, will allow for a reduction in the total number of police officers, bringing the police to citizen ratio closer to European best practice.

5. Ensuring that policing in Bosnia and Herzegovina generally reflects the ethnic structure of the population of Bosnia and Herzegovina.

- Clear requirements for ethnic recruitment and representation in all of the police services in Bosnia and Herzegovina will be enshrined in law.
- The Police Administration Agency will manage a centralized personnel recruitment system that will set minority recruitment targets.

6. Ensuring that policing in Bosnia and Herzegovina is adequately protected from improper political interference.

- Police officials will be selected through a single, transparent mechanism, based on objective, professional requirements.
- Community Oversight Councils, representing local communities, will participate in the selection process for local commissioners and maintain their accountability.
- The Minister of Security will exercise political oversight and set policy but will not be able to interfere with the operational responsibilities of the police commissioners and directors.
- The Conference of Directors and Commissioners will provide a central forum for discussing operational matters and ensuring optimal operational cooperation between the police services without the direct involvement of the Minister.

7. Ensuring that policing will be discharged in accordance with democratic values, international human rights standards and best European practices.

- The Parliamentary Assembly of Bosnia and Herzegovina and the Bosnia and Herzegovina Council of Ministers, through the Police Inspectorate and Public Complaints Bureau will oversee the compliance of police services with relevant standards.
- Police officers will be bound by an oath and code of ethics, which will refer to their duty to protect Human Rights and to act according to Human Rights principles.
- The Police Code of Ethics will include the Internationally Accepted Principles of Policing in a Democratic State adopted in Bonn on 25 April 1996. Operational



practice will fully integrate the provisions of the European Convention on Human Rights.

- A lawyer specializing in Human Rights will work within the legal services of police services and will be consulted prior to operations that may raise Human Rights issues.
- Observance of Human Rights will be an integral part of police officials' training regime and performance appraisals.

8. Ensuring that policing will be delivered through inclusive partnership with the community and civil society.

- The National Community Policing Policy adopted by the Council of Ministers will ensure that the police follow the precepts of community policing in all aspects of their operations, working in continuous partnership with social services, local government and institutions, civic society and the public.
- Community Oversight Councils will provide community oversight over the work of the police, participating in the selection and dismissal of local commissioners, and in preparing local policing plans and budgets.

9. Ensuring that policing will be discharged within a clear framework of accountability to the law and the community.

- The Public Complaints Bureau will provide citizens with easy and transparent access to an institution with the authority to request the initiation of investigations and monitor the processing of complaints.
- Internal Control Units will operate on strict deadlines for investigating cases of alleged police violation of duty, at the request of citizens, police employees or the head of the Public Complaints Bureau.
- Community Oversight Councils, made up of citizens and local community representatives will play a key role in setting policing priorities and maintaining police accountability.
- The Police Inspectorate will inspect and report on all police services in Bosnia and Herzegovina to ensure that they comply with the law, relevant policies and minimum norms and standards.

10. Ensuring that the effective capacity to investigate war crimes is guaranteed throughout the entire territory of Bosnia and Herzegovina.

- The Conference of Directors and Commissioners will ensure a clear chain of command and better coordination and exchange of information for investigations.
- The Police Administration Agency will establish common and uniform databases available to all police services.



- SIPA will be able to request effective cooperation and support from the Local Police Services who will be legally obligated to comply with all reasonable requests.
- The National Intelligence Model and National Policing Plan will ensure systemic approaches to identifying and apprehending indicted war criminals.

11. Ensuring the examinations of necessary linkages to broader justice system matters.

- Local Police Services will carry out criminal investigations under the guidance and supervision of State, Entity, Cantonal and Brcko District Prosecutors, for cases tried in State, Entity, Cantonal and Brcko District courts as appropriate.
- Local Police Area Commissioners will ensure the implementation of the guidelines and directives of prosecutors concerning the activities of police officials in relation to criminal proceedings.
- The National Community Policing Policy will compel the police to work in close partnership with other justice system and public institutions to ensure the highest quality policing service.

12. Ensuring that Bosnia and Herzegovina as a state can effectively participate as a partner with other EU states in common actions, planning and operations on internal affairs matters.

- The Ministry of Security will exercise political oversight and legislative steering for all policing matters and will serve as the focal point for regional, European and international policing matters.

The recommendations outlined in this report will provide benefits to a variety of stakeholders in Bosnia and Herzegovina. For the citizen, the new policing system will provide more efficient security, local community oversight, cost effectiveness, and an increase in the trust and confidence in their police officials. Municipal and other local partner involvement in community oversight of the police will help ensure an improved level of public security. Police officials will also benefit from the new structure through a common rank and salary system, better training and improved status. In a system with safeguards against improper political influence, police officials can expect more trust from the citizens they serve.

The new system will also improve the rule of law in Bosnia and Herzegovina, ensuring the transparency and accountability of police activities, eliminating internal borders, which obstruct the fight against crime, and providing more equal access to a modern police service for all citizens. The state, entities, cantons and municipalities will benefit from improved, integrated and financially sustainable public security, which will make the country more attractive for refugee returnees, investors and tourists. Facilitating the integration of Bosnia and Herzegovina into the European and international public security landscape, police restructuring will help open the path to NATO membership and EU accession. On the other hand, the international community will benefit from Bosnia and Herzegovina becoming a reliable and dynamic partner in the European public security network.



3. Concept Paper

In accordance with its mandate, set out in the High Representative's *Decision Establishing the Police Restructuring Commission* of 2 July 2004 (Bosnia and Herzegovina Official Gazette 36/04), the Chair of the Police Restructuring Commission herein proposes a "single structure of policing under the overall political oversight of a ministry or ministries in the Council of Ministers". This proposal adheres to the 12 directing principles of police restructuring, enumerated in Article 2 of the Decision.

I. Legal Framework and Single Budget

The concept of a "single structure of policing" referred to in Article 1(1) of the PRC Decision would require that the Institutions of Bosnia and Herzegovina enjoy exclusive constitutional competencies over all policing matters in Bosnia and Herzegovina, which would include the competency to provide a safe and secure environment for all persons throughout the whole territory of Bosnia and Herzegovina.

Exclusive state level constitutional competency for policing matters would necessarily imply exclusive competency to legislate in the field. State level legislation would include a single state law establishing the single structure of policing (Law on the Police Service of Bosnia and Herzegovina) and a single state law regulating the working relations and police powers of all police officials of the single structure.

The state Law on the Police Service of Bosnia and Herzegovina envisions the following provisions:

- Establishing the police bodies of the single structure and defining their respective responsibilities;
- Regulating the organization and management of policing and in particular the Local Police Bodies as police bodies of Bosnia and Herzegovina;
- Regulating the relationship between the Minister of Security, the National Director of Local Police, Community Oversight Councils, Local Police Commissioners and other actors and agencies involved in policing.

The state Law on Police Officials of Bosnia and Herzegovina will regulate all aspects of working relations of all police officials in Bosnia and Herzegovina including:

- Defining police powers of police officials;
- Defining a common system of ranks and salary scale linked to these ranks;
- Defining a common system of uniforms and insignia;



- Ensuring common recruitment conditions that ensure that policing in Bosnia and Herzegovina generally reflects the ethnic structure of the population of Bosnia and Herzegovina;
- Ensuring common working conditions and standards;
- Designing systems to allow countrywide mobility and multiethnic deployments of police officials within the single structure;
- Ensuring a common disciplinary regime.

The concept of a single structure also would require that the Institutions of Bosnia and Herzegovina be competent to finance any activities falling within their competency over all police matters. This capacity includes the existence of a single budget for all said activities to be adopted at the level of the Institutions of Bosnia and Herzegovina.

II. Institutional Identity of the Police Service of Bosnia and Herzegovina

Bosnia and Herzegovina is a single security space and all police bodies will function within the Police Service of Bosnia and Herzegovina to guarantee equal service to the citizens. The police bodies will operate under a common mission statement, calling for:

- High professional ethics;
- A citizen-oriented police service representative of the communities it polices;
- Delivery of quality policing products in accordance with best European practice;
- Making a contribution to the future economic development and prosperity of the country.

Other guiding principles to be maintained throughout the Police Service of Bosnia and Herzegovina will include:

- Ensuring that policing in Bosnia and Herzegovina generally reflects the ethnic structure of the population of Bosnia and Herzegovina;
- Sustainability through a relative reduction of the burden of public security on public finances;
- Common standards, including ranks, and a system of career advancement which facilitates mobility among police bodies and between Local Police Areas.

The common identity of all police within the single structure would be affirmed through a common uniform, displaying the insignia of the Police Service of Bosnia and Herzegovina and the insignia of the relevant individual police body.

III. Human Rights and Policing in Bosnia and Herzegovina

In addition to a common identity and guiding principles, the police bodies of Bosnia and Herzegovina must develop a human rights culture, enshrined in the laws, rules, procedures and



habits of the police. The police bodies in Bosnia and Herzegovina should perform their functions in a manner that is fully respectful of human rights standards, both from a technical and behavioural point of view.

The fundamental purpose of policing should be the protection and vindication of the human rights of all. Police must protect the human rights of citizens from infringement by others, as well as respecting human rights in the exercise of that duty. The delivery of police services in a way that infringes on human rights can directly impede the effectiveness of the police by damaging public confidence in the work and institution of the police. There should be no conflict between human rights and policing. Policing means protecting human rights.

It is thus recommended that:

- All police officials and employees of the police receive effective training in the fundamental principles of human rights and their practical application in police work;
- All police officials and employees of the police should adopt a Code of Ethics that fully integrates human rights standards;
- Police officials be bound by an oath which explicitly refers to their duty to protect and uphold human rights;
- A police Code of Operational Practice that fully integrates the provisions of the European Convention on Human Rights and other relevant human rights instruments should be adopted;
- Each police body in Bosnia and Herzegovina should have a lawyer specializing in human rights law within the legal section, who should be consulted prior to operations that raise human rights issues;
- Observance of human rights must be an integral part of police officials' performance appraisals;
- Among its other duties, the independent Police Inspectorate should investigate and report on the performance of police bodies, with regard to human rights norms;
- Internal Control Units and the Public Complaints Bureau should regard human rights as a priority area.

IV. Overview of the Single Structure

A. Political Oversight

The Ministry of Security (Ministry) will maintain political oversight over the activities of all police bodies in Bosnia and Herzegovina.

B. Administration and Support Functions

The Police Administration Agency (PAA), as part of the Ministry, will provide support services to all police bodies in Bosnia and Herzegovina, including but not limited to:



- Human Resources, including recruitment and selection;
- Training standards and management of a single Training Institution;
- Common Procurement;
- IT/Communications.

An independent state Forensics Institute will provide the services of professional crime fighting and solving technologies to all police bodies in Bosnia and Herzegovina.

C. Inspections

An independent Police Inspectorate will be responsible for inspecting and reporting on the economy, efficiency and effectiveness of all police bodies in the single structure.

D. Operational Organization of Policing in Bosnia and Herzegovina

All police bodies in Bosnia and Herzegovina will operate within the Police Service of Bosnia and Herzegovina. The Police Service of Bosnia and Herzegovina will fight crime efficiently and effectively through the close coordination of all police bodies. A proactive, intelligence-led system, which conforms to the National Intelligence Model, will be the cornerstone of the fight against crime.

The Police Service of Bosnia and Herzegovina will be comprised of the following police bodies:

- **State Investigation and Protection Agency (SIPA):** Will deliver policing products related to the fight against complex crimes under the jurisdiction of the Court of Bosnia and Herzegovina, especially organized crime, serious financial crime, war crimes, terrorism and trafficking in persons; SIPA will also engage in the physical and technical protection of persons, facilities and property, and in witness protection.
- **State Border Service (SBS):** Will deliver products related to the surveillance and control of the state border of Bosnia and Herzegovina;
- **Local Police Bodies:** Will deliver local policing ‘products’ within their geographic areas, including the fight against crimes not in the jurisdiction of SIPA or SBS, community policing, traffic control, rapid intervention and crowd control.

The Director of SIPA, the Director of SBS, and the Local Police Commissioners will exercise operational and managerial control of their respective police bodies.

A National Director of Local Police will coordinate and direct, as required, operational matters with and between the Local Police Commissioners. In the each Local Police Area, a Community Oversight Council, comprised of local community representatives, will be responsible for the maintenance of an efficient and effective Local Police Body in accordance with Ministry of Security policies, including overseeing the performance of the Local Police Commissioner.



A state Conference of Directors and Commissioners, chaired by the National Director of Local Police, will meet regularly to coordinate operational matters between all police bodies in the single structure.

V. Political Steering and Oversight of the Single Structure

A. Bosnia and Herzegovina Parliamentary Assembly

The Parliamentary Assembly will have ultimate political authority for all policing matters in Bosnia and Herzegovina, including overseeing, investigating and reporting on policing matters. This will include the ability to request inspections or reports from the Police Inspectorate on the economy, efficiency or effectiveness of the Police Service of Bosnia and Herzegovina or any part of it.

The Parliamentary Assembly will also review and provide opinions, recommendations, and amendments to pre-drafts, drafts, and proposals of the police budget, including structure and personnel strength of the police bodies. Finally, the Parliamentary Assembly will exercise its constitutional responsibilities for approving the state budget and adopting policing-related legislation.

B. Bosnia and Herzegovina Minister of Security

The Minister of Security will exercise political oversight over the police bodies in the Police Service of Bosnia and Herzegovina. The Minister will elaborate public policies and priorities and ensure compliance by the policing professionals under his supervision. The Minister will not make operational decisions or intervene in individual cases.

In particular, the Minister of Security will:

- Develop the national Policing Plan of Bosnia and Herzegovina;
- Develop national strategy and policy papers;
- Develop and approve policies and regulations governing the organization, administration, training, equipping, and employment of SIPA, SBS, and the Local Police Bodies;
- Set and ensure quality standards, methods, and measures of performance;
- Set policy for the provision of support functions to SIPA, SBS, and Local Police Bodies (i.e. information technology and communications, database management, procurement, forensics, and uniforms and insignia);
- Set policy for the administrative delivery of uniform human resources management for SIPA, SBS, and Local Police Bodies (i.e. selection, training, career management, ethnic distribution, pay and disciplinary measures).

The Minister will also represent all police bodies in Bosnia and Herzegovina at the ministerial level and in international forums.



C. Policing Plans and Strategy and Policy Papers

A crucial element of the Minister of Security's political oversight function will be the preparation of the Policing Plan of Bosnia and Herzegovina, developed in coordination with the police bodies in Bosnia and Herzegovina.

The Policing Plan of Bosnia and Herzegovina will:

- Determine the general public security policy for Bosnia and Herzegovina;
- Determine the general policy with respect to the functioning of the Police Service of Bosnia and Herzegovina, including the police bodies and the Police Administration Agency;
- Determine the national objectives and priorities, and the methods and resource allocation needed to fulfil them;
- Establish the national minimal norms for police bodies in the fulfilment of the national objectives;
- Provide performance targets regarding each national objective foreseen in the Policing Plan of Bosnia and Herzegovina.

The Policing Plan of Bosnia and Herzegovina will be developed on the basis of policing plans produced by the SBS and SIPA, and the local policing plans developed by Local Police Commissioners and Community Oversight Councils.

The policing plans of SBS and SIPA will determine the general public security policy within their respective police bodies' spheres of competency, as well as specific objectives and priorities and how they will be fulfilled.

The Local Policing Plans will determine public security policy for the Local Police Bodies, setting local objectivities and priorities and the manner in which they will be fulfilled.

All policing plans will:

- Specify the allocation of resources in order to fulfil the objectives of the police body or bodies;
- Specify the national minimal norms and the manner in which they will be complied with;
- Provide performance targets regarding each national and local objective foreseen in the national and local policing plans;
- Include objectives determined by the Minister of Security and objectives determined by the Council of Ministers.



In addition to the Policing Plan of Bosnia and Herzegovina, the Minister of Security will develop national strategy and policy papers, setting countrywide policies and priorities for specific operational issues. These include papers on:

- The Intelligence-led Policing Policy;
- The National Community Policing Policy;
- The National Road Traffic Safety Policy.

VI. Administration and Support Services of the Single Structure

The Bosnia and Herzegovina Police Administration Agency (PAA) will provide centralized support and administrative services to the police bodies in the Police Service, under policy guidance from the Minister of Security. The PAA will be an administrative organization whose rights and duties are regulated by law. A Director, responsible to the Minister of Security, will manage the PAA.

The services provided by the PAA to the police bodies in Bosnia and Herzegovina will include:

- Joint Procurement;
- Information Technology, Databases and Communication;
- Organization of recruitment, selection, promotion and transfer of police officials and other common human resource services;
- Training and Education;
- Administrative Support.

An independent state Forensics Institute, under the administrative authority of the Minister of Security, will provide forensics capabilities to all police bodies in Bosnia and Herzegovina.

A. Joint Procurement

A Joint Procurement Office will conduct major purchasing for the police bodies in Bosnia and Herzegovina, while the individual police bodies will be responsible for minor purchases. Police bodies will communicate their purchasing needs directly to the Joint Procurement Office, which operates in accordance with the Bosnia and Herzegovina Law on Procurement.

The Joint Procurement Office will:

- Seek to provide both the best value and new developments in technology and equipment;
- Ensure compliance with set standards for interoperability of systems and equipment across all the police bodies;
- Plan and aggregate purchases from more than one police body to achieve economies of scale through bulk purchases;



- Coordinate long-term capital spending by the police bodies.

B. Information Technology, Databases and Communication

The PAA will ensure the provision of common information technology and communications infrastructure for the police bodies. The PAA will perform this function in accordance with the requirements determined by the police bodies. On behalf of the police bodies and the Ministry, the PAA will coordinate with the state authorities responsible for providing national networking resources and for setting national information technology and data security standards.

The PAA will ensure on behalf of the police bodies and Ministry the development of national police databases and registers in accordance to the specifications determined by the police bodies. It will coordinate the regulation of access within the police bodies to the national police databases and registers. On behalf of the police bodies and the Ministry, the PAA will coordinate access of the police bodies to national databases and registers not related to policing with the authorities responsible for maintaining these databases and registers.

The PAA will ensure the provision of training and education on applicable personal data protection standards and legal requirements to the police bodies. The PAA will assist the Police Inspectorate and work with state data protection authorities, as appropriate, to ensure compliance of the police bodies with personal data protection regulations.

C. Recruitment, Selection and Training

The PAA will administer the selection of all externally recruited police officials, as well as police officials recruited internally for the senior ranks, for the police bodies in the Police Service of Bosnia and Herzegovina.

A Selection Commission, composed of senior PAA staff members and external officials, will ensure the professionalism and integrity of the selection process, supervise and assess the process, report to the Minister of Security, process candidate complaints and suggest policy changes and legal actions to correct deficiencies. The PAA and the Selection Commission will be responsible for guaranteeing the fairness, objectivity and transparency of the process.

The PAA will be responsible for the regular recruitment of new police officials and of candidates for special positions, as well as organizing the selection process for senior police officials (police directors, commissioners, and department directors). Its responsibilities will include:

- Centralizing police bodies' yearly personnel needs;
- Advertising vacancies and conducting recruitment;
- Centralizing and processing all recruitment and promotion application forms;
- Pre-selecting and listing all eligible candidates;
- Informing non-eligible candidates about their non-eligibility;
- Organizing and running the selection process;



- Advertising the list of successful candidates;
- Maintaining a waiting list of successful candidates to fill unplanned vacancies (following dismissal, death, resignation);

A single Training Institution under the Ministry of Security, composed of a network of police and criminology education bodies, including bodies currently administered by the State Border Service (Training Centre), the Republic of Srpska Ministry of the Interior Administration for Police Education (Junior College for Internal Affairs in Banja Luka and Police Academy in Banja Luka), and the Federation of BiH Ministry of the Interior Police Academy (Police Academy in Vraca), will be responsible for training and education. In the future, single Training Institution, the current Police Academy in Vraca could become the academy for basic training, while the current Police Academy in Banja Luka could be used for training of specialists and managers.

D. Promotion and Career Mobility in the Single Structure

Minority police recruitment targets in a particular police body will be a significant factor in the external recruitment and promotion process.

External candidates will be able to enter the police at the level of police officer or junior inspector; otherwise they will progress through the rank system by promotion.

The police bodies will notify the PAA of posts opened for promotion and the PAA will advertise the vacancies and appoint promotion commissions for each police body. Promotion commissions will be composed, among others, of members of the respective police bodies concerned.

State law will regulate the recruitment of cadets for basic training in the Training Institution. The PAA will conduct the recruitment exercise on the basis of notification by the police bodies of vacancies. Upon successful completion of the basic training, cadets will receive appointments as Police Officers or Junior Inspectors throughout the Police Service of Bosnia and Herzegovina.

For promotion, internal candidates will have the right to apply for positions within their own police body or for a vacancy posted by another police body through the PAA.

Police officials working for any police body in the Police Service of Bosnia and Herzegovina will be able to apply for all advertised vacancies within any given rank as a measure to offer mobility within the Police Service, improve career opportunities for police officials, and ensure multi-ethnic representation.

An eligibility criterion for appointment as head or deputy head of a police body will be time spent in another police body in a high ranking position in order to encourage mobility within the Police Service of Bosnia and Herzegovina and ensure that managerial positions are assumed by candidates with diversified working experience.



VII. Independent Agencies under the Ministry of Security

A. Forensics

An independent Forensics Institute will take over the existing forensic capabilities of the entity and cantonal Ministries of the Interior, including ballistics, fingerprint and DNA identification capabilities. The Forensics Institute will provide forensics services to all police bodies. Individual police bodies will make requests for service directly to the Forensics Institute.

The Forensics Institute will:

- Establish target response times for service requests;
- Record and prepare statistics on its performance, including reports on the requests received, and the average response time for each request;
- Publish the statistics in an annual report;
- Collaborate with forensics authorities internationally and perform research and development of improved forensic techniques;
- Work to make the police bodies and police officials aware of the value and use of forensic science.

B. Police Inspectorate

The Police Inspectorate (PI) will be administratively located within the Ministry of Security, but will carry out its duties independently. The Police Inspector will head the PI and have at least the same rank as the heads of the police bodies.

The PI will conduct inspections, audits and investigations of all police bodies in Bosnia and Herzegovina to ensure economy, effectiveness and efficiency and to ensure that they function in compliance with applicable laws, regulations, orders, instructions, directives, and norms and standards. The PI will also audit compliance with the national and other policing plans, prepare an annual report outlining the performance results of each police body in Bosnia and Herzegovina and maintain a directory of best practices accessible to all police bodies.

The PI will conduct:

- Routine, periodic inspections and audits of all police bodies in Bosnia and Herzegovina to produce regular reports on the state of the police bodies;
- Investigations to produce thematic reports on ways to improve the effectiveness of the police bodies in certain areas (e.g. addressing domestic violence, the use of forensic science, benefits of intelligence-led policing);
- Special investigations of police bodies in response to a specific problem or concern.

The PI will also act on requests for inspections, audits and investigations from the Minister or the Conference of Directors and Commissioners (described below) and from any Community



Oversight Council for an inspection of its own Local Police Body. The PI may choose to respond to requests or complaints from other institutions.

The PI will submit its periodic reports to the Minister of Security, the Parliamentary Assembly of Bosnia and Herzegovina, the Community Oversight Councils, and the police bodies described in the reports. The PI will submit reports to the authority making the request. The PI will make available to the general public routine and thematic reports on the police bodies in Bosnia and Herzegovina. It may make reports resulting from special inspections available to the public as appropriate.

A police body determined by the Police Inspector to be inefficient, ineffective or out of compliance with relevant policies will have an obligation to correct the problem. In cases where a police body or bodies repeatedly fail to address deficiencies, the PI may declare a police body to be “inefficient” and initiate special performance assistance measures. In cases of failure to address deficiencies through the assistance measures, the head of the concerned police body may be subject to sanction.

The existence of the PI will not relieve police command of the responsibility for conducting inspections of their own functions and processes.

VIII. Organization and Delivery of Policing Products in the Single Structure

A. Police Bodies Comprising the Police Service of Bosnia and Herzegovina

1. State Investigation and Protection Agency (SIPA)

SIPA will be responsible throughout the country for detecting, preventing, and investigating complex and serious crime under the jurisdiction of the Court of Bosnia and Herzegovina, including the most serious threats of organized crime, terrorism, war crimes apprehensions, serious economic crime and money laundering and other crimes against the State. It will also collect information and data on such criminal offences, as well as observing and analysing the security situation and phenomena conducive to the emergence and development of crime; SIPA will also assist the Court and the Prosecutor’s Office of Bosnia and Herzegovina, provide physical and technical protection of persons, facilities and property, and provide witness protection.

2. State Border Service (SBS)

The State Border Service will be responsible for the surveillance and control of crossing the state border and airports, as well as for detecting, preventing, and investigating cross-border crime throughout the country.

3. Local Police Bodies

The Local Police Bodies will be responsible for the prevention and investigation of crimes that are not within the jurisdiction SBS or SIPA, as well as the delivery of the



policing ‘products’ of community policing, traffic control, rapid intervention, and crowd control.

B. Operational Coordination and Cooperation in the Single Structure

A clear definition of the operational authority of each of the police bodies will be necessary for effective coordination and cooperation:

- For policing matters falling under the competency of SIPA or SBS, the Director of SIPA or SBS will have operational and management authority and may request the support of Local Police Bodies, which will have a legal obligation to provide such support in response to all reasonable requests;
- For policing matters falling under the competency of the Local Police Bodies, Local Police Commissioners will have operational and managerial autonomy within their respective Local Police Areas;
- For issues under the competency of the Local Police Bodies that cross Local Police Areas, the National Director of Local Police will have coordination and operational authority;
- The capacity of SIPA to place co-locators in Local Police Bodies will further allow for improved coordination between SIPA and Local Police Bodies;
- Continuous bilateral cooperation and information sharing between the police bodies will be a legal obligation.

The Law on the Police Service of Bosnia and Herzegovina will ensure that any police body can request support from another police body, and that the police body concerned has an obligation to comply with all such reasonable requests.

C. Conference of Directors and Commissioners

The Conference of Directors and Commissioners (Conference), consisting of the heads of the policing bodies in Bosnia and Herzegovina, will ensure effective coordination and cooperation.

The responsibilities of the Conference of Directors and Commissioners will include:

- Ensuring optimal cooperation and coordination between the police bodies in Bosnia and Herzegovina;
- Elaborating uniform procedures regarding the obligation of the police bodies to cooperate and provide support to one another;
- Ensuring the uniform application of operational policies and practices;
- Requesting the Police Inspectorate to conduct inspections when it deems necessary, particularly with regard to the functioning of coordination and cooperation mechanisms;
- Making recommendations to the Minister to resolve problems between police bodies in the Police Service of Bosnia and Herzegovina;



- Identifying strategic policing needs and informing the Minister of Security accordingly;
- Coordinating an inter-agency response to a public emergency;
- Assisting the Minister in the formulation of the Policing Plan of Bosnia and Herzegovina and the overall budget of the Police Service of Bosnia and Herzegovina;
- Mandating the National Director of Local Police to direct and command local police commissioners for a specific operation or security matter under the competency of the Local Police Bodies.

The Conference will have a Chair and a Vice-Chair from among the members. The National Director of Local Police (described below) will chair the Conference. The Director of SIPA, the Director of SBS, the Director of Interpol and the Local Police Commissioners will also be members. The Director of the PAA will serve as an associate member.

A representative of the Ministry will also participate in the Conference as an associate member to safeguard the Minister of Security's political oversight function. Additionally, the Minister will meet periodically with the Chair of the Conference and the full Conference on policy matters.

The Conference will hold regular monthly meetings and can also hold special meetings when necessary. Regular decisions of the Conference will be taken by a vote of members and will be binding. Under legally prescribed circumstances exceptional decision-making mechanisms may be available to the National Director of Local Police as Chair of the Conference. For instance, for urgent operational police matters, the Chair of the Conference will make final decisions on cooperation and questions of jurisdiction.

The Conference will be able to form regular and *ad hoc* sub-committees or working groups, which may include persons who are not members or associate members of the Conference. One of these should be the sub-committee on Administration, chaired by the Director of the PAA. It would bring the heads of police bodies or their representatives together on a monthly basis to discuss issues relating to administration, human resources and the common support functions of the single structure. The Conference will have a permanent secretariat.

D. Organization of Local Police Bodies

Local Police Bodies will be administrative organizations of the Ministry of Security whose rights, duties and operational autonomy will be regulated by law.

Local Police Areas will be groupings of municipalities organized into efficient areas of operations on the basis of technical policing criteria that follow European best practice: geographic factors, population, including ethnicity considerations, cooperation with partners, fight against crime, traffic data, intelligence-led policing, public order, and emergency intervention, specifically with regard to rapid response time. (see Appendix 8.6: Agenda and Conclusions 5th Special Continuation meeting, for a detailed list of criteria adopted by the PRC).



1. National Director of Local Police

The National Director of Local Police will be selected by the Council of Ministers from candidates proposed by the Minister of Security and the PAA in accordance with regular selection procedures. The Director will chair the Conference of Directors and Commissioners, ensuring the necessary cooperation and coordination between all the police bodies in the Police Service of Bosnia and Herzegovina. The National Director of Police will ensure an optimal level of cooperation between the Local Police Bodies. During the implementation phase only, consideration should be given for filling this position with a senior civilian, ideally from the judiciary.

In addition, the National Director of Local Police will direct and command the Local Police Commissioners under certain circumstances defined by law. These circumstances include:

- Operational matters falling under the competence of the Local Police Bodies and crossing more than one Local Police Area;
- All operations and events during a declared state of emergency;
- For a specific operation or security matter under the competence of the Local Police Bodies when mandated to do so by the Conference of Directors and Commissioners.

In addition, the duties of the National Director of Local Police will include:

- Reflecting the views of the Local Police Commissioners to the Minister of Security and the Council of Ministers;
- Coordinating with the Ministry for the representation of the Local Police Bodies in international forums;
- Reviewing and commenting on Local Policing Plans to ensure that they adequately address the need for operational cooperation among Local Police Bodies;
- Proposing policies, procedures, guidance and mechanisms for operational cooperation between Local Police Areas;
- Performing other functions related to the role as chair of the Conference of Directors and Commissioners (described above).

2. Local Police Bodies

The Local Police Bodies of the Bosnia and Herzegovina Police Service, organized under Community Oversight Councils and managed by Local Police Commissioners, will carry out local policing.

In delivering their ‘products’, Local Police Bodies will strive to adhere to a citizen-centred vision of policing, guided by the community-policing model and an intelligence-led policing system.



Each Local Police Body may include Uniformed Police, Crime Police, Community Police, Traffic Control Units, Rapid Intervention, and Support Units or Special Police units as appropriate. The effective use of intelligence will be at the heart of these units' activities.

Each Local Police Body will carry out criminal investigations under the guidance and supervision of State, Cantonal and Entity Prosecutors as appropriate.

3. Local Police Commissioners

Each Local Police Commissioner, with accountability to the Community Oversight Council, will command and control the Local Police Body in his or her respective Local Police Area. Specifically, each Local Police Commissioner will:

- Manage and direct operational and administrative tasks that come under the competence of his or her respective Local Police Body;
- Ensure the implementation of the guidelines and directives of the Prosecutor concerning the activities of police officials in relation to criminal proceedings;
- Ensure co-operation with other police bodies and other appropriate bodies in Bosnia and Herzegovina;
- Be accountable for the work of the Local Police Body to the Minister of Security and the Community Oversight Council;
- Draft a Local Policing Plan with the Community Oversight Council for submission to the Minister of Security and contribute to the Policing Plan of Bosnia and Herzegovina;
- Draft a Local Police Body budget with the Community Oversight Council for submission to the Minister of Security;
- Implement policies, procedures, guidance and mechanisms issued by the Minister of Security;
- Implement the Local Policing Plan;
- Execute policies, procedures, guidance and mechanisms for operational cooperation between Local Police Bodies;
- Participate as a Member of the Conference of Directors and Commissioners and implement its decisions in his or her Local Police Area;
- Follow the operational directives of the National Director of Local Police or any other police official designated by the Conference of Directors and Commissioners for operations that cross Local Police Areas or have a national character.

The Local Police Commissioners will have the rank of Chief Inspector General of Police. For each Local Police Body, the PAA and the Minister of Security will appoint a qualified candidate, with the involvement of the Community Oversight Council. The Minister of Security will be able to terminate the employment of the Local Police Commissioner in consultation with the Community Oversight Council. The Community Oversight Council will also be able to request that the Minister of Security terminate the employment of the Local Police Commissioner and



the Minister must consider the request. These processes will be regulated by law and subject to normal rules of due process.

4. Public Security and Law Enforcement Institutional Linkages

Local Police Bodies will have to form close partnerships with various institutions in Bosnia and Herzegovina in order to ensure an economic, efficient and effective police service. These include:

- Prosecutorial, court and prison authorities;
- The institutions of public administration at the state, entity, canton and municipal levels;
- Other law enforcement agencies, such as the Indirect Taxation Authority (customs, Value Added Tax), judicial police, and the immigration service;
- Other security bodies and institutions, such the Ministries of Justice, Ministries of Defence and OSA.

E. Products delivered by the Local Police Bodies

1. Community Policing

The concept behind community policing is that the police cannot fight crime and keep public order on their own, but must be in constant dialogue with partners from government, social services, education and the public at large. This approach, combined with the National Intelligence model, sees crime prevention as an integral part of crime fighting. The police in the Police Service of Bosnia and Herzegovina will be committed to applying the community-policing model at all levels. Community policing philosophy and strategies will form an integral part of the police training program as described in the National Community Policing Policy, adopted by the Council of Ministers.

Four key elements of community policing will be implemented on the local level throughout the Police Service of Bosnia and Herzegovina:

- systematic and regular local security diagnoses;
- establishment of local partnerships;
- common problem resolution by the police and the community;
- systematic control and monitoring of the progress of the work of the police and the partnership between the police and the community.

Each Local Police Body will maintain a unit responsible for developing and implementing a local community-policing plan. The Community Policing Unit will seek to improve local quality of life and reduce crime by partnering with citizens, local government and civil society to identify, prioritize and solve local problems such as crime incidents, drugs, fear of crime, social and physical disorder and overall neighbourhood decay. By working with civilians to deal with



these problems, Local Police Bodies will help to eliminate some of the root causes of crime. The Community Policing Unit will participate fully in the National Intelligence Model.

The Local Police Commissioner will take the lead in developing a citizen-centred approach to policing. The focal point for community policing work in Bosnia and Herzegovina will be the local police station. It will be part of each police station commander's responsibilities to meet with the local people and organizations. The station commander and deputies will meet regularly with citizens, local government and civil society groups. Community police will patrol neighbourhoods on foot and will be encouraged to develop relationships with local people.

2. Rapid Intervention

The number of rapid intervention control rooms should be reduced for reasons of cost and efficiency and the quality of their equipment, especially their communication systems, will require upgrading. Technical criteria, including the number of inhabitants in the area, the local geography and the capability of the communication systems will determine the number of rapid intervention control rooms. In environments comparable to that in Bosnia and Herzegovina, one control room can service up to 700,000 inhabitants.

Local Police Bodies will operate rapid intervention control rooms. Members of the public will be able to request assistance 24 hours a day by calling the single emergency number. Local Police Bodies will establish targets for the emergency call response time in both urban and rural areas and measure performance.

3. Crime Fighting

Local police stations will handle petty crime and crime of a purely local nature. Police personnel will strive to develop relationships with local communities in accordance with the "community policing" model. They will comply fully with the National Intelligence model.

Investigators and specialists from the Local Police Body will investigate more serious crimes not in the competence of SIPA. Each Local Police Body may maintain support units (crowd control, observation teams, hostage teams) to deal with more difficult policing situations. Where necessary, one or more Local Police Bodies will participate in coordinated operations, under the command of the National Director of Local Police. In some cases, a particular unit or Local Police Body will take responsibility for a national problem.

Although the Local Police Commissioners and the Director of SIPA meet monthly at the Conference of Directors and Commissioners, coordination between SIPA and the Local Police Bodies on operational matters should be continuous. SIPA also maintains a unit for crime intelligence, which generates information that will be used at all levels in the fight against crime and in the formulation of policing plans.



Centralized services in support of the fight against crime will be available to police at all levels, including criminal record databases and the services of the Forensics Institute.

The national and Local Policing Plans will be the blueprints for the fight against crime. Police bodies will set specific measurable targets in their yearly plans.

4. Traffic Control and Safety

Each Local Police Body will maintain specialized units responsible for traffic enforcement and management. Traffic control units will operate out of local police stations and have responsibility for traffic law enforcement and accident reduction in the local area. Traffic units will be highly mobile and work in close connection to the rapid intervention control rooms. They will be able to intervene with traffic incidents, as well as assist in emergencies of all types.

As part of its Local Policing Plan, and in line with the National Road Traffic Safety Strategy, each Local Police Body will develop an annual plan for improving traffic safety and reducing the number of accidents within its Local Police Area based on analysis of traffic patterns and accidents during the previous year.

5. Crowd Control/Public Order

Each Local Police Body will maintain a crowd control unit to deal with large public gatherings (sporting events, mass political protests, etc.). These units will receive training in modern crowd control methods and in the use of specialized equipment. The units will be interoperable in terms of equipment and training to allow joint operations with units from other Local Police Areas. To ensure the capacity for coordinated action, crowd control units from different Local Police Areas will conduct joint training exercises periodically.

Each Local Police Body will determine whether it needs a dedicated crowd control unit, whose duties are limited to crowd control, or a non-dedicated unit, whose members also carry out ordinary police responsibilities based on operational considerations within its area.

F. Community Oversight and Accountability

1. Community Oversight Councils

Each Local Police Area will have a Community Oversight Council that will provide oversight and advice to the Local Police Body. Community Oversight Councils should be comprised of municipal mayors, members of the judiciary and independent members chosen from the general public (about 15 members total). Municipalities within the Local Police Area will select mayors who sit on Community Oversight Councils.

The members of the Council will elect a Chair, who will be responsible for organizing Council meetings and keeping records of the Councils proceedings. The Ministry of Security would administratively support Community Oversight Councils.



Each Community Oversight Council will:

- Advise on and participate in drafting a Local Policing Plan, which will include objectives for the Local Police Area and assess the extent to which the objectives set by previous Policing Plans have been implemented;
- Review and advise on the draft budget prepared by the Local Police Commissioner before submission to the Minister of Security;
- Participate in selecting the Local Police Commissioner from a list of qualified candidates prepared by the PAA and the Minister of Security;
- Consider requests from the Minister of Security for termination of Local Police Commissioners before the expiry of their terms of office;
- Hold the Local Police Commissioner publicly to account for the performance of the Local Police Body;
- Supervise the public complaints process and hear complaints against the Local Police Commissioner;
- Monitor implementation of instructions from the Minister of Security within the latter's remit in the Local Police Area;
- Advise the Minister of Security and the National Director of Local Police on issues affecting the Local Police Area;
- May request an investigation by the Police Inspector of an issue involving the Local Police Body.

Community Oversight Councils will not control Local Police Bodies or become involved in operational matters and incidents.

2. Public Complaints Bureau

A Public Complaints Bureau (PCB), with branches in the Local Police Areas, will ensure that members of the public have easy access to a transparent mechanism for filing complaints about the conduct of any member of the police. The PCB will also ensure public oversight of the processing of complaints and that citizens are informed about the status of their complaints and their rights with regard to them.

Citizens will be able to file complaints directly with any police body within the Police Service of Bosnia and Herzegovina or with the Public Complaints Bureau:

- When a complaint is filed directly with the police, the police must forward a copy to the relevant internal control department and notify the Public Complaints Bureau, which will register the complaint. The police must also inform the complainant that he or she has the right to obtain information on the future status of the complaint from the PCB.



- When a complaint is filed with the Public Complaints Bureau, the PCB must register the complaint, forward it to the relevant internal control department, and inform the complainant that he or she has the right to obtain information on the future status of the complaint from the PCB.

Regardless of how the complaint was filed, it will be up to the internal control department to make the initial determination of whether it was well founded or not:

- If the internal control department finds the complaint not to be well founded, it will issue a decision dismissing the complaint and explaining the reasons, which will be forwarded to the PCB. The PCB will then have two options:
 - If the PCB agrees with the decision to dismiss the complaint it will inform the citizen of the decision, as well as his or her right to pursue the complaint further through the already existing institution of the Police Board.
 - If the PCB disagrees with the decision, it will recommend to the internal control department that it reconsider the complaint. If the internal control department still opts to dismiss the complaint, the PCB informs the complainant of the decision, as well as his or her right to lodge a complaint before the Police Board.
- If the internal control department finds a complaint well founded, it will initiate an investigation and inform the PCB immediately of its decision.

If an investigation by the internal control department suggests grounds for disciplinary action, the PCB will request the competent disciplinary authority to take such action. If there are no grounds for disciplinary action, then it will issue a decision to the PCB, which will either inform the complainant or recommend that the internal control department reconsider its decision. The procedure for challenging the decision of the internal control department regarding disciplinary action is the same as that regarding the dismissal of complaints.

The PCB will also monitor disciplinary proceedings resulting from complaints and inform the complainant.

Throughout the entire process, the internal control department will have an obligation to inform the PCB about the ongoing status of the complaint and the PCB will have an obligation to inform the person who filed the complaint about its status and about the complainant's rights.

The internal control department will have the obligation to pass any information obtained during the processing of complaints that could lead to criminal proceedings to the relevant prosecutor.

In addition to receiving and monitoring complaints, the PCB will also report annually on its activities to the Joint Defence and Security Commission of the Parliamentary Assembly of Bosnia and Herzegovina, the Minister and to each Community Oversight Council, and it will send copies of its reports to each Police Body, to the Ministry for Human Rights and Refugees of



Bosnia and Herzegovina and to the Ombudsman of Bosnia and Herzegovina. The PCB will also be able to issue special reports, including reports regarding the functioning of internal control departments.

IX. Other Issues

1. Ranks and Salaries

A single system and definition of ranks shall be adopted for all police bodies in Bosnia and Herzegovina. The new Law on Police Officials of Bosnia and Herzegovina will regulate the working relations of police officials working for any police body or organization in Bosnia and Herzegovina. The ranks will be as follows:

1. Police Officer
2. Senior Police Officer
3. Sergeant
4. Senior Sergeant
5. Junior Inspector
6. Inspector
7. Senior Inspector
8. Independent Inspector
9. Chief Inspector
10. Inspector General of Police
11. Chief Inspector General of Police

The law will establish a common, unique salary scale, linked to ranks, for police officials working in all police bodies. There will also be a single formula for calculating monthly salaries and benefits, for calculating monthly special allowances (food, transportation, etc.), and for exceptional benefits (official trips, holiday bonuses, etc.).

The single policing budget and account at state level will be the permanent source of financing for the single system of salaries, benefits and allowances.



4. Territorial Disposition of Local Police Areas

A. Definition of Local Police Areas

The Local Police Bodies of the Police Service of Bosnia and Herzegovina will carry out local policing responsibilities, as defined in Chapter 3, “Concept Paper” and Chapter 7, “Legal Provisions for the Single Structure of Policing” in this report. Each Local Police Body will operate within the territory of its Local Police Area. Local Police Areas will be groupings of municipalities organized into efficient areas of operations on the basis of technical policing criteria that follow European best practice.

B. Criteria for Determining Local Police Areas

The Police Restructuring Commission reached agreement at the 5th Special continuation meeting in November 2004 on the following technical criteria to determine the size, shape and location of Local Police Areas (Appendix 8.6):

- Geographic Factors
 - Large enough to avoid excessive levels of bureaucracy
 - Similar sized policing areas
 - Take into account rural and urban areas
 - Level of development of road links and intercity connections
 - Distribution of significant installations of special interest for BiH (critical infrastructure)
- Population
 - Total population
 - Density of settlement
 - Ratio of rural to urban population
 - Diverse nature of population (national structure, employment and other social factors)
- Cooperation with Partners
 - Many varied partners with differing boundaries.
 - SIPA, SBS, OSA, Agency for Indirect Taxation, INTERPOL BiH, judiciary, such as courts and prosecutors
 - Local Authorities based in municipalities
 - Organs of government at entity and cantonal level and the Brcko District
 - Interaction of police structures with court and prosecutor authorities according to the current or future organisation of these organs
 - International Partners such as Interpol, Europol, EUOM, SECI, EUPM, EUFOR
- Fight against crime
 - General and commercial crime
 - General serious crime
 - Organised forms of crime



- War Crimes
- Intelligence on criminal activity
- Traffic
 - Number of traffic accidents
 - Number of registered vehicles
 - Traffic infrastructure with categorised roads
 - Intelligence gathering and intelligence led policing
- Intelligence-led Policing
 - National Intelligence Model
 - EUPM project (accepted by steering board now implemented)
 - A flexible multi layered intelligence system
- Public Order
 - Local Police Areas need to be organised to allow rapid response to a crisis or outbreak of civil disorder
 - Units should not be so small as to be uneconomical and inefficient
 - Not so big that travelling times are too long for emergency intervention.
- Emergency Intervention
 - Too many small operation centres would be inefficient and not cost effective
 - Each Local Police Area should be allocated the appropriate number of operation centres to answer emergency calls (European practice is 1-2 operational centres at the level of Local Police Area or 700,000 population)
 - Citizens should receive timely and quality emergency service

C. Discussions on the Territorial Disposition of Local Police Areas

At its 7th meeting in December 2004 the PRC discussed three main options for the specific territorial disposition of Local Police Areas. The first option envisioned five (5) Local Police Areas. The second option foresaw nine (9) Local Police Areas plus a Greater Sarajevo Metropolitan Police Area. The third option would have created ten (10) Local Police Areas plus a Greater Sarajevo Metropolitan Police Area. On the basis of inconclusive discussion, at the end of the 7th meeting, the Chair determined that the PRC would forward three options to the High Representative for further consultation and consideration.

Subsequently, the High Representative and the EUPM Commissioner conducted full consultation with political and public security authorities and selected the option of nine (9) Local Police Areas plus the Greater Sarajevo Metropolitan Police Area. This option represents a significant improvement over the current fractured and fragmented system of policing, while taking into account the need to have optimally sized Local Police Areas to ensure that policing is close to the citizen.

D. Basic Data on the Local Police Areas

The following maps and tables provide basic information on the indicated Local Police Areas, including geography, population, and projected numbers of police officials and support



personnel, crime statistics, number of traffic accidents and number of registered vehicles. The Local Police Areas (LPA) presented in Figure 4.1 are named according to the location of each LPA's Headquarters: Bihac, Banja Luka, Doboj, Tuzla, Foca, Mostar, Livno, Travnik, Zenica and Sarajevo.

Figure 4.1 Map showing the disposition of Local Police Areas (LPAs)*



*This map is meant only to generally illustrate the territorial disposition of proposed Local Police Areas and should not be taken or interpreted as representing the precise legal status of the territorial boundaries or names of municipalities, nor should it be taken or interpreted as a direct or indirect endorsement of any said boundaries or names.



Figure 4.2 Summary Table of Pre-war Population and Projected Police Staff for all Local Police Areas

Local Police Area	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
		Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Bihać	315,299	76,183	6,878	222,072	10,166	4,801	598	513	85	91	63	20
B. Luka	710,714	417,687	66,088	164,769	62,170	8,777	1,289	1,132	157	151	118	33
Livno	99,296	27,145	58,033	12,159	1,959	4,451	234	198	36	33	25	8
Doboj	698,920	195,136	177,692	282,126	43,966	5,117	1,237	1,091	146	133	103	30
Tuzla	727,869	223,050	32,250	417,052	55,517	5,369	1,332	1,162	170	170	130	40
Zenica	386,060	66,825	60,977	222,506	35,752	2,897	752	658	94	95	75	20
Foca	190,665	86,336	444	98,904	4,981	6,144	393	340	53	50	40	10
Sarajevo	477,119	132,855	32,611	239,290	72,363	766	1,063	890	173	130	102	28
Travnik	396,955	60,169	135,230	179,202	22,354	3,876	763	666	97	104	81	23
Mostar	427,170	92,526	193,322	116,691	24,631	9,470	821	720	101	129	96	33
TOTAL	4,430,067	1,377,912	763,525	1,954,771	333,859	51,668	8,482	7,370	1,112	1,086	833	245

TOTAL IN %	100	31.1	17.2	44.1	7.5
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Figure 4.3 Additional Statistics for all LPAs (Crimes, Public Order Offences, Traffic Accidents, Registered Vehicles)

No	REGION	CRIMES			Public Order Offences			TRAFFIC ACCIDENTS			VEHICLES 2004
		2001	2003	2004	2001	2002	2003	2001	2002	2003	
1	BIHAĆ	1789	1730	2144	2565	2609	3010	2516	2660	2592	70968
2	BANJA LUKA	3355	3640	4516	3964	4214	4620	4793	4895	4614	79827
3	DOBOJ	2761	3179	4624	3465	3435	3658	3530	3368	3478	103876
4	TUZLA	4840	4439	4706	6425	7452	6707	6141	5717	5691	127505
5	LIVNO	615	615	643	499	564	335	1043	1038	931	12777
6	TRAVNIK	1485	1539	1185	1017	2234	1639	1054	2600	2504	37197
7	ZENICA	2710	2953	2642	2581	3038	3067	2845	2689	2548	49256
8	FOČA	700	805	892	1537	1410	1218	536	569	570	22789
9	MOSTAR	1712	2334	2359	3654	2456	2183	434	4759	4302	87344
10	SARAJEVO	5807	6157	6879	4167	4175	3969	1670	1342	1397	59865



Population and ethnic composition data for each Local Police Area presented in figure 4.2 is based on the data reported in the pre-war 1991 census.

Figure 4.2 also makes an initial projection of the number of uniformed and non-uniformed police officials and support personnel needed to staff each Local Police Area. The estimate uses a standard police-to-citizen population ratio of 1 police official for every 400 citizens calculated on the basis of the population data reported in the 1991 census.

Figure 4.3 provides basic statistics for each Local Police Area related to the day-to-day responsibilities of the local police: criminality, incidents of public disorder, and traffic and vehicle statistics.

E. Statistical Description of Each Local Police Area

The following maps and tables provide data on the municipalities situated within each of the Local Police Areas. It should be noted that the tables on pre-war population and projected police staffing levels presented below only list municipalities reported in the 1991 census. Minor discrepancies may appear in the map of each Local Police Area due to new or changed municipalities after the war and not included in the 1991 census. In addition, for each Local Police Area, statistics are presented showing the distances between the Headquarters and other major towns and cities in the Local Police Area.



1. Bihac

Figure 4.4 LPA Bihac

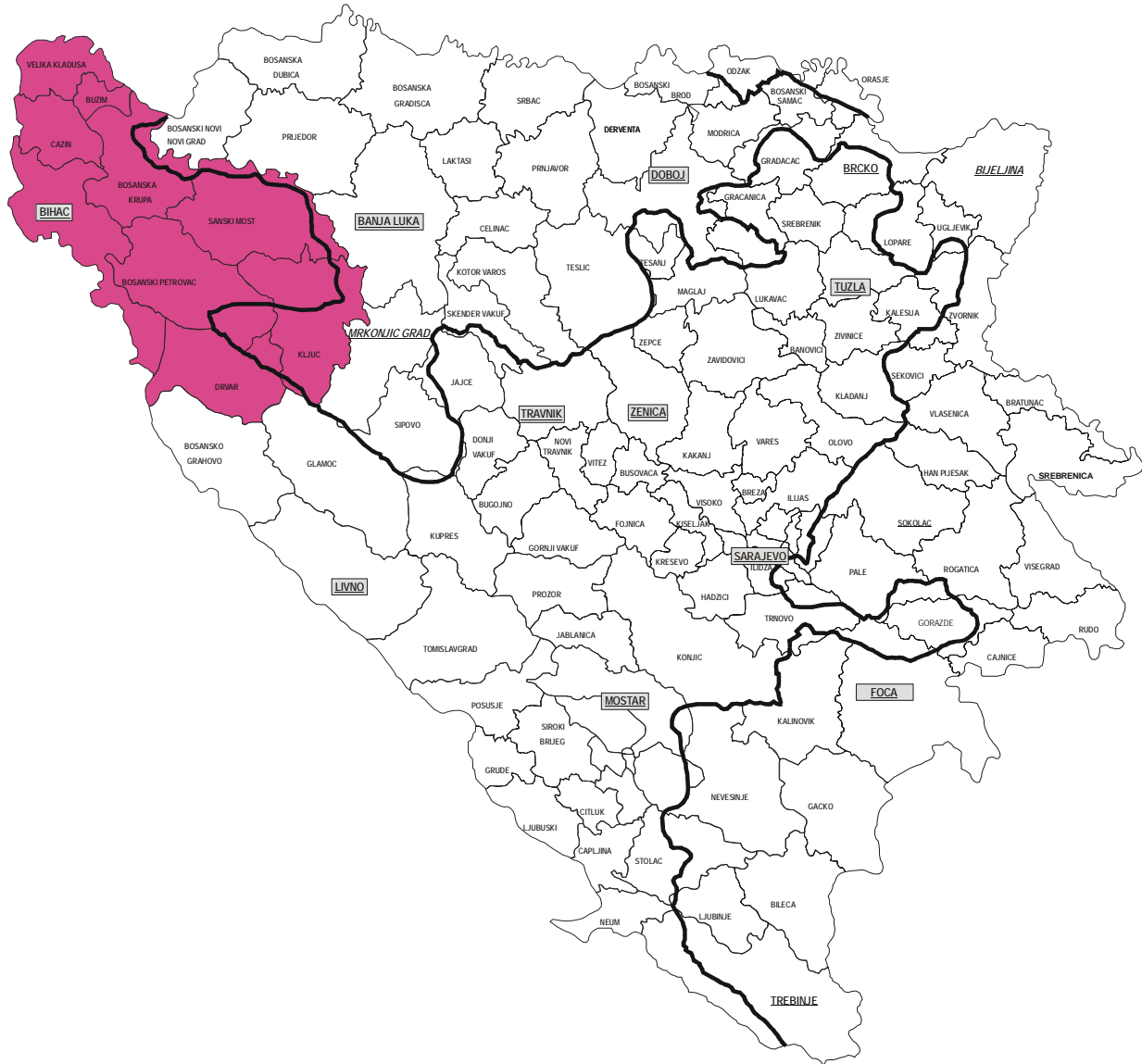




Figure 4.5 LPA Bihac: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Bihac	Bihac	70896	12646	5471	47223	5556	688	110	99	11	7	5	2
	V. Kladaša	52921	2261	707	48600	1353	332	82	74	8	6	4	2
	Cazin	63406	765	142	61861	638	356	98	89	9	6	4	2
	B. Krupa	58212	13765	143	43365	939	780	89	81	8	6	4	2
	B. Petrovac	15552	11695	45	3276	536	854	26	24	2	2	2	
	Ključ	37233	18438	336	17714	745	844	58	53	5	5	4	1
	S. Most	60119	25372	4267	28285	2195	983	93	84	9	6	4	2
	Drvar	17079	16613	34	33	399	947	27	25	2	3	2	1
	In HQ							108	68	40	48	38	10
	Total:		375418	101555	11145	250357	12361	5784	691	597	94	91	67
		100%	27%	3%	67%	3%							

*50 Support Unit Staff projected for this LPA

- Local Police Area HQ
- From 25 to 50 % of Total Population
- Over 50% of Total Population
- Less than 25% of Total Population
- Smallest Percentage of Total Population



Figure 4.6 *LPA Bihać: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities*

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes**
* Bihać	Velika Kladuša	57.5	60
Bihać	Sanski Most	95	95
Bihać	Bosanska Krupa	34	35
Bihać	Drvar	100	100
Bihać	Ključ	94.5	95
Bihać	Bosanski Petrovac	54	55

* LPA HQ

** Distance in minutes was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



2. Banja Luka

Figure 4.7 LPA Banja Luka

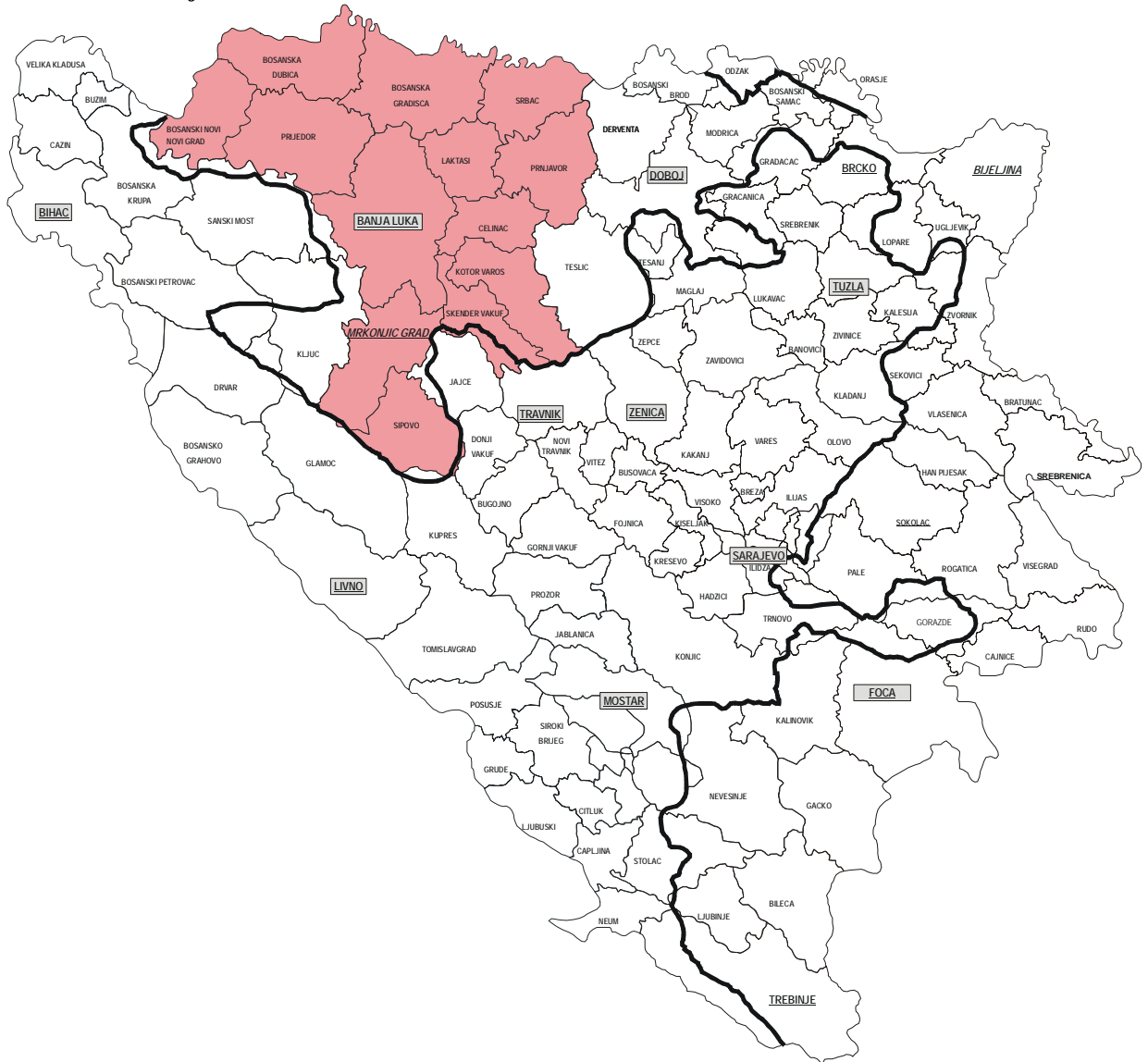




Figure 4.8 LPA Banja Luka: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km ²	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
B. Luka	B. Luka	195139	106878	29033	28550	30678	1239	302	272	30	14	10	4
	Prijedor	112470	47745	6300	49454	8971	834	174	157	17	10	8	2
	M. Grad	27387	21159	2149	3275	804	685	43	39	4	5	3	2
	Šipovo	15553	12318	33	2998	204	462	26	23	3	2	2	
	S. Vakuf	19416	13277	4807	1080	252	365	30	27	3	2	2	
	K. Varoš	36670	13986	10640	11161	883	560	56	51	5	5	4	1
	Čelinac	18666	16591	79	1440	556	362	29	26	3	2	2	
	Prnjavor	46894	33575	1737	7153	4429	630	73	66	7	5	4	1
	Laktaši	29910	24438	2584	506	2382	388	47	43	4	4	3	1
	Srbac	21825	19442	147	941	1295	453	34	31	3	2	2	
	B. Gradiška	60062	35989	3422	15888	4763	762	93	84	9	7	5	2
	B. Dubica	25107	21811	488	6 470	2808	499	48	44	4	4	3	1
	B. Novi	41496	25106	402	14038	1950	555	64	58	6	5	4	1
	In HQ							177	127	50	78	62	16
	Total:		650595	392315	61821	136484	59975	7794	1196	1048	148	145	114
		100%	60%	10%	21%	9%							

*150 Support Unit Staff projected for this LPA


	-	Local Police Area HQ		-	From 25 to 50 % of Total Population
	-	Operational Centre		-	Less than 25% of Total Population
	-	Over 50% of Total Population		-	Smallest Percentage of Total Population



Figure 4.9 *LPA Banja Luka: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities*

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes***
* Banja Luka	Prnjavor	55	55
Banja Luka	Prijedor	54	55
Banja Luka	Mrkonjić Grad	56	55
Banja Luka	Bosanska Gradiška	52	50
Banja Luka	Srbac	63.5	60
Banja Luka	Kotor Varoš	37	35
** Mrkonjić Grad	Šipovo	45	45

* LPA HQ

** OC HQ

***Distance in minutes was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



3. Doboј

Figure 4.10 LPA Doboј

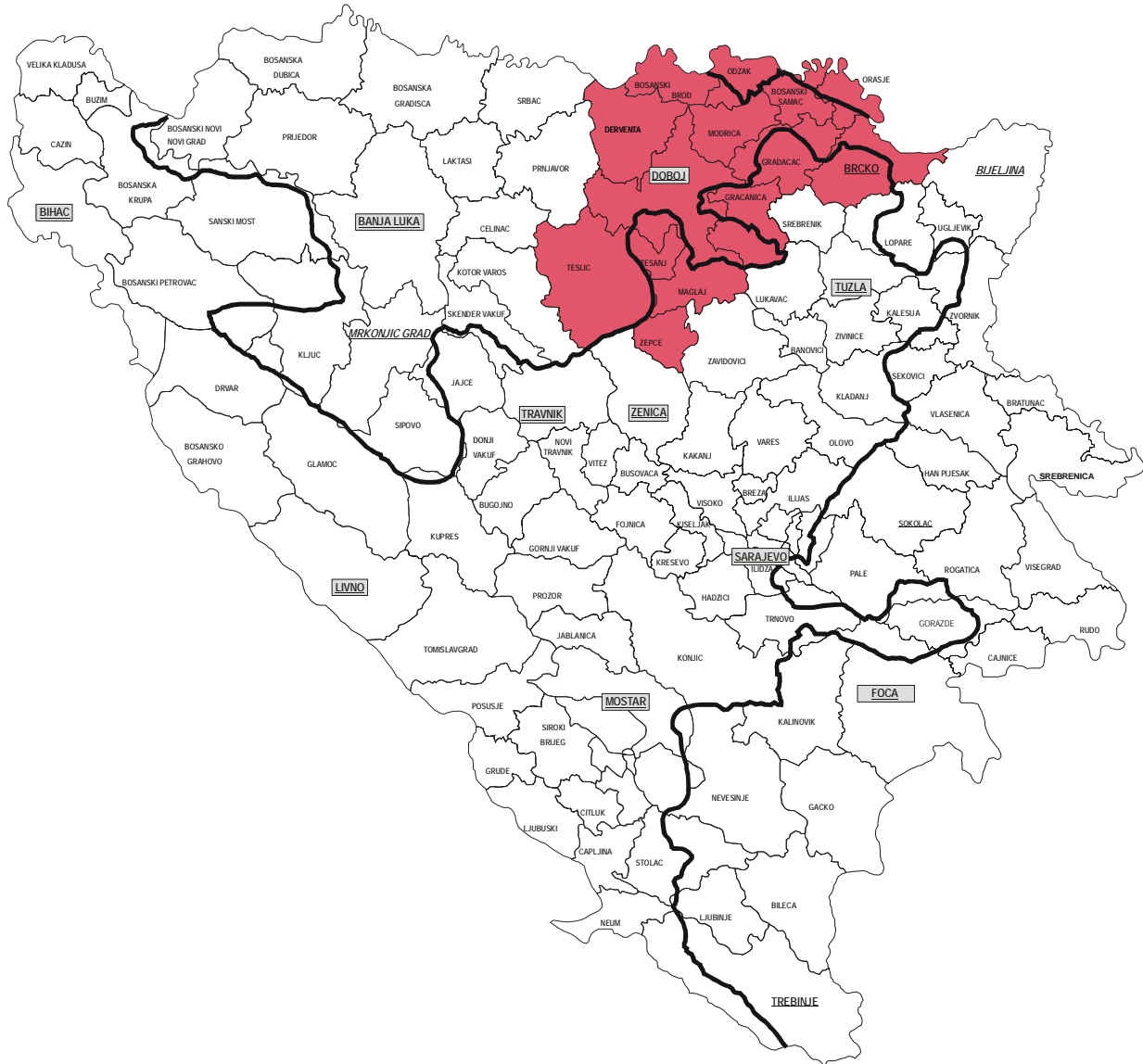




Figure 4.11 LPA Doboj: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Doboj	Doboj	102546	40020	13283	41268	7975	697	158	143	15	8	6	2
	B. Brod	29961	11464	12922	4140	1435	234	52	47	5	4	3	1
	Odžak	30651	6084	16598	6229	1740	205	48	43	5	4	3	1
	B. Šamac	32835	13619	14670	2248	2298	217	51	46	5	4	3	1
	Modriča	35413	12563	9660	10442	2748	294	51	46	5	4	3	1
	Orašje	28201	4219	21234	1900	848	166	44	40	4	4	3	1
	Žepče	22840	2289	9081	10780	690	210	36	33	3	4	3	1
	Brčko	87332	18133	22163	38771	8265	493	136	122	14	7	5	2
	Tešanj	48390	3078	8952	34938	1422	222	76	68	8	5	4	1
	Gračanica	59050	13566	135	42628	2721	378	101	91	10	5	4	1
	Gradačac	56378	11184	8521	33921	2752	407	87	79	8	5	4	1
	Maglaj	49363	3078	8952	34938	2395	231	68	61	7	5	4	1
	Teslić	59632	32853	9549	12801	4429	846	92	83	9	5	4	1
	Derventa	56328	22986	21972	7122	4248	517	87	79	8	5	4	1
	In HQ							150	110	40	64	50	14
Total:		698920	195136	177692	282126	43966	5117	1237	1091	146	133	103	30
		100%	29%	25%	40%	6%							

*100 Support Unit Staff projected for this LPA

- | | | | |
|---|--------------------------------|---|---|
|  | - Local Police Area HQ |  | - From 25 to 50 % of Total Population |
|  | - Operational Centre |  | - Less than 25% of Total Population |
|  | - Over 50% of Total Population |  | - Smallest Percentage of Total Population |



Figure 4.12 LPA Doboј: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes***
* Doboј	Teslić	30	30
Doboј	Maglaj	28	30
Doboј	Bosanski Brod	64	60
Doboј	Gracanica	24	25
Doboј	Gradačac	65	65
Doboј	Brčko	82	80
Doboј	Bosanski Šamac	67	70
**Brcko	Orašje	24	25
Brcko	Bosanski Šamac	40	40

* LPA HQ

** OC HQ

***Distance in minutes was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



4. Tuzla

Figure 4.13 LPA Tuzla

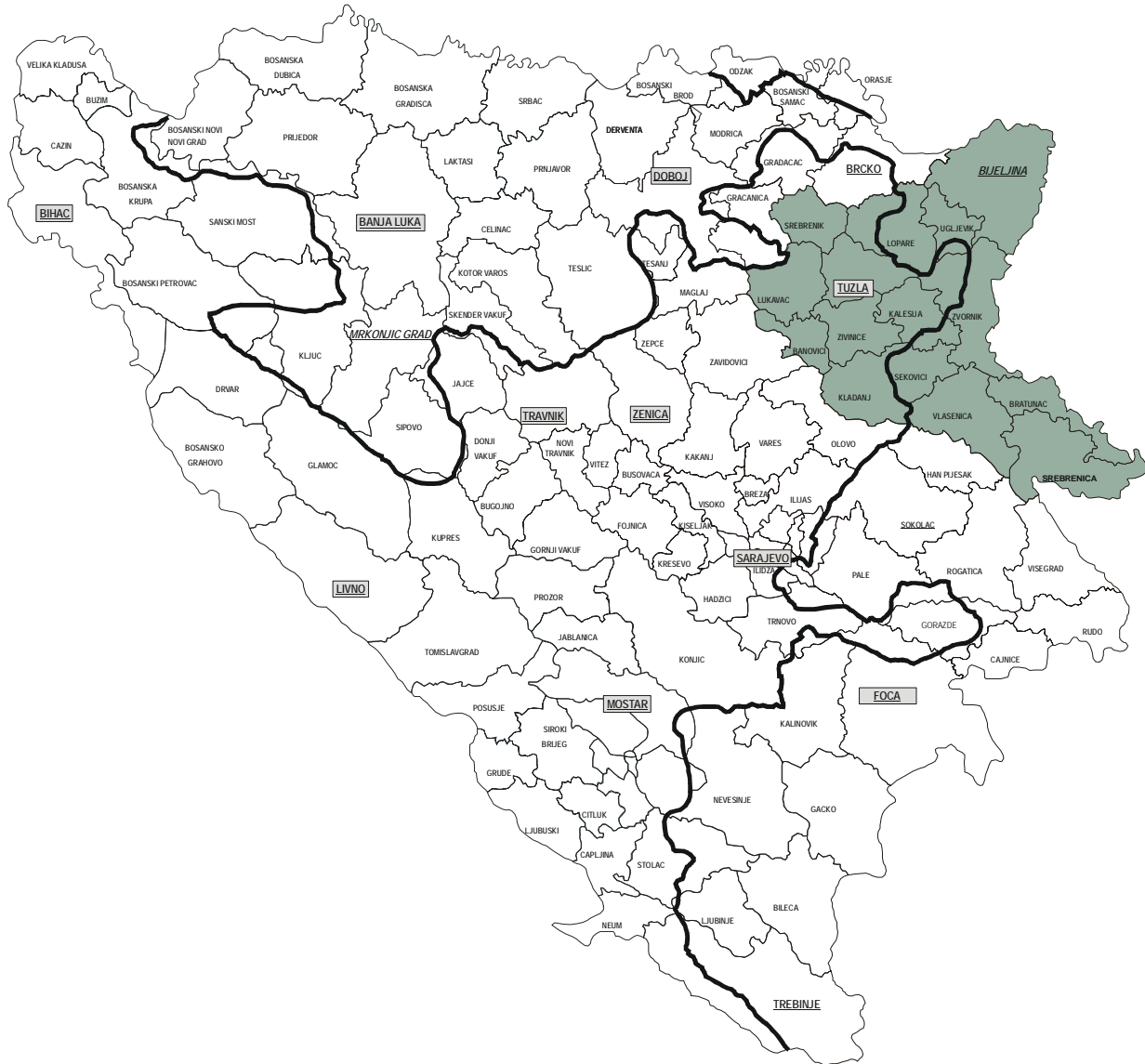




Figure 4.14 LPA Tuzla: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Tuzla	Tuzla	131861	20424	20581	62807	28049	303	204	184	20	10	6	4
	Bijeljina	96876	57541	597	30314	8424	734	155	140	15	7	5	2
	Srebrenik	49769	5326	2761	39595	2087	248	64	58	6	5	4	1
	Ugljevik	25729	14602	71	10310	746	197	39	35	4	4	3	1
	Lopare	32460	18273	1259	11999	929	430	51	46	5	4	3	1
	Lukavac	56830	12281	2132	37886	4531	353	88	79	9	5	4	1
	Kalesija	41795	7669	33	33226	867	277	65	59	6	5	4	1
	Zvornik	81111	30839	120	48208	1944	499	126	114	12	7	5	2
	Živinice	54653	3499	3969	44063	3122	291	85	77	8	5	4	1
	Kladanj	16028	3833	38	11747	410	325	26	24	2	3	2	1
	Šekovići	9639	9086	11	328	214	199	17	16	1	3	2	1
	Vlasenica	33817	14356	40	18699	722	507	52	47	5	4	3	1
	Bratunac	33575	11479	41	21564	491	292	52	47	5	4	3	1
	Srebrenica	37219	9389	38	27118	674	533	52	47	5	4	3	1
	Banovići	26507	4453	559	19188	2307	181	43	39	4	4	3	1
		In HQ							213	150	63	96	76
	Total:	727869	223050	32250	417052	55517	5369	1332	1162	170	170	130	40
		100%	31%	4%	57%	8%							

*100 Support Unit Staff projected for this LPA

- | | | | |
|---|--------------------------------|---|---|
|  | - Local Police Area HQ |  | - From 25 to 50 % of Total Population |
|  | - Operational Centre |  | - Less than 25% of Total Population |
|  | - Over 50% of Total Population |  | - Smallest Percentage of Total Population |



4.15 LPA Tuzla: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes***
* Tuzla	Bijeljina	64	60
Tuzla	Srebrenica	101.5	100
Tuzla	Kladanj	46.5	45
Tuzla	Banovići	34	35
Tuzla	Zvornik	49	50
** Bijeljina	Zvornik	55	55
Bijeljina	Bratunac	94	95
Bijeljina	Ugljevik	23	25

* LPA HQ

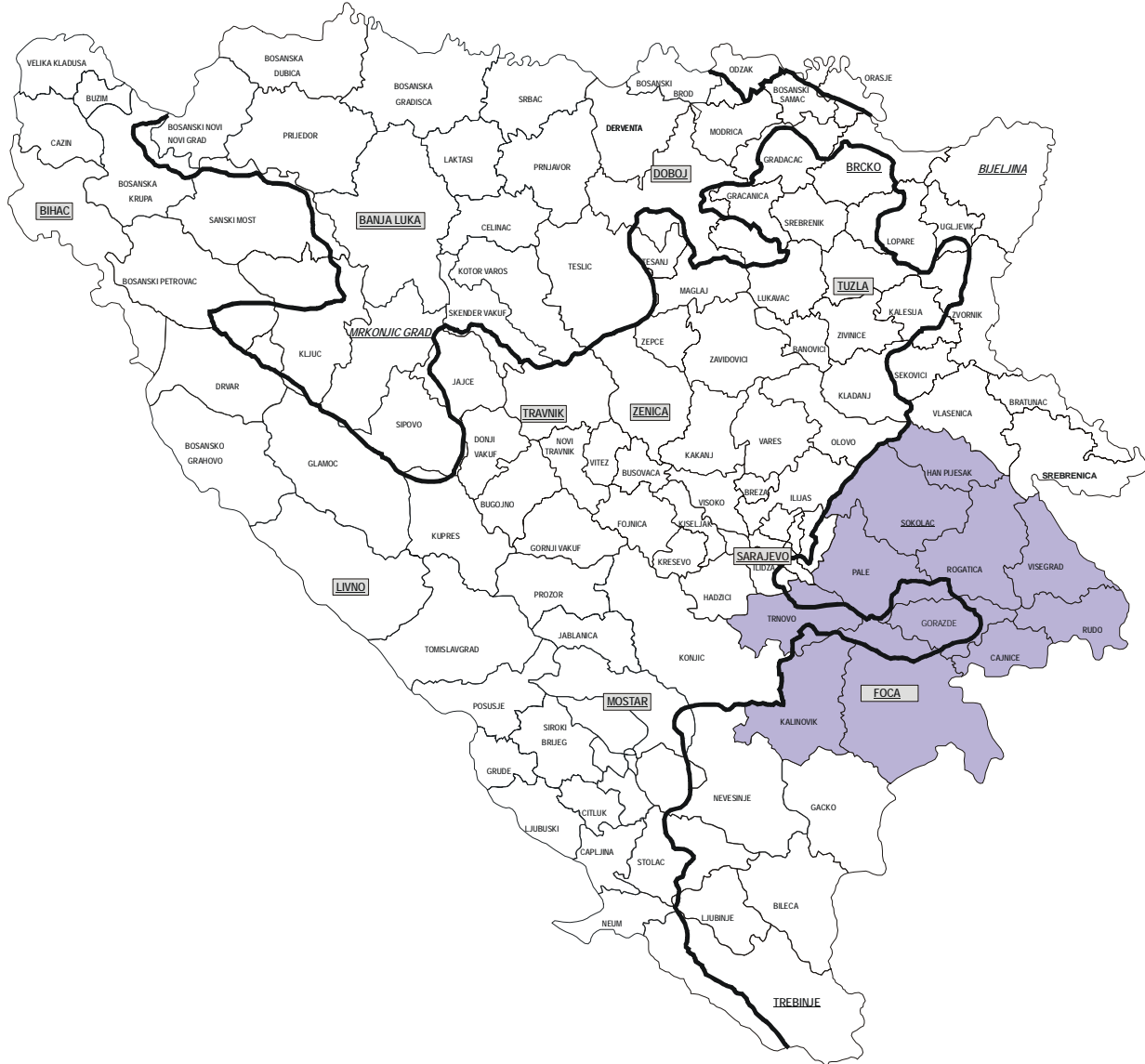
** OC HQ

***Distance in minutes was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



5. Foca

4.16 LPA Foca






4.17 LPA Foča: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Foča	Foča	40513	18339	104	20898	1172	1266	62	56	6	5	4	1
	Goražde	37505	9844	83	26316	1262	377	58	52	6	5	4	1
	Sokolac	14833	10181	22	4486	144	689	23	21	2	3	2	1
	Pale	16310	11269	126	4356	559	555	26	24	2	2	2	
	Trnovo	6996	2063	17	4822	94	451	13	12	1	2	2	
	H. Pijesak	6346	3699	7	2544	96	342	10	9	1	2	2	
	Kalinovik	4657	2821	18	1726	92	732	9	8	1	2	2	
	Rogatica	21812	8374	18	13169	251	664	33	30	3	3	2	1
	Čajniče	8919	4714	5	4007	193	275	14	13	1	2	2	
	Rudo	11572	8191	5	3142	234	344	18	16	2	2	2	
	Višegrad	21202	6841	39	13438	884	449	32	29	3	3	2	1
	In HQ							95	70	25	19	14	5
	Total:		190665	86336	444	98904	4981	6144	393	340	53	50	40
		100%	45%	0%	52%	3%							

*50 Support Unit Staff projected for this LPA

	- Local Police Area HQ		- From 25 to 50 % of Total Population
	- Operational Centre		- Less than 25% of Total Population
	- Over 50% of Total Population		- Smallest Percentage of Total Population



4.18 LPA Foca: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes**
* Foča	Kalinovik	32	30
Foča	Rogatica	58	60
Foča	Sokolac	90	90
Foča	Han Pijesak	120	120
Foča	Višegrad	68	70
Goražde	Rogatica	27	30
Goražde	Sokolac	58	60
Goražde	Foča	31	30
Goražde	Višegrad	37	40

* LPA HQ

**Distance in minutes was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



6. Mostar

4.19 LPA Mostar

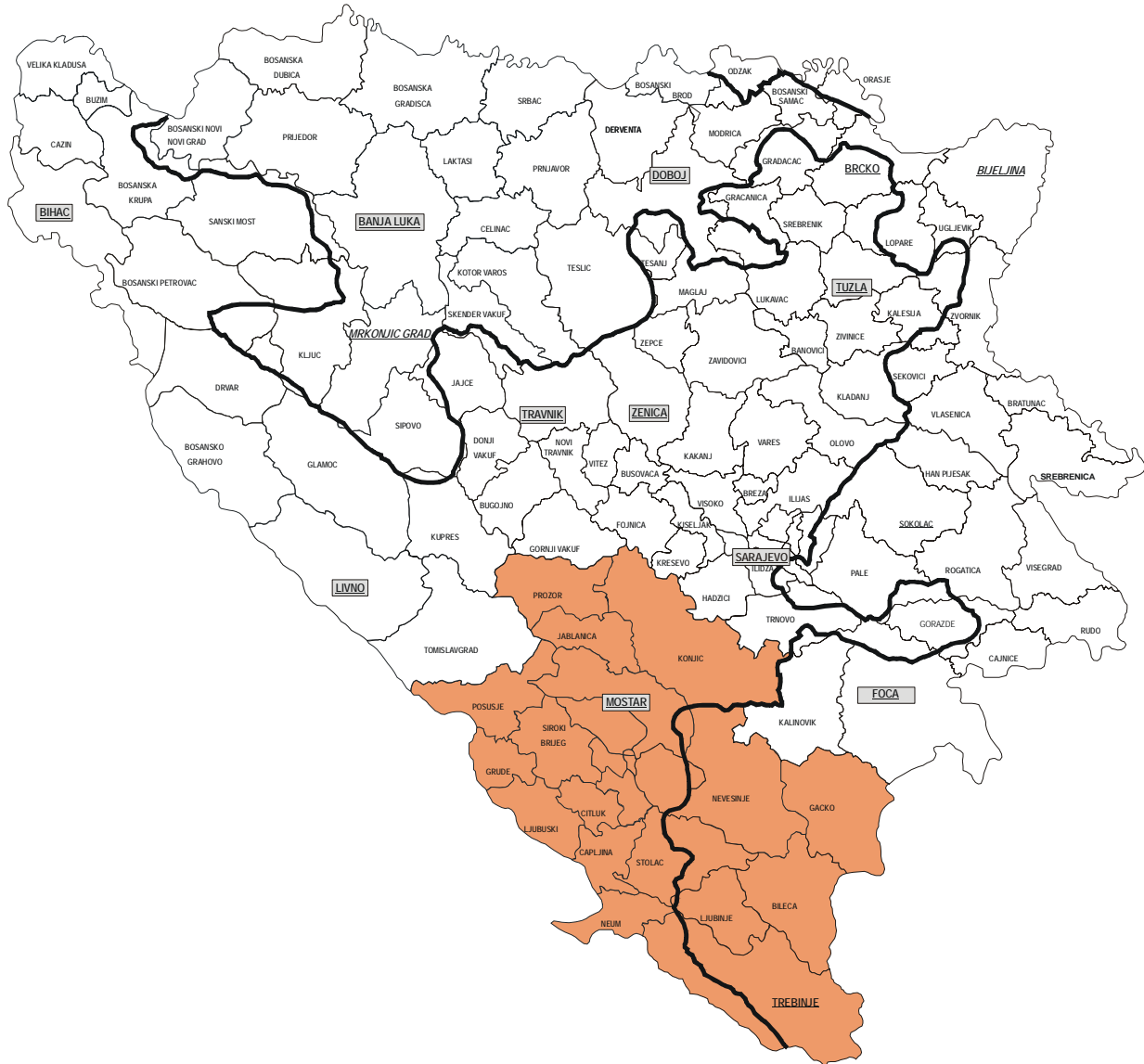




Figure 4.20 LPA Mostar: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km ²	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Mostar	Mostar	126067	23909	42648	43931	15579	1227	196	177	19	12	8	4
	Čapljina	27852	3768	15007	7717	1360	256	43	39	4	4	3	1
	Stolac	18544	3912	6112	8093	427	541	30	27	3	3	2	1
	Neum	4268	209	3738	196	125	225	7	6	1	2	2	
	Trebinje	30879	21387	1226	5542	2724	1205	46	42	4	5	3	2
	Nevesinje	14421	10737	194	3313	177	911	23	21	2	3	2	1
	Ljubinje	4162	3743	44	327	48	326	7	6	1	2	2	
	Gacko	10844	6765	29	3830	220	736	17	15	2	3	2	1
	Bileća	13269	10651	39	1944	635	633	21	19	2	3	2	1
	Ljubuški	27182	64	25180	1569	369	293	43	39	4	4	3	1
	Grude	15976	8	15939	4	25	220	24	22	2	3	2	1
	Posušje	16659	9	16571	6	73	461	25	23	2	3	2	1
	Široki Brijeg	26437	147	26231	9	50	388	41	37	4	4	3	1
	Jablanica	12664	504	2253	9136	771	301	21	19	2	3	2	1
	Konjic	43636	6645	11354	23791	1846	1089	67	61	6	5	4	1
	Prozor	19601	49	12213	7173	166	477	30	27	3	3	2	1
	Čitluk	14709	19	14544	110	36	181	22	20	2	3	2	1
In HQ							158	120	38	64	50	14	
Total:		427170	92526	193322	116691	24631	9470	821	720	101	129	96	33
		100%	22%	45%	27%	6%							

*100 Support Unit Staff projected for this LPA

- Local Police Area HQ
- Over 50% of Total Population
- Operational Centre
- Less than 25% of Total Population
- From 25 to 50 % of Total Population
- Smallest Percentage of Total Population



Figure 4.21 LPA Mostar: Distances between HQ, Operational Centres and Selected Cities

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes***
* Mostar	Prozor	76	80
Mostar	Trebinje	91.5	95
Mostar	Neum	71	70
Mostar	Stolac	36	35
Mostar	Ljubuški	34	35
Mostar	Konjic	66	65
Mostar	Doljani	44	45
Mostar	Grude	45	45
** Trebinje	Gacko	75	75
Trebinje	Berkovići	66.5	65
Trebinje	Ljubinje	60	70
Trebinje	Bileća	29	30
Trebinje	Nevesinje	123	120

* LPA HQ

** OC HQ

*** Travelling period was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



7. Livno

Figure 4.22 LPA Livno

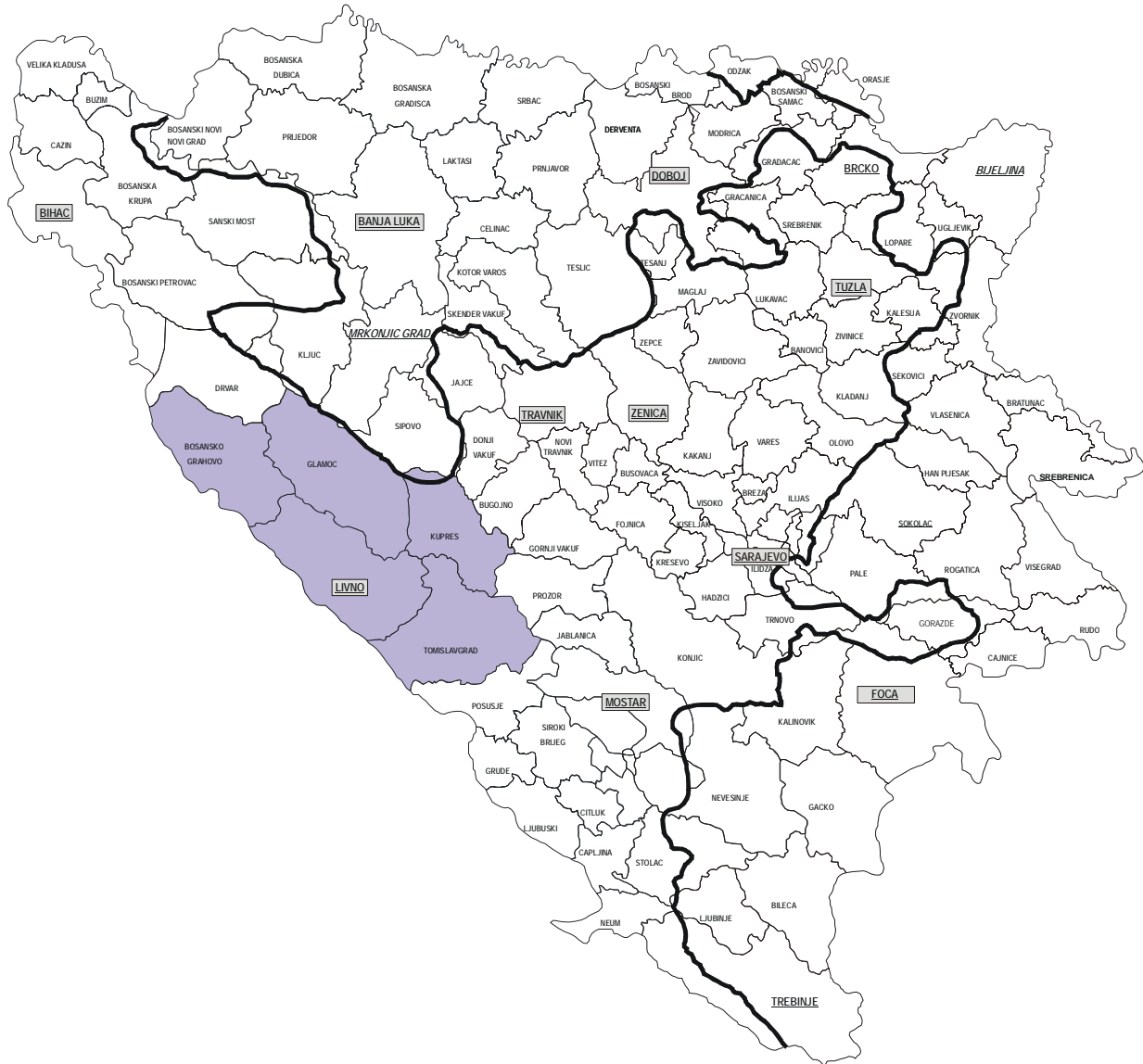




Figure 4.23 LPA Livno: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Livno	Livno	39526	3782	28456	5927	1361	994	62	56	6	6	4	2
	Glamoč	12543	9969	184	2243	147	1088	19	17	2	2	2	
	Kupres	9663	4895	3827	811	130	622	15	13	2	2	2	
	B. Grahovo	8303	7929	219	12	143	780	13	11	2	2	2	
	Tomislav. G.	29261	570	25347	3166	178	967	45	41	4	4	3	1
	In HQ							80	60	20	17	12	5
	Total:	99296	27145	58033	12159	1959	4451	234	198	36	33	25	8
		100%	27%	59%	12%	2%							

*50 Support Unit Staff projected for this LPA





Figure 4.24 *LPA Livno: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities*

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes**
* Livno	Tomislavgrad	102	100
Livno	Kupres	44	45
Livno	Bosansko Grahovo	71	70
Livno	Glamoč	34	35

* LPA HQ

**Travelling period was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



8. Travnik

Figure 4.25 LPA Travnik

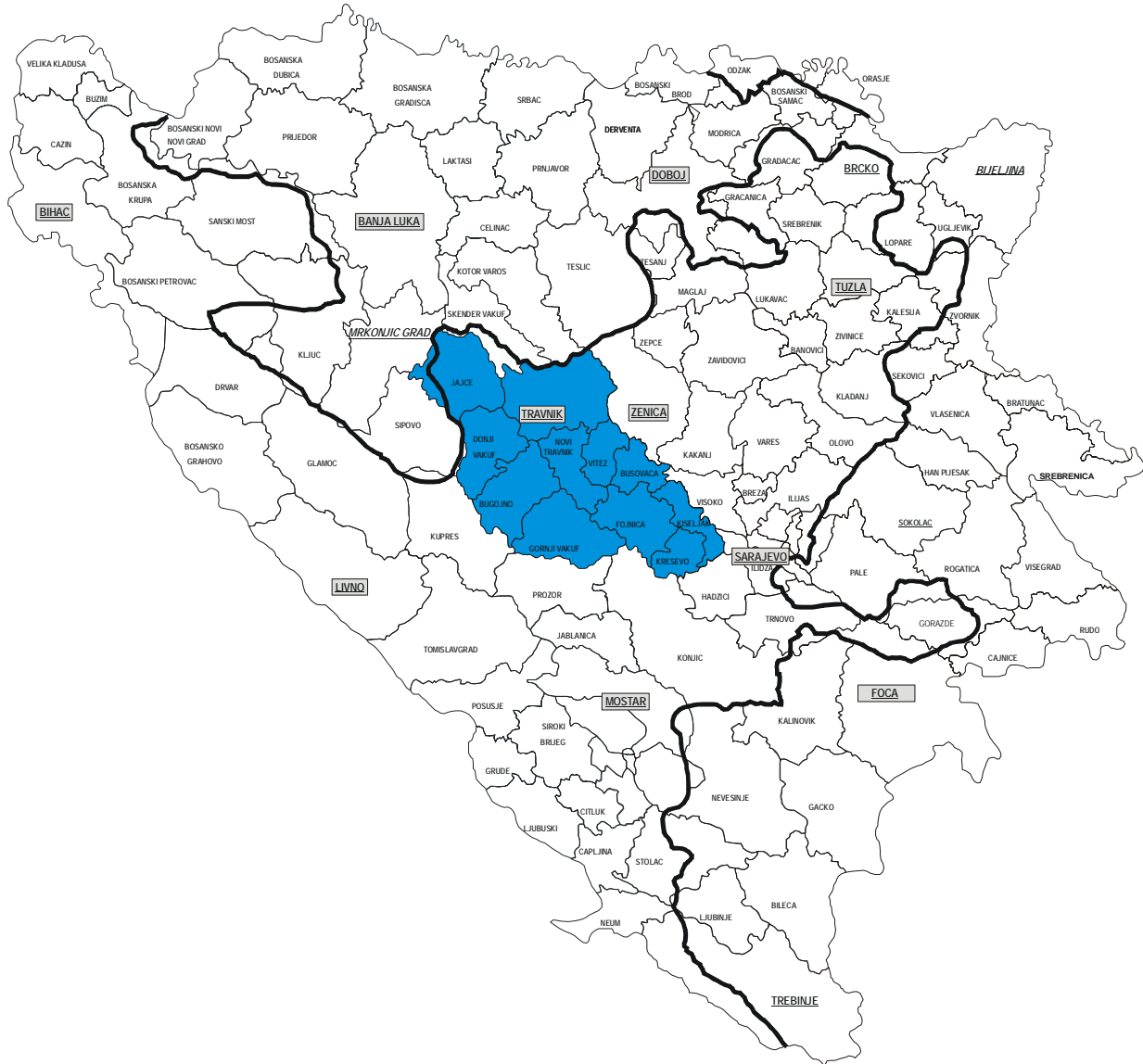




Figure 4.26 LPA Travnik: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Travnik	Travnik	80402	7751	36008	31862	4781	563	109	98	11	8	6	2
	Jajce	44911	8684	15789	17400	3038	396	69	62	7	5	4	1
	Busovača	18883	634	9089	8486	674	158	31	28	3	3	2	1
	D. Vakuf	24232	9375	686	13393	778	348	38	34	4	3	2	1
	Fojnica	16227	154	6639	8010	1424	306	26	24	2	2	2	
	Vitez	46843	8854	15963	19724	2302	361	73	66	7	6	4	2
	G. Vakuf	25130	106	10709	14086	229	402	39	35	4	4	3	1
	N. Travnik	29632	4087	12127	10649	2769	242	47	42	5	4	3	1
	Kresevo	6699	33	4738	1527	401	149	12	11	1	2	2	
	Bugojno	46843	8854	15963	19724	2302	361	73	66	7	6	4	2
	Kiseljak	57153	11637	7519	34341	3656	590	89	80	9	7	5	2
	In HQ							157	120	37	54	44	10
	Total:		396955	60169	135230	179202	22354	3876	763	666	97	104	81
		100%	15%	34%	45%	6%							

*100 Support Unit Staff projected for this LPA





Figure 4.27 LPA Travnik: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes**
* Travnik	Jajce	65	65
Travnik	G. Vakuf	68	70
Travnik	Kiseljak	54	55
Travnik	Fojnica	63	65
Travnik	Bugojno	49	50

* LPA HQ

**Distance in minutes was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



9. Zenica

Figure 4.28 LPA Zenica

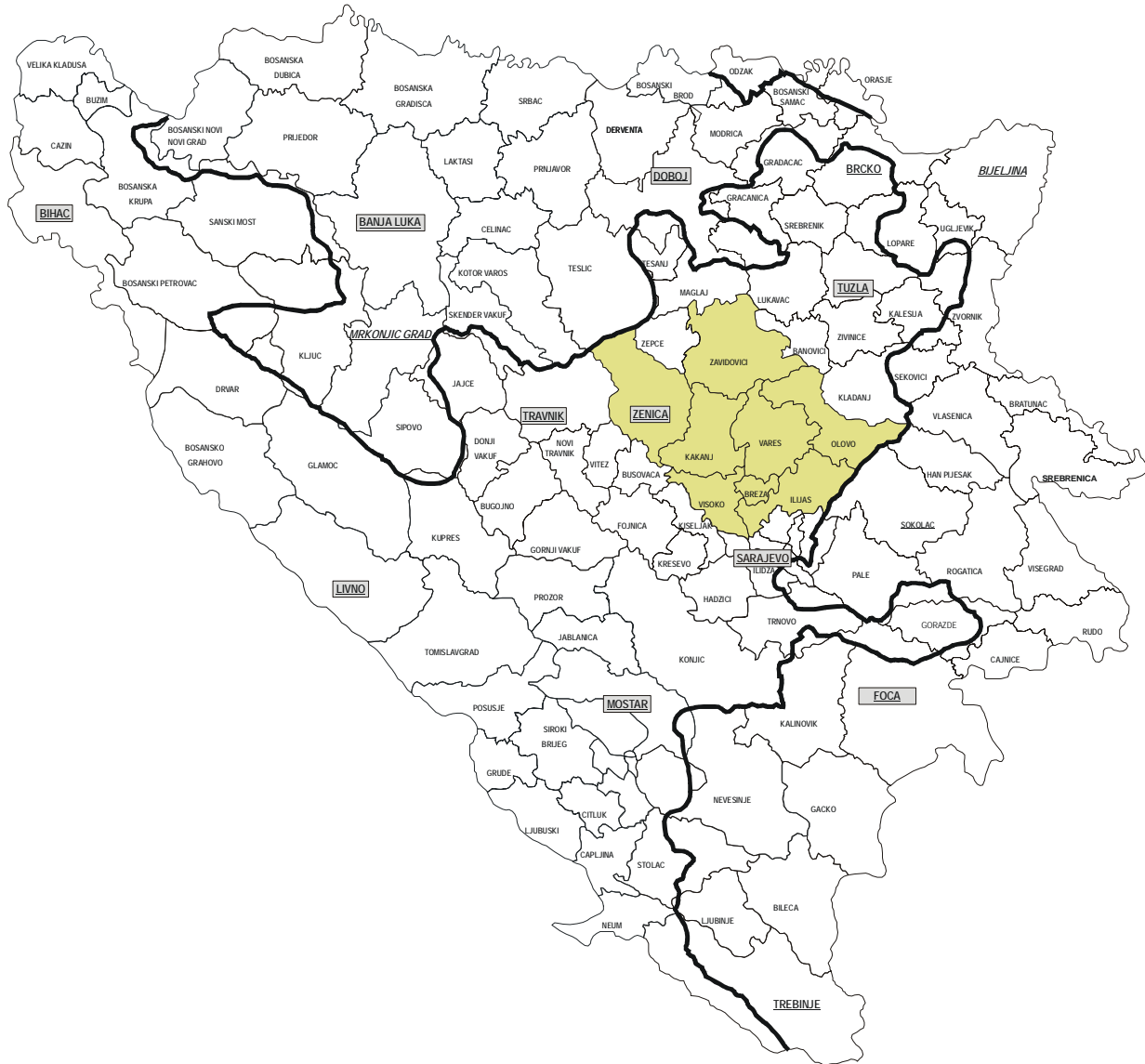




Figure 4.29 LPA Zenica: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Zenica	Zenica	145577	22592	22651	80377	19957	505	224	202	22	12	8	4
	Kakanj	55857	4937	16625	30445	3850	377	86	78	8	6	5	1
	Ilijaš	25154	11338	1713	10620	1483	323	39	35	4	4	3	1
	Visoko	46030	7377	1973	34285	2395	231	71	64	7	5	4	1
	Breza	17266	2118	861	13048	1239	73	26	24	2	2	2	
	Olovo	16901	3196	653	12669	383	408	26	24	2	2	2	
	Vareš	22122	3630	8982	6721	2789	390	34	31	3	3	2	1
	Zavidovići	57153	11637	7519	34341	3656	590	89	80	9	7	5	2
	In HQ							157	120	37	54	44	10
	Total:		386060	66825	60977	222506	35752	2897	752	658	94	95	75
		100%	17%	16%	58%	9%							

*100 Support Unit Staff projected for this LPA





Figure 4.30 *LPA Zenica: Distances between Headquarters (HQ), Operational Centres (OC) and Selected Cities*

LPA HQ or Operational Centre HQ	City	Distance in km	Distance in minutes**
* Zenica	Zavidovići	51	50
Zenica	Ilijaš	50	50
Zenica	Olovo	120	120
Zenica	Vareš	90	90
Zenica	Kakanj	29	30

* LPA HQ

**Travelling period was calculated on the basis of average speed of 60km/h, which represents the optimal speed on the roads of Bosnia and Herzegovina.



10. Sarajevo

Figure 4.31 Greater Sarajevo Metropolitan Police Area (LPA Sarajevo)

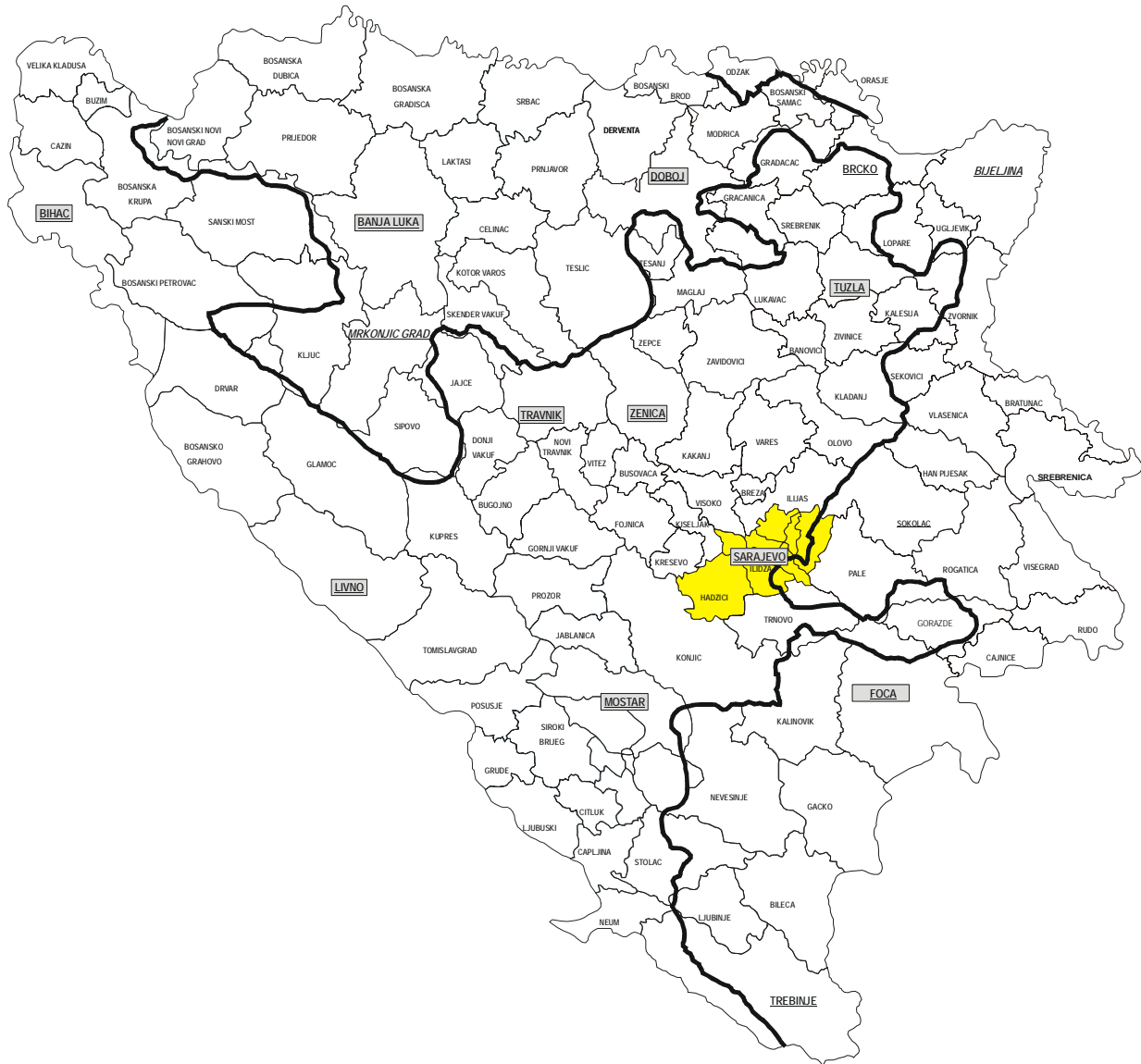




Figure 4.32 LPA Sarajevo: Pre-war Population and Projected Police Staff

Local Police Area	Municipality	Total population	Population – Ethnic Breakdown				Area in km2	Number of Police Officers			Support		
			Serbs	Croats	Bosniaks	Others		Total	Uniformed	Police in Civilian Clothes	Total	Logistics	Forensics
Sarajevo	N.Grad Sar	136293	37736	8886	69204	20467	48	210	189	21	10	8	2
	Novo Sar.	95255	33014	8786	33981	19474	47	147	133	14	8	6	2
	Centar Sar.	79005	16632	5411	39686	17276	33	122	110	12	8	6	2
	S.Grad Sar	49626	5178	197	39498	4753	124	78	70	8	8	6	2
	Ilidža	67438	25061	6914	28973	6490	169	104	94	10	8	6	2
	Vogošća	25307	8843	1674	12549	2241	72	39	35	4	4	3	1
	Hadžići	24195	6391	743	15399	1662	273	38	34	4	4	3	1
	In HQ							325	225	100	80	64	16
	Total:	477119	132855	32611	239290	72363	766	1063	890	173	130	102	28
		100%	28%	7%	50%	15%							

*150 Support Unit Staff projected for this LPA

- Local Police Area HQ
- Over 50% of Total Population
- From 25 to 50 % of Total Population
- Less than 25% of Total Population
- Smallest Percentage of Total Population



5. Police Restructuring Implementation Strategy

I. Overview

The implementation of the PRC proposal will be a complex and laborious task, involving the coordination of several actors. These will include the parliaments in Bosnia and Herzegovina, the Council of Ministers, entity and cantonal governments, specifically the Ministries of the Interior, and the Brcko District Police. It will necessitate the channelling of resources and decision-making bodies into a single, centralized *ad hoc* implementation mechanism.

This mechanism must have:

- Legitimacy and political support;
- Sufficient executive powers; and
- Sufficient resources, personnel and expertise.

A. Police Restructuring Implementation Mechanism

The transitional provisions of the Law on the Police Service of Bosnia and Herzegovina will establish the Directorate for the Implementation of Police Restructuring (DIPR) as an *ad hoc* and temporary body under the Ministry of Security (Ministry) to ensure an effective and efficient institution to guide the implementation process. The legislation will define the DIPR's legal character, management, and duties.

The DIPR will supervise the implementation of the Police Service of Bosnia and Herzegovina through a number of phases and steps. Its first task, following the adoption of the Law on the Police Service of Bosnia and Herzegovina, will be to prepare a Police Restructuring Implementation Plan (PRIP) for submission to the Council of Ministers (CoM) through the Minister of Security and the Joint Commission on Defence and Security Policy of the Parliamentary Assembly of Bosnia and Herzegovina. The PRIP will include a detailed cost estimate for police restructuring.

B. Police Restructuring Implementation Process

The implementation process will have two main phases:

Phase 1: Establishment, transfer and decommissioning:

- Endorsement by the Council of Ministers of the Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina;
- Preparation by the Bosnia and Herzegovina Rule of Law Task Force (RoLTF) of legislation, based on the draft legislation in the Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina,



consideration by the Council of Ministers;

- Adoption by the Parliamentary Assembly of Bosnia and Herzegovina of relevant police restructuring legislation, including the establishment of the *ad hoc* implementation mechanisms (DIPR, PRIP);
- Launching of a large internal and external information campaign;
- Assessment of the personnel and assets of the existing police bodies;
- Preparation and endorsement of the PRIP;
- Operational establishment of the Police Administration Authority (PAA);
- Phased inauguration of the new Local Police Services one after the other;
- Decommissioning of the former police bodies and full transfer of the responsibilities of the DIPR to the Ministry and the PAA.

Phase 2: Integration and harmonization under Ministry and PAA responsibility:

- Integration of the IT and communication systems;
- Main material interoperability and standardization;
- Changeover of uniforms and symbols;
- Elaboration of harmonized internal procedures;
- Special training for police officials of the Police Service of Bosnia and Herzegovina (new laws, institutions, procedures, etc.).



Figure 5.1: Steps in the Implementation of Phase 1

	Step 1	Step 2	Step 3	Step 4	Step 5
	<i>Establishment of Implementation Mechanisms</i>	<i>Assess, Plan and Prepare Implementation</i>	<i>Operational Establishment of the New Police Service</i>	<i>Phased Implementation</i>	<i>End of Implementation /Decommissioning</i>
Policy	Parliament	CoM	CoM	CoM	Ministry/Conference
	Legal establishment of Police Service of Bosnia and Herzegovina	Policy decision on PRIP & budget	Supervision	Supervision personnel/assets transfer	Ministry/Conference takes over responsibility
Execution	Ministry/RoLTF	DIPR	DIPR	PAA/DIPR	PAA/DIPR
	- RoLTF prepares legislation - Ministry supports operational establishment of DIPR	- Assess existing police bodies - PRIP including cost estimate	Establishes PAA	- PAA absorbs DIPR - Downsized personnel and assets transferred to new police.	PAA supervises PRIP execution (IT, procedures, org. charts. etc.)
Funding	Parliament/Ministry	Parliament/Ministry	Parliament/Ministry	Ministry/PAA	Ministry/PAA
	Support costs of DIPR physical establishment	Call for budgetary provisions	Provisioning by State, Entity, Canton; IC donor support coordination	Transfer to PAA	PAA supervises PRIP budget execution.

II. The Directorate for Implementation of Police Restructuring (DIPR)

The DIPR is a temporary, autonomous service within the Ministry.

Phase 1: The DIPR oversees the execution of Phase 1 of the PRIP. The transfer of assets and decommissioning of the current police bodies will follow the establishment of the new Local Police Bodies. The final disposition of personnel, including downsizing, will occur in a phased manner.



Phase 2: After the new police service and its constitutive bodies are functioning, the Police Administration Agency (PAA) should absorb the projects and resources of the DIPR. The Ministry and the PAA will be then responsible to supervise and implement the second phase of the implementation plan. During this phase integration of the IT/communications system, harmonization of internal procedures, training of personnel, and rationalization of assets, etc. will occur. This phase will lead to economies of scale and will increase cost effectiveness.

A. Leadership of the DIPR

The Head of the DIPR will lead the implementation process of the Police Service of Bosnia and Herzegovina. The Head of the DIPR must be a high-profile senior professional with very strong management and communication skills. The Head must also enjoy a solid personal reputation, transcending ethnic and political barriers, to demonstrate the necessary legitimacy that the position will demand. This implies that the regular selection mechanisms to appoint the Head of the DIPR must ensure that:

- All suitable and potential candidates can apply;
- The selection process is transparent and independent;
- All main stakeholders are involved in the selection process, in accordance with standard procedures.

B. Strong Programme and Change Management Component

Police restructuring implementation will be a complex process requiring the integration of a large number of factors. It will also require the capacity to manage a large amount of resources and perform many tasks within a precise timeframe. It is critical that the perception of the implementation process be as a “managerial job” more than a “police job”. The technical component of the DIPR will require strong and experienced programme managers as well as change managers.

C. External and International Expertise

A number of international stakeholders will continue their programmes in the area of rule of law in support of police restructuring. Among them, the continued implementation of EUPM programmes, allied and aligned to the new programmes, would be a cornerstone to the successful transition to the new police service. Beyond EUPM’s mandate, the implementation of police restructuring will require the continued political support of the International Community and the EU in particular. Also, the restructuring effort would benefit from the provision of external international technical expertise to the work of the DIPR. This also includes, together with the DIPR, the exercise of a proper donor coordination function to ensure efficient utilization of International Community resources.



III. The Police Restructuring Implementation Plan (PRIP)

The DIPR will present the PRIP to the Council of Ministers and the Joint Commission on Defence and Security Policy of the Parliamentary Assembly of Bosnia and Herzegovina and the Minister. This plan is based on a comprehensive assessment of the existing policing structures. It outlines the main tasks necessary to implement the Law on Police Service of Bosnia and Herzegovina.

The PRIP will describe the core implementation activities, including:

- Designing and establishing new Local Police Bodies;
- Determining the disposition, including the downsizing of police personnel;
- Transferring assets (financial and material) and information of the current police bodies to the new police service;
- Decommissioning the existing policing bodies of the entity and canton Ministries of the Interior and the Brcko District;
- Organising, rationalising, and harmonising the future police services.

The PRIP will provide a clear description of the:

- Objectives and achievement indicators;
- Actors involved;
- Programmes and activities;
- Priorities, sequences and deadlines;
- Necessary resources;
- Evaluation mechanism;
- Cost estimate.

But it must also address two major constraints:

- The execution of the implementation plan must ensure the transparency and accountability of the restructuring process;
- The restructuring process will have to be reconciled with the day-to-day routine administration of the future police service.

The plan describes core programmes requiring a dedicated manager. In a later stage the future PAA organisation would absorb these programmes. Therefore the DIPR structure and the PRIP should match the main elements of the future PAA organisation as much as possible.

The following programme organisation is recommended:

- Personnel (downsizing, reappointment and training);



- Finance (funding, transfer and budgeting);
- Information systems (transfer of information, IT and Communication integration);
- Material (sale, procurement, reallocation, etc.);
- Procedures and policy (organisation, book of rules, operational standards, etc.);
- Operations/police products;
- Public and institutional relations (activities related to relations with other institutions, public campaign, etc.).

The programme managers have the operational responsibility for programme execution. In the second phase, after the dissolution of the DIPR, the Director of the PAA would assume the remaining implementation responsibilities. The aim is to ensure a smooth transition from the restructuring process to the full establishment of the PAA. In this way the DIPR staff could help form the first working team of the future PAA.

IV. Police Restructuring Implementation Costs

A. Restructuring Implementation Costs

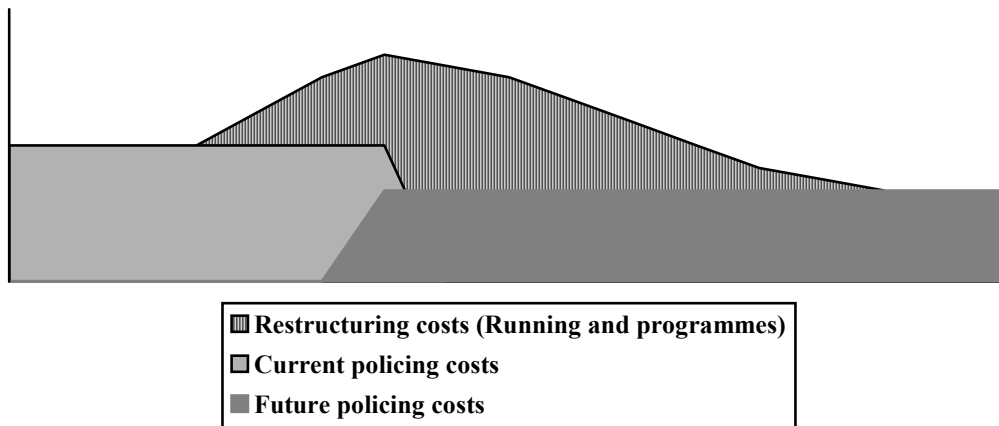
Police restructuring aims, through centralization and rationalization, to improve the cost effectiveness and to decrease the public outlays for public security. However, there is no doubt that the restructuring *per se* will create significant ‘one-time’ costs. It is crucial to dissociate the regular budgetary requirements for the Police Service of Bosnia and Herzegovina from the costs for the restructuring implementation process (*ad hoc and limited in duration*). The purpose, the structure, the management and the execution of these two cost areas are different in most respects.

Regarding the restructuring implementation costs, there are two categories of costs:

1. The DIPRR running costs (constant and low);
2. The costs of assessment, personnel reappointment, and current police body integration costs (social plan, material harmonisation, IT and Communications integration, uniforms, etc.). The magnitude of these costs is proportionally much higher.

It is expected that the overall costs will globally evolve on the following pattern shown in the chart below:

Figure 5.2: Evolution of Restructuring and Policing Costs



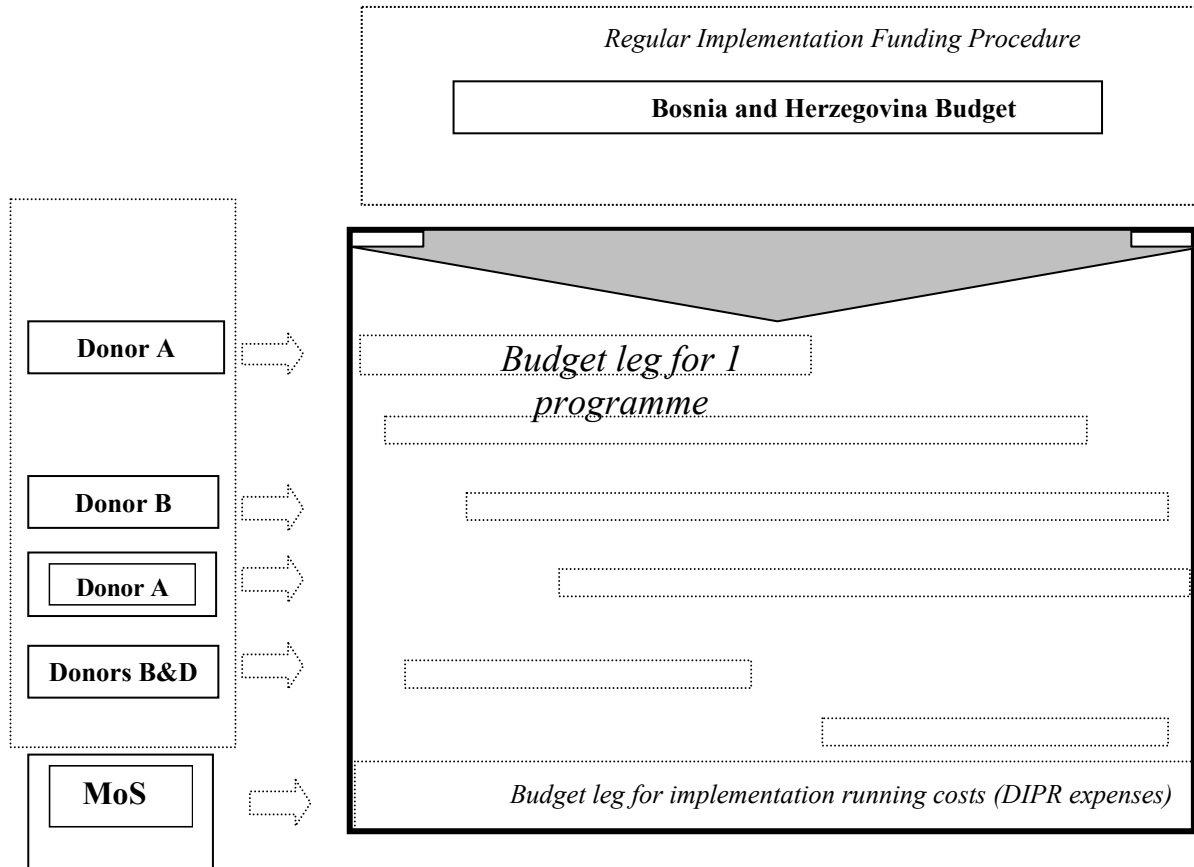
*Note that the above chart does not rely on specific figures and only aims to reflect the overall pattern of costs.

B. Police Restructuring Implementation Cost Structure

The PRIP cost estimate will detail the financial needs for the restructuring implementation, including cost estimates for the main programmes and activities of the PRIP. This cost organisation will facilitate the involvement of the donor community, provide a comprehensive vision of the various projects, and guide the allocation of resources.

For example, donors will be able to pick a specific programme to support through financing or direct material donation. A team of technical experts will be responsible, under the DIPR's supervision for the execution of its respective budget leg. Once the DIPR is dissolved, the PAA Director will exercise overall responsibility for executing the restructuring budget.

Figure 5.3: Funding Mechanism and Structure of Budget for Police Restructuring



C. Restructuring Implementation Reporting

The DIPR will prepare monthly implementation reports during the first phase, and the PAA during the second phase, for submission to the Ministry. The Ministry will review the overall progress of the PRIP execution and take appropriate decisions and action to ensure implementation. Copies of implementation reports will be published in the Official Gazette of Bosnia and Herzegovina.

V. Personnel Issues of Implementation

A. General Principles of Downsizing

The question of downsizing is a sensitive, complex and enormous task. Basic principles should guide it:

- The downsizing process necessitates the establishment of an *ad hoc* screening body under the DIPR to ensure transparent, legal and fair proceedings;



- Voluntary departure must be privileged over redundancy;
- The main downsizing of personnel has to take place before starting the training and distribution of new material and uniforms;
- Downsizing must aim to retain the best officers (capacity and integrity);
- Organisational chart and jobs description of the future Police Service of Bosnia and Herzegovina must be defined before downsizing to ensure screening according to institutional needs;
- Downsizing implies the quick set-up of a redundancy package and a social plan;
- The downsizing should be done in phases.

B. “Review and transfer” vs. “Reappointment”

1. Review and transfer: As the main principle, in this strategy, all officers are transferred in the new Local Police Service except those who will be made redundant. The police bodies and the DIPR should establish a procedure where the personnel files are reviewed and checked against clear institutional criteria. Each officer must be cleared of any wartime criminal backgrounds. In this process the screening body has to decide who can or cannot stay in office. The process aims to remove those officers less fit and less competent for the service according to the future needs. The burden of proof lies on the screening body.
2. Reappointment: In this case, no officers are transferred. The new institution is established, and all of them must reapply to join the future service. Only the best officers will be enrolled in the new institution. Each applicant will be checked against institutional criteria and be cleared of any wartime criminal background. All officers who did not apply or did not succeed in the selection process will be eligible for a redundancy package when their respective police bodies are decommissioned.

C. Reappointment: Building a New Police Service Identity and Officer Loyalty

The establishment of a new police service is not just about a new set of laws, procedures and organisation, but more a question of a new set of values. Therefore, although both strategies have advantages and inconveniences, the strategy of reappointment is recommended. The main reason is that the sense of entering a new police institution is much stronger, since it implies for every serving officer a voluntary act by applying. This demonstrates a degree of commitment to a new set of values and can help build loyalty to the organization. Also, the officer carries into the organization a sense of personal achievement or success for being selected in a competitive, merit-based process. A rolling selection in phases would technically allow a smoother selection process.



VI. Other Critical Issues for the Implementation Process

A. Information Campaign

Any process resulting in major structural changes generates frustration, anxiousness, rumours, resistance, etc. A sensible, open and large information campaign would address these natural and foreseeable side effects of the police restructuring process. Specific campaigns should target the police personnel and unions. The general public should have regular access to information throughout the restructuring process.

B. Quick Results

The launch of the police restructuring process will generate expectations in the public and among police personnel. Successful implementation relies largely on the support of police personnel and their commitment to the process. Therefore it is critical to develop and implement a specific project aiming to provide quick and visible results to generate sustainable support.

C. Step-by-Step Implementation Process

The magnitude of the process imposes a step-by-step approach. Although the legal provisions will define a new institutional framework, it is probably not feasible to implement the entire Police Service at the same time throughout Bosnia and Herzegovina. Therefore, in order to both show results and gain experience, it is critical to establish a pilot police area for testing the main restructuring features. The assessment and lessons learned from the initial phases will provide baseline data to improve the overall planning and management of the nation-wide implementation.

D. Learning from SBS and SIPA

Many lessons learned from the establishment of SIPA and SBS should greatly inform the police restructuring process. The DIPR should draw on the experience of the stakeholders and experts, both local and international, previously involved in the planning and the supervision of the establishment of these two agencies.



6. Financial Factors and Police Restructuring

I. Introduction

Currently the Federation, Cantons Republika Srpska, and the Brcko District (District) finance their respective police bodies through budgetary allocations. At the state level, Bosnia and Herzegovina finances the State Investigation and Protection Agency (SIPA) and the State Border Service (SBS) through the state budget.

Under police restructuring, the Institutions of Bosnia and Herzegovina will be vested with exclusive competence for all police matters in Bosnia and Herzegovina, and all police bodies at the national and local level will operate within the Police Service of Bosnia and Herzegovina. As a consequence, the state of Bosnia and Herzegovina will finance all police activities formerly funded by the cantons, entities and Brcko District, from the state budget.

II. Costs and Savings of Police Restructuring

A. The Cost of Policing in Bosnia and Herzegovina

A July 2004 report financed by the European Commission (EC), entitled the “*Financial, Organizational and Administrative Assessment of the BiH Police Forces and the State Border Service*” (Assessment Report), concluded that the current system of policing in Bosnia and Herzegovina is too costly. In 2002, expenditures on policing in Bosnia and Herzegovina amounted to 9.2% of all public expenditures. By contrast, Hungary’s 2002 policing expenditures were 4% of public expenditures and Slovenia’s 3.1%.

According to 2003 budget allocations for police bodies in the Federation, the Cantons, Republika Srpska, and the Brcko District and 2004 budget allocations for the State Investigation and Protection Agency (SIPA) and the State Border Service (SBS), total budgetary outlays for policing in Bosnia and Herzegovina total over 360 million KM, as indicated in the table below:

Figure 6.1 Budget Allocations for Policing in 2003

POLICE BODY	GROSS SALARIES	OTHER OPERATING EXPENSES	CAPITAL COSTS	TOTAL BUDGET
FMUP	21,152,652	7,006,071	0	28,158,723
CANTON 1	18,492,127	4,496,943	300,000	22,689,070
CANTON 2	3,507,633	1,594,217	625,000	4,476,850



CANTON 3	20,017,802	7,026,298	0	27,044,100
CANTON 4	16,512,944	6,588,056	0	23,101,000
CANTON 5	2,641,893	866,867	152,960	3,355,800
CANTON 6	14,476,041	3,421,959	538,000	17,360,000
CANTON 7	20,013,976	1,848,224		21,862,200
CANTON 8	6,855,797	1,904,403	0	8,760,200
CANTON 9	33,889,730	4,203,790	400,000	37,693,520
CANTON 10	5,948,959	2,592,541	40,000	8,501,500
RSMOI	58,772,374	40,577,322	5,055,800	94,293,896
BRCKO D.	6,149,139	2,379,667	37,069	8,491,737
SIPA (2004)				6,600,000
SBS (2004)				49,300,000
TOTALS	228,431,067	84,506,358	7,148,829	361,688,596

B. Estimated Cost Savings from Police Restructuring

The restructured policing system described in this report would allow significant cost savings from the following sources:

1. Elimination of overlap and duplication in the administration of policing, including forensics, data processing, and personnel management. By centralizing these aspects of police administration, the restructured police forces of Bosnia and Herzegovina will realize economies of scale that should reduce costs while allowing the same or better operational performance.
2. Adoption of a unified procurement system. A unified procurement system will lower costs through the elimination of the expense of multiple procurement systems and by allowing bulk purchasing of equipment.
3. Reduction of waste and inefficiency through improved internal financial controls (see below).
4. A reduction in the total number of police officers. As pointed out in the Assessment report, the current structure of policing in Bosnia and Herzegovina is significantly overstaffed, employing roughly 1 police officer for every 145 citizens. This compares with 1 officer for 220 inhabitants in Slovenia, 257 in Hungary and 305 in Germany. By reducing overlap and duplication of service between organizations, and by ensuring that officers are deployed more efficiently, the single structure should allow the total number of police officers in Bosnia and Herzegovina to decrease towards a more normal level.



The scope of potential savings is difficult to estimate. However the European Union Police Mission (EUPM) has analyzed the potential cost savings that could accrue from a fully implemented Police Service of Bosnia and Herzegovina, as presented below.

1. Downsizing

Considering a hypothetical reduction of 3,500 police officers over a two year period, each earning an average gross remuneration of 15,000 KM a year, and awarding the redundant with a sum of 10,000 KM, budgetary savings would amount 127,500,000 KM by the end of 2007. From this amount it is estimated that 35,000,000 KM would be paid in severance packages, not inclusive of complementary training if provided. The table indicates that the minimum saving for each 1000 police officers made redundant would be KM 15,000,000.

Figure 6.2 *Estimated Savings from Downsizing of Police*

Year	Reduction. Functional Review	Police Strength	Gross Salary	Budget Saving	Severance Package
2004		16,800	252,000,000	0	0
2005	1,500	15,300	229,500,000	22,500,000	15,000,000
2006	2,000	13,300	199,500,000	52,500,000	20,000,000
2007	0	13,300	199,500,000	52,500,000	0
TOTAL	3,500	13,300	199,500,000	(*)127,500,000	35,000,000

(*) To this budget saving will be added the direct and indirect costs linked to these downsized police officers, such as a lesser use of vehicles, fuel consumption, communications, weaponry and other equipment.

2. Creation of Local Police Areas

The figures below are anticipated savings through the major reduction of Police Areas in Bosnia Herzegovina, using the current Federation arrangement as a benchmark: Closing down premises utilized for administrative and logistic issues, as well as reallocating civil servants to the new positions at the central level would generate savings in maintenance costs such as electrical energy, heating, communications, IT, office furniture and stationery, and salaries savings through downsizing the number of civilians. Figures 7.3 and 7.4 below provide rough estimates.



Figure 6.3 *Estimated Maintenance Costs per Financial Year*

Cantons	Current Maintenance Costs
C1	1,835,000
C2	780,000
C3	3,173,900
C4	2,300,000
C5	403,905
C6	2,370,000
C7	3,000,000
C8	1,500,000
C9	2,371,992
C10	979,200
TOTAL	18,713,997

Police Areas made up of the 10 Cantons	Estimated Maintenance Costs
(*) Cost Saving projection 10%= 1,872,000	16,842,598

(*) Considering that there was no closing down of entire building or premises, most maintenance expenses would remain the same. Examples of important budget lines for maintenance expenses: renovation and investment maintenance; expenses for daily maintenance; energy expenses; gas expenses; property rent.

Figure 6.4 *Estimated Savings from Downsizing of Civilian Staff Based on Average Gross Salaries*

Existing strength-salaries		Reduction as of Functional Review (*)	State Agencies and Local Police Areas		Projected Savings
Civilian Strength	Average Gross Salaries at 14.000 KM-year		New Civilian Strength	Average Gross Salaries	
5936	83,104,000	2000	3936	55,104,000	28,000,000

(*)The heightened centralised manner of managing logistics, unified budgets and administrative tasks would reasonably contribute to moving towards the proposed 35% civilian employees made redundant.

3. Police Administration Agency

The envisaged Police Administration Agency is intended to provide its services to all the Bosnia and Herzegovina police forces in order to rationalize the management structure and achieve economies of scale and best value for money by countrywide procurement tenders, and centralization of logistics, human resources, etc.



Figure 6.5 Projected Savings from Centralised Procurement

LEA	Current procurement cost	PAA procurement - estimated costs (*)	Projected Savings
FBIH	733,200	586,560	146,640
C1	550,000	440,000	110,000
C2	760,000	608,000	152,000
C3	652,300	521,840	130,460
C4	1,000,000	800,000	200,000
C5	240,119	192,096	48,023
C6	1,348,000	1,078,400	269,600
C7	600,000	480,000	120,000
C8	350,000	280,000	70,000
C9	2,003,000	1,603,000	400,000
C10	230,600	184,480	46,120
BDP	833,840	667,072	166,768
RS	5,668,030	4,534,424	1,133,606
TOTAL	14,969,089	11,975,872	2,993,217

Figure 6.6 Overall Projected Savings

Savings	2005	2006	TOTAL
Downsizing Police Strength	22,500,000	52,500,000	
Creation of Local Police Areas	Maintenance	1,872,000	1,872,000
	Civilian personnel	28,000,000	28,000,000
Creation of centralised procurement under PAA	2,993,217	2,993,217	
TOTAL SAVINGS	55,365,217	85,365,217	(*)140,730,434
% Savings on overall police budget (*)	15,27 %	23,61%	38,88%

(*)The overall budget for all police bodies currently amounts to around KM 360,000,000.

C. Transitional Costs

While restructuring will create opportunities to reduce the cost of policing in Bosnia and Herzegovina to a more sustainable level, it is clear that such savings will not materialize immediately. During the first years of implementation, the total cost of policing may actually increase because of ‘one-time’ transitional costs associated with implementation. Such costs will include:

- Social packages for officers and civilian employees made redundant by restructuring;
- The cost of creating unified IT and communications systems;



- The cost of new equipment, including uniforms and telecommunications equipment;
- Administrative costs associated with the establishment of new agencies and the transfer of assets and personnel between organizations.

Transitional costs should be segregated from ordinary operational costs, both to allow better tracking of implementation process and to ensure that implementation funds are not subsidizing ordinary operations.

III. Transitional Financing Arrangements

Following the adoption of the Law on the Police Service of Bosnia and Herzegovina, special arrangements will have to be made to ensure the financing of the restructured police during the implementation period.

A. Initial Funding of the Police Service of Bosnia and Herzegovina

The initial centralised financing of the Police Service of Bosnia and Herzegovina could draw on the experience gained with start-up of the Indirect Taxation Authority and the Intelligence and Security Agency of Bosnia and Herzegovina.

It would be necessary to make a Protocol on providing funds for financing the Police Service from the budget of the Institutions of Bosnia and Herzegovina. With this Protocol, the Council of Ministers, the Federation Government, the Republika Srpska Government, the Brcko District Government, as well as the Governments of 10 Cantons should give their consent for this manner of financing. The state Ministry of Finance and Treasury would open a separate account for the funds that would be collected by the reallocation of the funds that have been approved in the Entities, District and Cantons for financing the police bodies. This reallocation would be done on a monthly basis according to the specified plan that could be attached to the Protocol.

The Ministry of Finance and Treasury should open special budget codes for Entities, District and the 10 Cantons in its Information System of Finance Management (ISFM) and upon the executed payments it would place the funds at the disposal according to the structure of expenditures approved in budgets of the police bodies. Authorised persons in Entities, District and Cantons would enter the requirements for the users (salaries, benefits, approved bills, etc.) in the ISFM system and the Ministry of Finance and Treasury would realise the payments from the Single Treasury Account.

If this model is to function, it would be necessary to technically connect units in the Entities, District and Cantons into the ISFM system, that is to say, the Single Treasury Account of the Ministry of Finance and Treasury.



In the near future the legal and other preconditions should be provided so that the financing of the Police Service could become a constituent part of the budget of the Institutions of Bosnia and Herzegovina on the regular cycle. After these preconditions are met, in accordance with the Law on Payment into the Single Account and the Reallocation of Revenue, it would be possible to finance the Police Service centrally.

B. Establishment of the Indirect Taxation Authority and the Single Account

The enactment of *Law on Indirect Taxation System in Bosnia and Herzegovina* (“ITS Law”) established the Indirect Taxation Authority (“ITA”) to centrally collect indirect taxes, including customs revenue and some sales and excise taxes. The ITA also has sole responsibility for formulating policy and drafting legislation relating to indirect taxation.

The ITS Law requires that the collected revenue accrue to a Single Account administered by the ITA. Revenues in the Single Account are to be used first to fund the State budget, with the remainder being distributed to the Entities and Brcko according to their share of final consumption based on sales tax receipts.

The ITS Law also requires the Parliamentary Assembly of Bosnia and Herzegovina to introduce a countrywide value added tax (“VAT”). The ITA will administer the collection of the VAT and all VAT revenues are to be paid into the Single Account.

The Single Account took effect on 1 January 2005 and represents a significant step in establishing the fiscal means to fund the Institutions of Bosnia and Herzegovina without continued transfers from the entities.

One estimate, based on the customs duties and sales and excise taxes collected by the Entities in 2003, suggests that following the establishment of the VAT, the Single Account would collect over KM 1 billion annually.

Once it is fully implemented, the ITS Law should provide the State with access to revenues it needs to fund the Police Service. In the interim period, a Protocol agreement would meet the initial funding requirements.

IV. Fiscal Balance in the Entities and Cantons

The transfer of policing expenditures from the Federation, the Cantons, Republika Srpska to the state will greatly increase the annual state budget. The recent restructuring of the collection of indirect taxes and the creation of the Single Account should eventually provide the State with sufficient funds to meet this expanded fiscal profile.

However, this large expansion of the fiscal role of the state is potentially problematic for the Entities and Brcko. Under the single account system, every convertible mark (KM) in new spending at the State level will result in a corresponding decrease in the revenues of



the Entities and Brcko. For this reason, it is essential that any new spending on policing at the state level be offset by reductions at sub-state levels. Failure in this regard would worsen the already fragile fiscal situation in Bosnia and Herzegovina.

Another area of concern is the potential impact of restructuring on the fiscal balance within the Federation. At present, the revenues available to the Cantons are based on a fixed allocation formula and a decrease in Cantonal spending will not automatically be offset by a decrease in Cantonal revenues. If responsibility for policing is transferred to the state without corresponding reductions in the funds available to the Cantons, the result will be a worsening of the already precarious fiscal situation of the Federation. The Federation and Cantons must take into account the potential impact of police restructuring on their expenditures when developing an alternative to the existing allocation formula.

V. Future Best Practices in Budgeting and Financial Control for the Police Service of Bosnia and Herzegovina

A. Budgeting

Budgeting in modern public service fulfils functions beyond securing funds for an organization. Best practice integrates the preparation of budgets with an organization's operational management and planning so that budgets function like operational plans for each year. Detailed budgets also facilitate monitoring and assessing the performance of an organization. However, the Assessment Report indicated that most police bodies in Bosnia and Herzegovina are not meeting this standard. In particular, the Assessment Report identified the following weaknesses in the current budgeting processes:

- Budgeting within most police agencies was carried out exclusively by senior members of each organization with little input from operational levels;
- Budgeting is generally not connected to outputs, activities and targets.

With the establishment of the Police Service of Bosnia and Herzegovina, the following revisions to the budgeting process should be considered:

1. Each Local Police Body should have an internal budget unit to plan and oversee the financial operation of the agency and the preparation of its budget;
2. Budgets should be itemized and broken down by region and department to allow more detailed comparison of expenditures and outputs;
3. Budgeting should involve input from operational levels and the budgetary process should be part of the planning process for each police body, with expenditures being tied to specific products or outcomes;
4. The budgetary process for each police body should include medium-term budgetary planning (planning for 2-5 years).



B. Financial Control

Efficient and effective financial control is of the utmost importance for any public organization, and the police are no exception. According to the Assessment Report, the financial controls in place in the existing police bodies fall short of best practices in a number of areas:

- Absence and/or lack of control on recording and monitoring revenue generated by the police;
- Management decisions not made based on available financial reports;
- Inability to monitor costs at the process/activity levels;
- Lack of suitably qualified accounting personnel;
- Circumvention of controls promulgated by the Ministry of Finance;
- Non-existence of European cost-accounting methodology;
- Decentralized procurement and poor negotiation of terms and conditions leading to high unit costs per item.

These weaknesses undermine the financial effectiveness of the police bodies and the ability of management to measure the financial performance. Accordingly, with the establishment of the Police Service of Bosnia and Herzegovina, several measures to improve financial controls within police bodies should be considered:

1. Each police body should have clear, fair and transparent written rules governing all aspects of its financial operation, including:
 - Petty cash expenditures;
 - Use of police vehicles;
 - Reimbursement for expenses;
 - Use of telephones.
2. Each police body should have a control unit that tracks expenditures and revenue collected. The internal control unit should issue quarterly written reports;
3. To reduce opportunities for misconduct and to protect the public perception of the police, police officials should not handle cash except where necessary for operational reasons. Careful consideration should be given to the question of whether officers should collect fines in cash for traffic violations, for example. Where officials must handle cash, detailed procedures should be put in place to ensure money is properly handled and accounted for;
4. The police bodies should maintain control and audit units, which should conduct periodic financial, performance and compliance audits. The audit process should be independent and insulated from political interference.
5. Mechanisms should be put in place to ensure that police bodies comply fully with the requirements of the treasury system when making expenditures. In



particular, senior police officials should be prevented from incurring expenses on behalf of their organizations outside of the treasury system;

6. Staff of police bodies should be trained in modern financial management and budget preparation best practices and the operation of the Treasury system;
7. Police bodies should be obliged to issue written reports detailing how they have complied with any recommendations of the Audit Office that apply to them;
8. The existing system of paying allowances to police officers should be modified to increase transparency and fairness. Any reduction in the amount of allowances paid should be considered when the salaries are established;
9. Representation expenses are a significant portion of spending by the police bodies. Such spending should be:
 - Subject to clear and transparent written rules;
 - Limited to expenses which are genuinely necessary for the representation of the agency;
 - Limited to amounts specified in a separate line in the police bodies' budget.



7. Legal Provisions for the Single Structure of Policing

Article 1 (1) of the *Decision Establishing the Police Restructuring Commission* (BiH O.G. 36/04) (hereinafter *PRC decision*) provides that the Police Restructuring Commission shall be responsible for proposing:

“...a single structure of policing for Bosnia and Herzegovina under the overall political oversight of a ministry or ministries in the Council of Ministers.”

A. Current Constitutional Framework

Competency over police matters is currently fragmented between various levels of government in BiH.

1. Competency of the Institutions of BiH

Article III (1) g) of the Constitution of Bosnia and Herzegovina (hereinafter BiH Constitution) provides that the Institutions of BiH are responsible for:

“(g) International and inter-Entity criminal law enforcement, including relations with Interpol”

Article III (5) a) of the BiH Constitution stipulates that:

“(a) Bosnia and Herzegovina shall assume responsibility for such other matters (...) are necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of Bosnia and Herzegovina (...)”.

Article III (5) a) was one of the basis for the establishment of the State Border Service of BiH.

2. Competency of the Entities

Article III (2) c) of the BiH Constitution provides that:

“The Entities shall provide a safe and secure environment for all persons in their respective jurisdictions, by maintaining civilian law enforcement agencies operating in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.”



3. Competency of the Cantons

In the Federation of BiH, the competency under Article III (2) c) of the BiH Constitution is further fragmented. Article III (1) e) of the Constitution of the Federation of Bosnia and Herzegovina (hereinafter FBIH Constitution) recognizes that the Federation has exclusive responsibility for:

“Combating terrorism, inter-cantonal crimes, drug trafficking and organized crime.”

Article III (4) a) of the FBIH Constitution stipulates that Cantons in the Federation have residual competencies over law enforcement:

“The Cantons shall have all responsibility not expressly granted to the Federation Government. They shall have, in particular, responsibility for:

(a) Establishing and controlling police forces, which shall have identical Federation uniforms, with Cantonal insignia.”

The establishment of a sustainable single structure of policing which fully adheres to the principles outlined in Article 2 of the *PRC Decision* is incompatible with the current distribution of constitutional competencies in BiH and requires, as indicated in the Concept Paper of this Report, that exclusive competency over all police matters be vested at the level of the Institutions of BiH.

The fact that all competencies over police matters will be vested at the level of the BiH Institutions does not preclude the Parliamentary Assembly of Bosnia and Herzegovina from further devolving, through legislation, powers and responsibilities to officials, authorities and institutions that are closer to the people and their communities. The notion of a single structure designed by the legislative authority of the state level is not inconsistent with the concept of a decentralized delivery of police services. Reference can be made, among others, to the decentralised Belgian police structure, which is established pursuant to legislation adopted by the federal level.

In the event that exclusive competencies over police matters are vested with the Institutions of BiH, the Institutions will also be constitutionally entitled to finance all aspects of the single police structure. Competency in a specific sphere of activity under the BiH Constitution includes the accessory capacity to finance the expenditures required to carry out such responsibility. This principle is enshrined in Article III (1) (e) and Article VIII (1) of the BiH Constitution. Article III (1) e) provides that the Institutions of BiH are responsible for:

“(e) Finances of the Institutions and for the international obligations of Bosnia and Herzegovina.”

(our emphasis)



Article VIII (1) stipulates:

“The Parliamentary Assembly shall each year, on the proposal of the Presidency, adopt a budget covering the expenditures required to carry out the responsibilities of the Institutions of Bosnia and Herzegovina and the international obligations of Bosnia and Herzegovina.”

(our emphasis)

B) Amendments to the Constitution of Bosnia and Herzegovina

The need to ensure that the Institutions of BiH are vested with constitutional competencies over all police matters requires amendments to the Constitution of BiH. Amendments to the Constitution of BiH can be made pursuant to Article X (1) of the BiH Constitution, which provides:

“This Constitution may be amended by a decision of the Parliamentary Assembly, including a two-thirds majority of those present and voting in the House of Representatives.”

The following amendment is proposed:

Pursuant to Article X (1) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on _____, and at the session of the House of Peoples held on _____, passed the

Decision on the Promulgation of Amendment I to the Constitution of Bosnia and Herzegovina

I

Amendment I to the Constitution of Bosnia and Herzegovina, which was adopted by the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on _____, and at the session of the House of Peoples held on _____, is hereby promulgated.

II

Amendment I to the Constitution of Bosnia and Herzegovina shall be a constituent part of the Constitution of Bosnia and Herzegovina and shall come into force on the day of its publication in the Official Gazette of Bosnia and Herzegovina.



III

This Decision shall be published in the Official Gazette of Bosnia & Herzegovina, the Official Gazette of the Federation of Bosnia and Herzegovina, the Official Gazette of Republika Srpska, the Official Gazette of each of the Cantons in the Federation of Bosnia and Herzegovina and the Official Gazette of the Brcko District.

*Chairman of the
House of Representatives*

*Chairman of the
House of Peoples*

Pursuant to Article X (1) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on _____, and at the session of the House of Peoples held on _____, adopted

Amendment I to the Constitution of Bosnia and Herzegovina

Amendment I

In the Constitution of Bosnia and Herzegovina, Article III, Paragraph 1 shall be amended by the addition of a new item k) which shall read as follows:

“Providing a safe and secure environment for all persons on the territory of Bosnia and Herzegovina by establishing, organizing and maintaining police services in accordance with internationally recognized standards and with respect for the internationally recognized human rights and fundamental freedoms referred to in Article II above, and by taking such other measures as appropriate.”

Item c), Paragraph 2 of Article III shall be deleted.

Following the adoption of the proposed constitutional amendment, it is recommended that appropriate amendments to the Constitution of the Federation of Bosnia and Herzegovina and Republika Srpska be adopted. These amendments are recommended in order to ensure a higher degree of legal clarity and harmonization. They are not, however, prerequisites for the Institutions to assume all competencies over police matters. Once the proposed amendment to the BiH Constitution will be adopted, the Entities and any other subdivisions will have the obligation, pursuant to Article III (3) b) of the BiH Constitution, to comply with the Constitution of BiH which will supersede inconsistent provisions of the constitutions and laws of the Entity.



C) Laws Required to Establish and Regulate the Single Structure of Police

Once constitutionally entitled to legislate for all police matters in BiH, the Parliamentary Assembly of Bosnia and Herzegovina will be entitled to adopt legislation establishing a single structure of police in accordance with the provisions of the *PRC Decision* and the principles outlined therein. In order to better conceptualize the type of legislation proposed in this Chapter, they can be regrouped into two main categories:

1. Structural Legislation: This category comprises legislation that will regulate the establishment of the single structure as well as its organization, management and the relationships between its various components;

2. Human Resources Legislation: This category covers legislation that regulates the working relations of police officials working within the single structure.

This section will firstly address *structural legislation* and will then turn to *human resources legislation*.

1) Structural Legislation

It is proposed that a *Law on the Police Service of Bosnia and Herzegovina* be adopted. This Law will establish the single structure and regulate its organization, management and the relationships between the various components of the single structure. It is also proposed to maintain the *Law on the State Investigation and Protection Agency of BiH* (O.G.BiH no. 27/04) and the *Law on the State Border Service of BiH* (O.G. BiH no. 50/04) and to amend them in order to ensure full harmonization with the proposed *Law on the Police Service of BiH*.

a) The Law on the Police Service of Bosnia and Herzegovina

The proposed *Law on the Police Service of Bosnia and Herzegovina* is divided into five Parts, which are further divided into sections. The first Part contains general provisions and subsequent Parts contain increasingly detailed provisions and are structured as follows:

- Part I General Provisions
- Part II Common Provisions
- Part III State Level
- Part IV Local Level
- Part V Transitional Provisions



b) Article-by-Article Analysis

The following *Law on the Police Service of Bosnia and Herzegovina* is proposed:

Pursuant to Article IV 4 a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on/.../.... and at the session of the House of Peoples held on/.../....has adopted the

***LAW ON THE POLICE SERVICE OF BOSNIA AND
HERZEGOVINA***

I-GENERAL PROVISIONS

***Article 1
Scope of the Law***

This Law establishes the structure of the Police Service of Bosnia and Herzegovina and regulates its organization, management as well as the relationships between the various components of said structure.

***Article 2
Definition***

For the purpose of this Law:

- (a) “Ministry” shall mean the Ministry of Security of Bosnia and Herzegovina;*
- (b) “Minister” shall mean the Minister of Security of Bosnia and Herzegovina;*
- (c) “SIPA” shall mean the State Investigation and Protection Agency;*
- (d) “SBS” shall mean the State Border Service of Bosnia and Herzegovina;*
- (e) “Local Police Body” shall mean police bodies organized pursuant to Part IV of this Law for the purpose of providing police services within a Local Police Area.*



(f) “Police Service of Bosnia and Herzegovina” shall mean the police bodies and administrative organizations and institutions of Bosnia and Herzegovina established by this Law, the Law on the State Protection and Investigation Agency, the Law on the State Border Service of Bosnia and Herzegovina and the Law on Police Officials of Bosnia and Herzegovina that are responsible to provide police services.

Article 3 **Common Security Space**

Bosnia and Herzegovina constitutes a common security space and all components of the Police Service of Bosnia and Herzegovina shall guarantee to persons and authorities in Bosnia and Herzegovina a minimal police service, which is equivalent throughout the territory.

Article 4 **Police Structure of Bosnia and Herzegovina**

- (1) The Police Service of Bosnia and Herzegovina shall be established as a single structure under the overall political oversight of the Minister.*
- (2) The single structure referred to in Paragraph 1 of this Article shall consist of two levels of police: the state level and the local level.*
- (3) The state level shall consist of SIPA, SBS and the Office for Co-operation with Interpol. Said police bodies are responsible throughout the territory of Bosnia and Herzegovina for all matters within their competencies as defined by the laws and regulations establishing them.*
- (4) The local level shall consist of Local Police Bodies, which are responsible for providing the following police services within their respective Local Police Areas:*
 - (a) Preventing, detecting and investigating criminal offences, which are not within the competencies of SIPA, SBS and Office for Co-operation with Interpol;*
 - (b) Maintaining public order;*
 - (c) Ensuring rapid intervention;*
 - (d) Controlling traffic;*



- (e) Providing community police services; and*
- (f) Providing any other local police services insofar as such services are not within the competencies of SIPA, SBS and Office for Co-operation with Interpol.*

Article 5

Working Relations within the Police Service of Bosnia and Herzegovina

- (1) The staff of the police bodies and other organizations within the Police Service of BiH shall consist of police officials, civil servants and other employees.*
- (2) The working relations of police officials are regulated by the Law on Police Officials of Bosnia and Herzegovina.*
- (3) The working relations of civil servants are regulated by the Law on Civil Service in the Institutions of Bosnia and Herzegovina.*
- (4) The working relations of other employees shall be regulated by applicable laws.*

Article 6

Ethnic Representation

The police bodies and other organisations within the Police Service of Bosnia and Herzegovina shall be fully multiethnic in their composition and all staff members shall be entitled to perform their duties anywhere within the Police Service of Bosnia and Herzegovina in accordance with the provisions of this Law.

Article 7

Police Powers

Police officials employed within police bodies shall apply police powers in accordance with the Law on Police Officials of Bosnia and Herzegovina and shall act as authorized officials in accordance with criminal procedure codes in Bosnia and Herzegovina.

Part I of the Law outlines the fundamental principles that apply to all elements of the single structure. Article 1 defines the scope of the Law, while Article 2 defines terms which are used throughout the text.



Article 3 stipulates that Bosnia and Herzegovina constitutes a *common security space*. Although declarative in nature, this principle will help to ensure that provisions of the Law are interpreted so that all components of the single structure are considered to form a coherent whole that is aiming at providing security for the whole territory of Bosnia and Herzegovina. Moreover, Article 3 provides that all components of the Police Service of Bosnia and Herzegovina shall guarantee a minimal police service, equivalent throughout the Bosnia and Herzegovina territory. This principle justifies, among other things, the central authority of the Ministry of Security and the provisions in the Bosnia and Herzegovina Policing Plans providing for statewide objectives or norms.

Article 4 establishes the single structure in accordance with Article 1 (1) of the PRC Decision and defines the responsibilities of the State and Local levels.

Article 5 recognizes the existence of three categories of staff for the whole single structure, namely police officials, civil servants and other employees. The working relations of each category of staff is regulated by the respective applicable legislation. This provision is mainly inspired from similar provisions currently enshrined in the Law on the State Protection and Investigation Agency and the Law on the State Border Service of BiH.

Article 6 provides that the Police Service shall be fully multi-ethnic in its composition. While Article 6 applies to the Police Service as a whole, other provisions in the Law regulate more specifically the ethnic representation for police bodies of the State Level (Article 54) or the Local Level (Article 60). Article 7 is related to police powers and the status of authorized officials under the criminal procedure codes in BiH.

II -COMMON PROVISIONS

1- Ministry

Article 8 Responsibility of the Ministry

(1) The Ministry shall be responsible for establishing and ensuring the implementation of general policy in all state and local level police matters in Bosnia and Herzegovina and for the overall supervision of the Police Service of Bosnia and Herzegovina.

(2) In accordance with Paragraph 1 of this Article, the Ministry shall ensure that all police bodies and other organizations within the Police Service of Bosnia and Herzegovina:

(a) Act in a coherent and harmonized manner consistent with the Bosnia and Herzegovina Policing Plan;



- (b) Are organized in a manner, which guarantees efficient operational cooperation between all police bodies within the single structure of police established pursuant to this Law; and*
- (c) Guarantee to persons and authorities in Bosnia and Herzegovina a minimal police service, which is equivalent throughout the territory.*

(3) The Ministry shall be responsible for all other police matters attributed to the Ministry by this Law.

Article 8 defines the responsibilities of the Ministry of Security in relation to the single structure of police. It defines such responsibilities in a manner compatible with the clear division that must exist between the *policy* responsibilities of the Ministry and the *operational* responsibilities that fall within the exclusive domain of the Directors or Commissioners of the Police Bodies and the Conference of Directors and Commissioners (Articles 19-21).

2- Policing Plans

Article 9 Policing Plans

(1) Separate policing plans shall be adopted each year for:

- (a) The whole territory of Bosnia and Herzegovina (Bosnia and Herzegovina Policing Plan);*
- (b) SIPA;*
- (c) SBS; and*
- (d) Each Local Police Area.*

(2) The SIPA, SBS and local policing plans shall be consistent with the Bosnia and Herzegovina Policing Plan.

Article 10 Bosnia and Herzegovina Policing Plan

(1) The Bosnia and Herzegovina Policing Plan shall, inter alia:

- (a) Determine the general policing policy for Bosnia and Herzegovina;*
- (b) Determine the general policy with respect to the functioning of the police bodies in Bosnia and Herzegovina;*
- (c) Determine the state-wide objectives and priorities, the manner in which said objectives shall be fulfilled and the resources to be allocated in order to fulfil them;*



- (d) Establish the state-wide minimal norms to be respected by all police bodies in the fulfilment of the national objectives;*
- (e) Provide detailed performance results regarding each statewide objective foreseen in the previous plan.*

(2) The Bosnia and Herzegovina Policing Plan is adopted by the Ministry based on a proposal from the Conference of Directors and Commissioners.

Article 11 **Policing Plans for SBS and SIPA**

(1) The Policing Plans for SBS and SIPA shall, inter alia:

- (a) Determine the general policing policy for matters under the competency of SIPA and SBS;*
- (b) Determine the objectives and priorities and the manner in which said objectives shall be fulfilled;*
- (c) Specify which resources shall be allocated in order to fulfil the objectives of the body;*
- (d) Specify the manner in which the state-wide minimal norms will be met;*
- (e) Provide for detailed performance results regarding each objective foreseen in the Bosnia and Herzegovina Policing Plan adopted for the previous year;*
- (f) Provide for detailed performance results regarding each objective foreseen in the respective body's own policing plan adopted for the previous year; and*
- (g) Include objectives determined by the Minister.*

(2) The SBS and SIPA policing plans are adopted by the Ministry based on proposals from the respective Directors.

Article 12 **Local Policing Plans**

(1) The local policing plans shall, inter alia:

- (a) Determine the policing policy for the Local Police Area;*
- (b) Determine the general policy with respect to the functioning of the Local Police Body of the Local Police Area;*
- (c) Determine the local policing objectives and priorities and the manner in which said objectives shall be fulfilled;*
- (d) Specify which resources shall be allocated in order to fulfil the state-wide and local policing objectives;*



- (e) Specify the manner in which the state-wide minimal norms will be complied with;*
- (f) Provide for detailed performance results regarding each state-wide and local policing objective foreseen in the Bosnia and Herzegovina and local policing plans adopted for the previous year; and*
- (g) Include objectives determined by the Minister and Community Oversight Councils.*

(2) The Community Oversight Council shall develop a local policing plan for its Local Police Area in accordance with the guidelines and the Bosnia and Herzegovina Policing Plan adopted by the Minister.

(3) The local policing plan shall be based on an initial draft submitted to the Community Oversight Council by the Local Police Commissioner. The Community Oversight Council may propose amendments to the initial draft proposed by the Local Police Commissioner. The Local Police Commissioner and the Community Oversight Council shall adopt the local policing plan by consensus.

(4) The Community Oversight Council shall submit the adopted local policing plan to the Minister for final approval. The Minister may alter or amend a local policing plan in order to make it consistent with the Bosnia and Herzegovina Policing Plan.

(5) The Community Oversight Council shall publish the final local policing plan as approved by the Minister. The plan shall be published in such a manner as to be readily available to the residents of the Local Police Area and shall be available to the public upon request.

Article 9 stipulates that there shall be a Bosnia and Herzegovina Policing Plan, a Policing Plan for SIPA and SBS as well as a Local Policing Plan for each Local Police Area established by this Law (Article 56). Article 9 also recognises the principle of supremacy of the Bosnia and Herzegovina Policing Plan insofar as all other plans must be in conformity with the Bosnia and Herzegovina Policing Plan. All Plans are adopted annually.

Articles 10, 11 and 12 determine, in a non-exhaustive manner, the content of each plan. Article 10 foresees that the Bosnia and Herzegovina Policing Plan will be adopted by the Ministry of Security based on a proposal of the Conference of Directors and Commissioners created under this Law (Article 19-21) while Article 11 stipulates that the SIPA and SBS Policing Plan will be adopted by the Ministry of Security based on a proposal from the respective Directors of SIPA and SBS.



Article 12 provides that the Local Policing Plan of a Local Police Area will be based on an initial draft submitted by the Local Police Commissioner and adopted by consensus by the Commissioner together with the competent Community Oversight Council. Local Policing Plans are means through which the local community can participate, in partnership with the Local Police, in the identification of local security objectives and priorities.

3-Police Administration Agency

Article 13

Police Administration Agency

(1) A Police Administration Agency shall be established to provide centralized administrative support services to all police bodies and other organizations within the Police Service of Bosnia and Herzegovina.

(2) The Police Administration Agency shall be an administrative organization within the Ministry established for the purpose of providing services in accordance with this Law.

(3) The Police Administration Agency shall be headed by a director and financed from the “Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina”.

(4) The main seat of the Police Administration Agency shall be in Sarajevo. The Police Administration Agency may have regional offices and liaison officers to any police bodies.

Article 14

Responsibilities of the Police Administration Agency

The Police Administration Agency shall be, inter alia, responsible for:

(a) Organizing the recruitment, selection, promotion and transfer process of police officials in accordance with the Law on Police Officials of Bosnia and Herzegovina;

(b) Training of cadets, advanced training and management training of the staff of the police bodies and other organizations within the Police Service of Bosnia and Herzegovina;

(c) Providing procurement services to all police bodies and other organizations within the Police Service of Bosnia and Herzegovina in accordance with the applicable regulations;



- (d) Ensuring the provision of common information technology and communications infrastructure for police bodies and other organizations within the Police Service of Bosnia and Herzegovina;*
- (e) Ensuring the development of national police databases for police bodies and other organizations within the Police Service of Bosnia and Herzegovina and coordinating access to such databases; and*
- (f) Preparing general acts and guidance for matters within its competency for the purpose of ensuring an interoperable and harmonized administration of policing.*

Article 15

Organization of the Police Administration Agency

(1) The Police Administration Agency shall have the following departments, each headed by an assistant director:

- (a) Department for Procurement;*
- (b) Department for Information Technology and Communication;*
- (c) Department for Human Resources; and*
- (d) Department for Administrative Support Services.*

(2) Contrary provisions of the Law on Administration notwithstanding, the Training Centre shall enjoy the legal status of an administrative organization, except that the Training Centre shall be financed through the budget of the Police Administration Agency and the head shall be responsible to the Director of the Police Administration Agency. The Training Centre shall be headed by a director who is a police official who shall hold the rank of Inspector General of Police.

(3) In addition to the departments and units established by this Law, other organizational units within or outside the Police Administration Agency's headquarters may be established by a Rulebook on Internal Organisation.

Article 16

Director of the Police Administration Agency

(1) The Police Administration Agency shall be managed by a Director who shall hold the highest authorised police rank.

(2) The Director shall:

- (a) Manage the Police Administration Agency;*
- (b) Ensure administrative support and co-operation between the Police Administration Agency and police bodies and other organizations within the Police Service of Bosnia and Herzegovina;*



(c) Issue decisions on employment, transfer, promotion and termination of employment of the employees within the Police Administration Agency, in accordance with the Law on Police Officials of Bosnia and Herzegovina and other applicable laws and regulations;

(d) Represent the Police Administration Agency within the Conference of Directors and Commissioners; and

(e) Perform other duties as prescribed by law or other regulations.

(3) If the Director is unable to perform his/her duties and responsibilities, the Deputy Director shall assume the full responsibilities of the position of Director until such time as the Director is able to reassume his/her position or until a new Director is appointed and assumes his/her duties and responsibilities.

(4) Should the Director be unable to reassume his/her duties and responsibilities, a new Director shall be appointed in accordance with the provisions of this Law.

Article 17

Deputy Director and Assistant Directors

(1) The Director shall have one deputy and assistant directors. The Deputy and assistant directors are responsible to the Director for their work.

(2) The Deputy Director shall exercise particular duties delegated to him/her by the Director and assume the duties and responsibilities of the Director during the Director's absence and, in accordance with Article 16 of this Law, in cases where the Director is unable to perform his/her duties and responsibilities.

(3) Assistant directors shall head the departments within the Police Administration Agency. Assistant directors shall be appointed and removed by the Director.

(4) Assistant directors must hold a university degree.

Section 3 relates to the establishment of the Police Administration Agency. The Agency provides centralised administrative services for all police bodies and organisations of the single structure. Article 13 provides that the Agency is an administrative organisation within the Ministry of Security in accordance with the *Law on Ministries and other Bodies of Administration of Bosnia and Herzegovina* and other applicable laws. This ensures that the Agency will be financed through the budget of the Ministry of Security.

Article 14 lists the general responsibilities of the Agency while Article 15 regulates its organisation. The Agency plays a central role in supporting all police bodies of the Police Service with respect among others to human resources, information technology and procurement. Article 16 regulates the management of the Agency and lists the



responsibilities of its Director. Article 17 pertains to the responsibilities of the Deputy Directors and the Assistant Directors. The Director and the Deputy Director are appointed and removed from their functions in accordance with the common provisions on appointment and removals of Directors and Deputy Directors of state level police bodies or organisations contained in Section 8 of this Part (Articles 42-43).

4-Forensic Institute

Article 18 Forensics Institute

- (1) There shall be a Forensics Institute of Bosnia and Herzegovina.*
- (2) The Forensics Institute of Bosnia and Herzegovina is as an administrative organization within the Ministry with operational autonomy, established for the purpose of providing forensic expertise and services to the police bodies and other organisations within the Police Service of Bosnia and Herzegovina and other interested bodies, services and organisations in Bosnia and Herzegovina where applicable.*
- (3) The Forensics Institute shall be responsible inter alia for;*
 - (a) Examining any type of mechanical trace (Mechanoscopy);*
 - (b) Examining the authenticity of documents, handwriting and signature (Graphoscopy);*
 - (c) Conducting chemical examination;*
 - (d) Performing biological examination;*
 - (e) Providing expert assistance regarding the examination of crime-technique and the use of specialised equipment and methods;*
 - (f) Performing crime-technique examinations and providing forensic expertise;*
 - (g) Preparing guidelines regarding the use of crime-technique analysis;*
 - (h) Taking part in the preparation and realization of appropriate training for crime-technique analysis, the use of specialised equipment and professional training of cadets as well as preparing expert guidelines, analytical, informative and other documents;*
 - (i) Participating in the preparation of programs for advanced professional and other training;*
 - (j) Examining fingerprints and keeping records of such examinations (Dactyloscopy);*
 - (k) Establishing and maintaining a central database of fingerprints and DNA;
and*
 - (l) Performing any other duties related to its scope of work.*



(4) The internal organisational structure of the Forensics Institute as well as the relationship between the Forensics Institute and police bodies and other organisations within the Police Service of Bosnia and Herzegovina shall be defined in a Book of Rules on Internal Organisation adopted by the Head of the Forensics Institute and approved by the Council of Ministers.

(5) The Head of the Forensics Institute shall be appointed by the Council of Ministers based upon the proposal of the Minister in accordance with the provisions of the Law on Ministerial and Government Appointments of Bosnia and Herzegovina.

Article 18 establishes the Forensics Institute of Bosnia and Herzegovina which is mainly responsible for providing forensic expertise and services to the police bodies or other organisations of the Police Service of Bosnia and Herzegovina or other bodies or organisation when possible. The Institute is, like the Police Administration Agency, an administrative organisation within the Ministry of Security. This ensures that the Institute will be financed through the budget of the Ministry of Security. In order to maintain a higher degree of independence, the Head of the Forensics Institute is appointed by the Council of Ministers (as opposed to the Minister of Security). Such appointment will be carried out in accordance with the provisions of the *Law on Ministerial and Government Appointments of Bosnia and Herzegovina*.

5-Conference of Directors and Commissioners

Article 19

Conference of Directors and Commissioners

(1) A Conference of Directors and Commissioners shall be established and shall meet on a monthly basis to ensure optimal cooperation among the police bodies and organizations within the Police Service of Bosnia and Herzegovina.

(2) The Conference shall have the following members:

- (a) Director of the Office for Cooperation with Interpol*
- (b) Director of SIPA;*
- (c) Director of SBS;*
- (d) National Director of Local Police;*
- (e) Local Police Commissioners of each Local Police Body;*

(3) The Conference shall have the following associate members:

- (a) Director of the Police Administration Agency;*
- (b) A representative of the Ministry.*



- (4) *The Conference shall have a Chair and a Vice-Chair.*
- (5) *The National Director of Local Police shall be the Chair of the Conference.*
- (6) *The Vice-Chair of the Conference shall be appointed by the Minister, from among the members referred to in item a) to c) of Paragraph 2 of this Article. The Vice-Chair shall have a mandate of two (2) years, which may be renewed for only one consecutive term.*
- (7) *When the Chair of the Conference is temporarily unable to exercise the functions related to his/her official position, he/she shall, until such time as he/she can resume his/her functions, be replaced by the Vice-Chair of the Conference.*
- (8) *When the mandate of the National Director of Local Police is terminated, the Vice-Chair shall assume the functions of Chair until such time as a new National Director of Local Police enters into his/her mandate.*
- (9) *A member other than the Chair or an associate member, who is temporarily unable to exercise the responsibilities of his/her official position, shall be replaced on the Conference by his/her deputy or other authorized person in accordance with the applicable laws until such time as he/she can resume his/her responsibilities.*
- (10) *A member other than the Chair or an associate member, whose mandate to exercise the functions related to his/her official position is terminated, shall be replaced on the Conference by the person entitled to replace him/her in said official position in accordance with the applicable laws.*
- (11) *Associate members take part in all aspects of the discussions of the Conference but cannot vote*

Article 20
Method of Operation

- (1) *The Conference shall be administratively supported by the Ministry.*
- (2) *The Conference may hold extraordinary sessions. It shall keep detailed minutes of all its sessions.*
- (3) *The Conference may establish sub-committees. Members of said sub-committees may include persons who are not members of the Conference. Sub-committees shall be chaired by a member of the Conference.*



(4) Decisions in the Conference are taken by a majority of votes in accordance with the voting procedure set forth in this Article. In case of a tie, the vote of the Chair shall be preponderant. Decisions of the Conference are binding. The quorum of the Conference exists when a majority of its members are present.

(5) There are 10 votes within the Conference. The member referred to in item a) of Paragraph 2 of Article 19 shall have one (1) vote. The members referred to in item b) c) and d) of Paragraph 2 of Article 19 shall each have two (2) votes. The members referred to in item e) of Paragraph 2 of Article 19 shall collectively have three (3) votes.

(6) The three (3) votes collectively exercised by the members referred to in item e) of Paragraph 2 of Article 19 shall be calculated based on a separate vote of these members and in accordance with the following principles:

a) if the difference of votes between those members who voted for and those members who voted against a proposal is higher by five (5) votes or more, all three (3) collective votes referred to in Paragraph 5 of this Article shall be counted as supporting the measure that was supported by said majority of five (5) votes or more;

b) if the difference between those members who voted for and those who voted against a proposal is less than five (5) votes, two (2) of the three (3) collective votes referred to in Paragraph 5 of this Article are registered for the position which obtained the highest number of votes and one (1) collective vote is registered for the position which obtained the second highest number of votes.

c) In case of a tie between those members who voted for a proposal and those members who voted against a proposal, 1.5 collective vote will be registered for each position.

(7) As an exception to Paragraph 4 of this Article, in urgent operational police matters, the Chair of the Conference may take final and binding decisions to ensure coordination, cooperation and to resolve conflicts of jurisdictions between the police bodies of the Police Service of Bosnia and Herzegovina.

(8) The Conference shall adopt its own rules of procedure in conformity with the principles of this Law.

(9) The Chair of the Conference shall meet with the Minister at least once per month.



Article 21 ***Responsibilities***

The Conference of Directors and Commissioners shall be responsible for:

(a) Ensuring an optimal level of operational cooperation between all the police bodies and organizations within the Police Service of Bosnia and Herzegovina;

(b) Elaborating and adopting a uniform set of procedures which outlines the manner in which the police bodies and organizations within the Police Service of Bosnia and Herzegovina shall comply with their respective obligation under this Law to cooperate and provide support to one another;

(c) Ensuring the uniform application of operational policies and practices;

(d) Requesting the Police Inspectorate to inspect, inter alia, problems of cooperation between the police bodies and organizations of the Police Service of Bosnia and Herzegovina;

(e) Recommending to the Ministry any measure deemed necessary to remedy problems between police bodies and organizations of the Police Service of Bosnia and Herzegovina;

(f) Identifying strategic policing needs and informing the Ministry accordingly;

(g) Coordinating an inter-agency response to a public emergency;

(h) Assisting the Ministry in the formulation of the Bosnia and Herzegovina Policing Plan and the overall budget of the Police Service of Bosnia and Herzegovina;

(i) Mandating the National Director of Local Police to direct and command Local Police Commissioners for operations targeting a specific security matter falling within the competences of Local Police Bodies; and

(j) Performing any other function as assigned by the Minister

Articles 19 to 21 regulate the establishment of the Conference of Directors and Commissioners. Article 19 foresees that the Conference shall meet on a monthly basis and that it will be composed of *members* and *associate members*. The Director of SIPA, SBS, the Office of Cooperation with Interpol and the National Director of Local Police and the Local Police Commissioners shall be members of the Conference while the



Director of the Police Administration Agency and a representative of the Ministry shall be associate members. Associate members can participate in all aspect of the discussions of the Conference but do not have the right to vote. The Conference is chaired by the National Director of Local Police and has a Vice Chair appointed by the Ministry from its members.

The Conference is a flexible forum with no formal administrative status or structure. Article 20 provides that the Conference is administratively supported by the Ministry in order to ensure that it can perform its functions in a cost effective manner while enjoying a high degree of flexibility. The Chair of the Conference has the obligation to meet at least once per month with the Minister in order to ensure a good level of communication between the *operational* and *policy* sphere of responsibilities. The Chair also enjoys the power to take final and binding decisions on cooperation matters and on conflict of jurisdictions between the police bodies of the Police Service of Bosnia and Herzegovina in times of urgent operational police matters. This ensures that cooperation matters between police bodies are solved efficiently in such circumstances.

Article 21 lists the responsibilities of the Conference. The Conference's main responsibilities include the elaboration and the adoption of a uniform set of procedures that outlines the manner in which the police bodies and organizations within the Police Service of Bosnia and Herzegovina shall comply with their respective obligation to cooperate with one another pursuant to this Law (Articles 47-48). The content and the binding nature of this set of procedures is further defined in Article 48 of the Law. Article 21 also provides that the Conference will participate in the formulation of the Bosnia and Herzegovina Policing Plan and the overall budget for the Police Service of Bosnia and Herzegovina. The Conference can also request inspections from the Police Inspectorate (Articles 21 and 27).

The transitional provisions of the Law foresee that, for a transitional period, interim members will be entitled to sit on the Conference (Articles 97-98).

6-Police Inspection

Article 22 Police Inspectorate

(1) A Police Inspectorate shall be established within the Ministry, but shall be operationally independent of the Ministry and shall be free of any undue pressure or influence from any person or authority.

(2) The Council of Ministers shall, by way of by-law, in accordance with the provisions of this Law, and based on a proposal from the Police Inspector, determine the general principles governing the organization, functioning and the administration of the Police Inspectorate.



(3) The Police Inspectorate is established in addition to the inspection regime established in the Law on Administration.

Article 23
Composition of the Police Inspectorate

The Police Inspectorate shall be headed by the Police Inspector who shall be assisted by assistant inspectors.

Article 24
Police Inspector

(1) The Police Inspector shall, during his/her mandate, have the rank of Chief Inspector General of Police as prescribed by the Law on Police Officials of Bosnia and Herzegovina.

(2) The Police Inspector shall be appointed within ninety (90) days upon the entry into force of this Law by the Council of Ministers based on a proposal from the Minister after consultations with the Conference of Directors and Commissioners.

(3) For the selection of the Police Inspector, the selection procedure foreseen in Paragraphs 2 to 5 of Article 42 of this Law shall be applicable. For the purpose of this Article, the Minister shall, in accordance with Paragraph 2 of this Article, consult with the Conference of Directors and Commissioners before proposing the list of candidates foreseen in Paragraph 5 of Article 42 of this Law.

(4) The mandate of the Police Inspector shall be for a period of four (4) years and shall be renewable only for a second consecutive term.

(5) To be eligible for the position of Police Inspector a candidate shall fulfill the following cumulative criteria:

(a) To be a police official who, in accordance with the Law on Police Officials of Bosnia and Herzegovina, either holds the minimum rank of Chief Inspector or has held the rank of Chief Inspector before his retirement as a police official;

(b) To have maintained and demonstrated a high level of professional integrity throughout his/her career;

(c) To have never been disciplinarily sanctioned for a serious violation of official duty regardless of whether said sanction has been the object of a statute of limitation;

(d) Not to be a party to a pending criminal proceeding initiated against



him/her; and

(e) To have never been convicted of a criminal offense.

(6) The Council of Ministers may remove the Police Inspector before the expiration of his/her mandate:

(a) Upon his/her own request;

(b) If he/she permanently loses the capacity to execute his/her duties and responsibilities;

(c) If he/she has been held disciplinarily responsible by a final decision because of a serious violation of official duty; or

(d) If he/she has been convicted of a criminal offence.

(7) The Minister, or the Conference of Directors and Commissioners, may propose to the Council of Ministers the removal of the Police Inspector in the interests of efficiency or effectiveness if the Minister or the Conference establishes that the Police Inspector does not achieve appropriate results in his/her work.

Article 25 **Assistant Inspectors**

(1) Assistant inspectors shall be police officials temporarily transferred from the police bodies or other organizations within the Police Service of Bosnia and Herzegovina in accordance with the provisions of the Law on Police Officials of Bosnia and Herzegovina. The selection of Assistant Inspectors is carried out by the Police Administration Agency.

(2) To be eligible for the position of Assistant Inspector a candidate shall fulfill the following cumulative criteria:

a) To be a police official who, in accordance with the Law on Police Officials of Bosnia and Herzegovina, holds at least the rank of Inspector;

b) To have maintained and demonstrated a high level of professional integrity throughout his/her career;

c) To have never been disciplinary sanctioned for a serious violation of official duty regardless of whether said sanction has been the object of a statute of limitation;

d) Not to be a party to a pending criminal proceeding initiated against him/her; and

e) To have never been convicted of a criminal offense.

(3) During his/her assignment to the Police Inspectorate, an assistant inspector shall be under the direct command and supervision of the Police Inspector. The



Police Inspector shall have the authority to terminate the transfer of an assistant inspector, in which case the assistant inspector shall return to his/her transferring body or organization.

Article 26
Responsibilities of the Police Inspectorate

(1) The Police Inspectorate shall be responsible to inspect and report on the functioning of every police body and other organization within the Police Service of Bosnia and Herzegovina.

(2) It shall be, inter alia, specifically responsible for:

(a) Inspecting compliance with the Bosnia and Herzegovina and local policing plans;

(b) Inspecting on a regular basis the efficiency and effectiveness of every police body or organization referred to in Paragraph 1 of this Article;

(c) Preparing an annual report on each police body and other organization referred to in Paragraph 1 of this Article outlining the performance results of each such body or organization and sending said report to the Ministry, the Parliamentary Assembly of Bosnia and Herzegovina, and the Community Oversight Councils established pursuant to this Law;

(d) Submitting the results of its inspection to the authority that requested said inspection in accordance with the provisions of this Law and making such report public;

(e) Requesting from the authority subjected to its inspection to forward to the Police Inspectorate the list of measures to be taken in order to comply with the recommendations of the Police Inspectorate;

(f) Declaring a police body or organization referred to in Paragraph 1 of this Article to be inefficient in cases where said body or organisation has failed to effectively comply with the recommendations of the Police Inspectorate;

(g) Maintaining a directory of best practices accessible to all police bodies or organizations; and

(h) Carrying out other inspection tasks or duties as prescribed by the Ministry.

(3) In carrying out inspections and in reporting, the Police Inspectorate shall be obliged to act in such a manner as to not endanger certain official secrets as provided for by law or other regulation.

Article 27
Capacity to Act of the Police Inspectorate

(1) The Police Inspectorate shall act on its own initiative or following a request for inspection.



(2) The Minister or the Conference of Directors and Commissioners may submit a request for inspection, which concerns any police body or other organization within the Police Service of Bosnia and Herzegovina.

(3) A Community Oversight Council may submit a request for inspection which concerns a police body over which said Council exercises its authority pursuant to this Law.

(4) The Police Inspectorate shall act upon the receipt of a request submitted pursuant to Paragraphs 2 and 3 of this Article.

(5) The request for inspection shall specify the nature and scope of the inspection to be conducted as well as the police body or organization to be inspected.

Article 28 **Powers of the Police Inspectorate**

(1) In order to carry out their tasks pursuant to this Law, the members of the Police Inspectorate enjoy a general and permanent right of inspection with respect to any police body or other organization within the Police Service of Bosnia and Herzegovina. Members of the Inspectorate shall have an identity card as provided in the Law on Administration.

(2) In addition to the rights of inspection granted in the Law on Administration, the right of inspection referred to in Paragraph 1 of this Article includes the right:

(a) To freely hear a person working for a police body or organization regardless of whether such a person works as a police official, a civil servant or as a member of any other categories of employees within the Police Service of Bosnia and Herzegovina;

(b) Enter, with or without notice during regular working hours, premises where persons working for a police body or organization perform their functions, consult on-sight and take copies if necessary of any document that is necessary for the inspection; and

(c) Exercise any other power granted to the members of the Police Inspectorate by the Ministry.

(3) In cases where a member of the Police Inspectorate wants to make copies of documents that are related to a pending criminal investigation, the right to take copies referred to in item (b) of Paragraph 2 of this Article can be exercised only with the consent of the competent prosecutor and in accordance with the modalities prescribed by said consent.



Article 29

Obligation to Cooperate with the Police Inspectorate

(1) Any police body or other organization within the Police Service of Bosnia and Herzegovina that is the object of an inspection, including any person working for such a body or organization, has the obligation to fully cooperate with the Police Inspectorate and, in particular, to respond to any request made by the Police Inspectorate in due time and to take effective measures to comply with its recommendations.

(2) In the event that a police body or other organization within the Police Service of Bosnia and Herzegovina is declared inefficient by the Police Inspectorate, said body or organization may receive performance assistance from the Police Administration Agency, a qualified institution contracted through the Police Administration Agency, or another police body or organization as prescribed by the Police Inspectorate. Said body or organization shall fully cooperate and implement the recommendations of the Police Administration Agency or institution providing said assistance.

(3) Without prejudice to any other measures that can be taken in accordance with the law, in the event that the police body or organization declared inefficient fails, based on a new inspection, to comply with the recommendations of the Police Inspectorate after having been assisted in accordance with the provisions of Paragraph 2 of this Article, the head of said body or organization may be removed from his/her function as head pursuant to item (a), Paragraph 2 of Article 43 and item (a) Paragraph 2 of Article 45 of this Law.

Article 30

Disciplinary Responsibility and Police Inspectorate

If, within the framework of his/her tasks and duties under this Law, a member of the Police Inspectorate records facts, which are likely to trigger disciplinary proceedings, said facts shall be immediately communicated to the competent disciplinary authority.

Articles 22 to 30 regulate the establishment and the organisation of the Police Inspectorate. Article 22 stipulates that the Inspectorate is established within the Ministry and that the Council of Ministers shall, by way of a by-law, further regulate its organisation. Article 23 foresees that the Inspectorate will be headed by the Police Inspector who will be assisted by assistant inspectors. Articles 24 and 25 provide for very strict eligibility criteria in order to ensure that the Police Inspectorate is staffed by persons with a high level of professional integrity.



Article 26 lists the responsibilities of the Police Inspectorate. The Police Inspectorate is not responsible for individual cases of disciplinary responsibility (although it has the obligation to forward information related to disciplinary matters to the competent disciplinary authority pursuant to Article 30). Article 26 provides that the Inspectorate is generally responsible for inspecting and reporting on the effectiveness and the efficiency of the police bodies and organisations of the Police Service of Bosnia and Herzegovina. It shall, among other things, monitor compliance with the Policing Plans, prepare annual reports outlining the performance results of police bodies and may also, under certain circumstances, declare a police body to be inefficient (Article 29). The functions of the Inspectorate as described in Article 26 are inherently linked to the inspection of systemic matters of the Police Service.

Under Article 27, the Inspectorate may act either on its own authority or pursuant to a request. The Ministry of Security and the Conference of Directors and Commissioners may request an inspection for any police body or organisation of the Police Service while the Community Oversight Council may request an inspection only for the Local Police Body of its Local Police Area. Such requests trigger the obligation of the Police Inspectorate to carry out inspections. The system of request foreseen in Article 27 does not prevent other persons or authorities in Bosnia and Herzegovina from sending information or recommendations to inspect, to the Police Inspectorate. Since the Police Inspectorate may also act on its own initiative, it may decide, upon receiving information from members of the public, elected officials or administrative authorities, to inspect and report on certain aspects of the functioning of the Police Service.

Article 28 provides for powers that are necessary for the Inspectorate to carry out its functions whereas Article 29 foresees an obligation to cooperate with the Police Inspectorate. The Inspectorate may declare a police body or organisation to be inefficient, in which case such body or organisation will be entitled to technical assistance.

7. Public Complaints Bureau

Article 31

Establishment and Function of Public Complaints Bureau

A Public Complaints Bureau shall be established to enable members of the public to file complaints against police officials of the police bodies within the Police Service of Bosnia and Herzegovina and to ensure public oversight over the internal investigations of complaints.

Article 32

Responsibilities of Public Complaints Bureau

The Public Complaints Bureau shall be responsible, inter alia, for:



- (a) Receiving, registering and processing complaints made about the conduct of police officials of the police bodies within the Police Service of Bosnia and Herzegovina;*
- (b) Monitoring investigations conducted by the internal control department of the police body that is responsible to conduct internal investigations with respect to a given complaint;*
- (c) Monitoring all aspects of disciplinary proceedings related to a given complaint and in particular disciplinary decisions and their implementation;*
- (d) Initiating appropriate legal actions against a complainant in case of a false or tendentious complaint;*
- (e) Keeping all relevant records and databases regarding complaints initiated by the public against police officials serving within police bodies, findings of the investigation and other related matters justifying disciplinary or criminal proceedings;*
- (f) Informing complainants of all relevant information related to their complaint;*

Article 33

Organization of Public Complaints Bureau

- (1) The Public Complaints Bureau shall be an organizational unit of the Ministry with operational autonomy.*
- (2) The main office of the Public Complaints Bureau shall be in Sarajevo and shall be administratively supported by the Ministry. The Public Complaints Bureau may also establish branches within Local Police Bodies, in which case said branches shall be administratively supported by the relevant Local Police Bodies.*

Article 34

Composition of Public Complaints Bureau

- (1) The Public Complaints Bureau shall have a Chairman, a Deputy Chairman and no fewer than _____ members. The Joint Defence and Security Commission of the Parliamentary Assembly of Bosnia and Herzegovina shall appoint the Chairman and Deputy Chairman of the Public Complaints Bureau.*



(2) Each Community Oversight Council shall nominate two persons to the Public Complaints Bureau. The Ministry shall appoint the remaining members.

(3) Members shall not be considered as employees of the Ministry, but shall be entitled to payment for attendance at meetings of the Public Complaints Bureau and for reimbursement of necessary expenses incurred for such attendance.

(4) The mandate of a member shall be for three (3) years. Members may be reappointed for only one consecutive term.

(5) The Minister may remove a member from the Public Complaints Bureau at any time if the member has:

- (a) without reasonable excuse failed to carry out duties for a continuous period of three months;*
- (b) been convicted of a criminal offence;*
- (c) permanently lost the capacity to execute his/her duties and responsibilities;*
- (d) acted improperly in relation to his duties; or*
- (e) otherwise demonstrated that he/she is unable or unfit to perform his/her duties.*

Article 35 **Requirements for the Members**

(1) To be eligible for being a member of the Public Complaints Bureau a candidate shall fulfill the following cumulative criteria:

- (a) Not to hold any office in any political party;*
- (b) Not to have worked or not currently working as a police official;*
- (c) Not to have been convicted of a criminal offence;*
- (d) To be an individual of high moral and personal integrity;*

(2) In addition to the criteria referred to in Paragraph 1 of this Article, a candidate for the position of the Chairman and Deputy Chairman of the Public Complaints Bureau shall have at least five (5) years of work experience in legal affairs.

Article 36 **Filing of Complaints**

(1) Any person may file a complaint against any police official of the police bodies within the Police Service of Bosnia and Herzegovina.



(2) A complaint may be filed with the Public Complaints Bureau or with any police body.

(3) When a complaint is filed with a police body, said police body shall take the following measures:

(a) Register the complaint immediately upon receipt and forward it to its internal control department within twenty-four (24) hours of its receipt;

(b) Notify the Public Complaints Bureau about any complaint within twenty-four (24) hours of its receipt. The notification to the Public Complaints Bureau shall also include evidence of the notification of the complaint to the internal control department referred to in item a) of Paragraph 3 of this Article.

(c) Inform the person who is filing a complaint about his/her right to get information from the Public Complaints Bureau with respect to the subsequent phases of the processing of his/her complaint.

(4) When a complaint is filed with the Public Complaints Bureau, said Bureau shall take the following measures:

(a) Register the complaint immediately upon receipt;

(b) Forward the complaint, within twenty-four (24) hours of its receipt, to the internal control department of the police body for which the police officials against whom the complaint has been filed is working;

(c) Inform the person who is filing a complaint about his/her right to get information from the Public Complaints Bureau with respect to the subsequent phases of the processing of his/her complaint.

Article 37 **Processing of Complaints**

(1) Upon notification of a complaint pursuant to Article 36 of this Law, the notified internal control department shall determine whether said complaint is well founded or not.

(2) If the internal control department determines that a complaint is ill-founded, it shall issue a decision dismissing the complaint, which outlines the reasons for the dismissal and shall forward a copy of said decision to the Public Complaints Bureau.

(3) In cases where the Public Complaints Bureau disagrees with the decision of the internal control department taken pursuant to Paragraph 2 of this Article dismissing a complaint, it may recommend in writing to the internal control department to reconsider its decision and indicate on which basis said decisions should be reconsidered.



(4) If the internal control department maintains its decision to dismiss a complaint after having considered the recommendations of the Public Complaints Bureau submitted pursuant to Paragraph 3 of this Article, it shall send its final decision to the Public Complaints Bureau. The Public Complaints Bureau shall then inform the person who has filed the complaint of the decision of the internal control department, transmit copies of the decisions to said person and inform him/her of his/her right to lodge a complaint before the Police Board established pursuant to the Law on Police Officials of Bosnia and Herzegovina.

(5) In cases where the Public Complaints Bureau has no objection with respect to the decision of the internal control department taken pursuant to Paragraph 2 of this Article dismissing a complaint, it shall inform the person who has filed the complaint of the decision of the internal control department, transmit copies of the decision to said person and inform him/her of his/her right to lodge a complaint before the Police Board established pursuant to the Law on Police Officials of Bosnia and Herzegovina.

(6) If the internal control department determines that a complaint is well founded, it shall initiate an investigation in accordance with applicable laws and regulations and shall immediately inform the Public Complaints Bureau of such decision.

Article 38 **Investigation of Complaints**

(1) If, upon completion of the investigation referred to in Paragraph 6 of Article 37, the internal control department decides that there are enough grounds to request the initiation of disciplinary proceedings, it shall request the competent disciplinary authority to initiate such proceedings in accordance with applicable laws and shall forward a copy of said request to the Public Complaints Bureau.

(2) If, upon completion of the investigation referred to in Paragraph 6 of Article 37, the internal control department decides that there are not enough grounds to request the initiation of disciplinary proceedings in accordance with applicable laws, it shall issue a decision outlining the reasons underlying its decision and shall forward a copy of said decision to the Public Complaints Bureau.

(3) In cases where the Public Complaints Bureau disagrees with the decision of the internal control department taken pursuant to Paragraph 2 of this Article, it may recommend in writing to the internal control department to reconsider its decision and indicate on which basis said decisions should be reconsidered.



(4) If the internal control department maintains its decision after having considered the recommendations of the Public Complaints Bureau submitted pursuant to Paragraph 3 of this Article, it shall send its final decision to the Public Complaints Bureau. The Public Complaints Bureau shall then inform the person who has filed the complaint of the decision of the internal control department, transmit copies of the decisions to said person and inform him/her of his/her right to lodge a complaint before the Police Board established pursuant to the Law on Police Officials of Bosnia and Herzegovina.

(5) In cases where the Public Complaints Bureau has no objection with respect to the decision of the internal control department taken pursuant to Paragraph 2 of this Article dismissing a complaint, it shall inform the person who has filed the complaint of the decision of the internal control department, transmit copies of the decision to said person and inform him/her of his/her right to lodge a complaint before the Police Board established pursuant to the Law on Police Officials of Bosnia and Herzegovina.

(6) If, within the framework of his/her tasks and duties under this Law, a member of the internal control department of a Police Body records facts, which may trigger criminal proceedings, said facts shall be immediately communicated to the competent authority and the Public Complaints Bureau shall be informed of this matter.

Article 39 **Disciplinary Proceedings**

In cases where disciplinary proceedings are initiated with respect to a complaint, the Public Complaints Bureau shall monitor said proceedings and inform the person who filed the complaint about the progression of the proceedings and about his/her rights throughout said proceedings.

Article 40 **Reports of Public Complaints Bureau**

(1) At the end of each year, the Public Complaints Bureau shall send a report on its activities to the Joint Defence and Security Commission of the Parliamentary Assembly of Bosnia and Herzegovina, the Minister and to each Community Oversight Council. The Public Complaints Bureau shall also send a copy of its annual report to each Police Body, to the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and to the Ombudsman of Bosnia and Herzegovina.



(2) The Public Complaints Bureau shall also make special reports to the Joint Defence and Security Commission, the Minister and the Community Oversight Councils upon their request.

(3) The Public Complaints Bureau may submit, on its own initiative, to the Minister, the Conference of Directors and Commissioners, the Community Oversight Councils and the Police Inspectorate special reports with respect to matters related to the functioning of the internal control and disciplinary mechanisms of the Police Bodies within the Police Service of Bosnia and Herzegovina.

Article 41 **By-Law**

Other matters related to the functioning of the Public Complaints Bureau shall be further regulated in a special by-law adopted by the Minister.

Article 31 establishes the Public Complaints Bureau whose main responsibilities are listed in Article 32. The Public Complaints Bureau aims at ensuring a higher degree of transparency of the Police Service and a higher level of accountability from police officials vis-à-vis the law and the persons and communities that they serve. Article 32 stipulates that the Bureau shall be generally responsible to receive, register and process complaints against police officials as well as to monitor the internal investigations of such complaints and disciplinary proceedings that may follow.

Article 33 provides that the Public Complaints Bureau shall be an organisational unit within the Ministry of Security. Articles 34 and 35 regulate the composition of the Public Complaints Bureau and the eligibility criteria for its members.

Pursuant to Article 36, complaints may be filed either through a police body or through the Public Complaints Bureau. Article 36 therefore guarantees the possibility for members of the public to have direct access to the Public Complaints Bureau in cases where such persons may be reluctant to communicate with a police body. In cases where complaints are filed directly with a police body, it has the obligation to notify the Public Complaints Bureau within strict deadlines and to inform the applicant of his/her right to obtain information from the Bureau with respect to the subsequent phases of the processing of his/her complaint.

Articles 37, 38 and 39 regulate the role of the Public Complaints Bureau during the processing of a complaint, the investigation of a complaint and the disciplinary proceedings. Article 37 recognises the possibility for the internal control department of a police body to dismiss a complaint based on a preliminary examination of whether it is well founded. Such decisions constitute *prima facie* preliminary determinations of whether a given complaint is well founded and are, consequently, different in nature than



the type of decisions referred to under Article 38. In cases where complaints are rejected by the internal control department, the Public Complaints Bureau has the authority to request a reconsideration or to otherwise inform the complainant of the rejection of his/her complaint as well as his/her rights.

Article 38 foresees a procedure similar to that of Article 37. However, as indicated above, Article 38 covers a different type of situation. It covers decisions taken by the internal control department requesting the initiation of disciplinary proceedings. Article 39 stipulates that the Public Complaints Bureau shall, in cases where disciplinary proceedings are initiated, inform the complainant of his/her rights during these proceedings as well as the progression of such proceedings.

8. Selection and Appointment of Heads and Deputy Heads

A. National Director of Local Police and Directors and Deputy Directors of SBS, SIPA and Police Administration Agency

Article 42

Selection and Appointment of the National Director of Local Police and Directors of SIPA, SBS and Police Administration Agency

(1) The National Director of Local Police and the Directors and Deputy Directors of SIPA, SBS and the Police Administration Agency shall be selected and appointed in accordance with the procedure described in this Article.

(2) When a vacancy occurs in the positions referred in Paragraph 1 of this Article, the Minister shall request that the Police Administration Agency starts, within thirty (30) days, an open and transparent process for the selection of candidates for the vacant position by appointing an Independent Selection Board.

(3) The Selection process conducted pursuant to Paragraph 2 of this Article shall be completed within sixty (60) days and shall include the following:

- (a) Publication of the advertisement of the vacancy for an open competition;*
- (b) Consideration of the submitted applications;*
- (c) Selection of candidates who meet the requirements; and*
- (d) Submission of a list of qualified candidates to the Minister.*

(4) The Independent Selection Board referred to in Paragraph 3 of this Article shall be composed of three (3) police officials holding at least the rank of Chief Inspector appointed by the Police Administration Agency, one (1) state prosecutor appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and one (1) civil servant of the Ministry appointed by the



Ministry. The selection procedure to be followed by the Board shall be further defined in a by-law issued by the Head of the Police Administration Agency.

(5) Within thirty (30) days of receiving the list of the qualified candidates referred to in item d) of Paragraph 3 of this Article, the Minister shall propose three of those candidates to the Council of Minister for appointment.

(6) Within thirty (30) days of receiving the list of proposed candidates from the Minister pursuant to Paragraph 4 of this Article, the Council of Minister shall appoint one of the candidates for the vacant position.

(7) The mandate of the Director and Deputies shall last for a period of four (4) years and shall be renewable only for a second consecutive term.

Article 43 **Removal of Directors and Deputies**

(1) The Council of Ministers may remove a Director or Deputy Director before the expiration of his/her mandate:

- (a) Upon his/her own request;*
- (b) If he/she permanently loses the capacity to execute his/her duties and responsibilities;*
- (c) If he/she has been held disciplinarily responsible by a final decision of a violation of official duty, or*
- (d) If he/she has been pronounced a final sentence of imprisonment for a criminal offence.*

(2) The Minister may propose to the Council of Ministers the removal of a Director or Deputy Director in the interests of efficiency or effectiveness of the body:

- (a) When the Minister establishes that the Director or Deputy Director does not achieve appropriate results in his/her work;*
- (b) If the Director or Deputy Director fails to properly supervise the police body;*
- (c) Fails to exercise control of the proper application of police powers; or*
- (d) If the Director fails to comply with the decisions of the Conference of Directors and Commissiners.*

(3) The Minister shall consult with the Director before initiating the dismissal procedure for his/her Deputy Director.



(4) Before seeking the approval of the Council of Ministers for the dismissal of a Director or Deputy Director, the Minister shall give the affected Director or Deputy Director an opportunity to make representations and shall consider any representations that he/she makes.

B. Local Police Commissioners

Article 44

Selection and Appointment of Local Police Commissioners

(1) The Local Police Commissioners referred to in Article 61 of this Law shall be selected and appointed in accordance with the procedure described in this Article.

(2) When a vacancy occurs in the position of Local Police Commissioner, the Minister shall request that the Police Administration Agency starts within thirty (30) days an open and transparent process for the selection of candidates for the vacant position by appointing an Independent Selection Board.

(3) The Selection process conducted pursuant to Paragraph 2 of this Article shall be completed within sixty (60) days and shall include the following:

- (a) Publication of the advertisement of the vacancy for an open competition;*
- (b) Consideration of the submitted applications;*
- (c) Selection of candidates who meet the requirements; and*
- (d) Submission of a list of qualified candidates to the Minister.*

(4) The Independent Selection Board referred to in Paragraph 2 of this Article shall be composed of three (3) police officials holding at least the rank of Chief Inspector appointed by the Police Administration Agency, one (1) prosecutor competent to act in the Local Police Area for which the Local Police Commissioner is selected, appointed by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and one (1) civil servant of the Ministry appointed by the Ministry. The selection procedure to be followed by the Board shall be further defined in a by-law issued by the Head of the Police Administration Agency.

(5) Within thirty (30) days of receiving the list of the qualified candidates referred to in item d) of Paragraph 3 of this Article, the Minister shall propose three of those candidates to the relevant Community Oversight Council established under Article 64 of this Law for its recommendation.

(6) The Minister shall appoint the candidate recommended by the Community Oversight Council within thirty (30) days of receiving said recommendation.



(7) The mandate of the Local Police Commissioners shall last for a period of four years and shall be renewable only for a second consecutive term.

Article 45
Removal of Local Police Commissioners

(1) The Minister may remove a Commissioner before the expiration of his/her mandate:

- (a) Upon his/her own request;*
- (b) If he/she permanently loses the capacity to execute his/her duties and responsibilities;*
- (c) If he/she has been held disciplinarily responsible by a final decision of a violation of official duty; or*
- (d) If he/she has been pronounced a final sentence of imprisonment for a criminal offence.*

(2) The Community Oversight Council may propose to the Minister the dismissal of the Commissioner of the Local Police Area for which said Council has authority in the interests of efficiency or effectiveness of the body when the:

- (a) Community Oversight Council establishes that the Commissioner does not achieve appropriate results in his/her work;*
- (b) Commissioner fails to properly supervise the police body;*
- (c) Commissioner fails to exercise control of the proper application of police powers;*
- (d) Commissioner fails to comply with decisions of the Conference of Directors and Commissioners.*

(3) On his own initiative, the Minister may remove a Commissioner for the reasons stated in Paragraph 2. Before initiating such a removal, the Minister shall seek the approval of the Community Oversight Council. If the Community Oversight Council does not approve of the proposed removal, the matter shall be decided by the Council of Ministers.

(4) Prior to the final removal of a Commissioner, the Minister shall give the affected Commissioner an opportunity to make representations and shall consider any representations that he/she makes.



C. Requirements

Article 46 Conditions for Appointment

Candidates for the positions referred in Paragraphs 1 of Articles 42 and 44 of this Law shall:

- (a) Have level VII of education;*
- (b) Have at least the rank of Chief Inspector and at least three years completed in that rank;*
- (c) At least ten years effective police experience for the position of Local Police Commissioners and fifteen years of effective police experience for SIPA or SBS, and National Director of Local Police;*
- (d) Have accumulated more than three (3) years of effective police experience in positions requiring the rank of Senior Inspector and above in a police body within the Police Service of Bosnia and Herzegovina other than that for which he/she has applied to be appointed in a position referred to in Paragraph 1 of Articles 42 and 44 of this Law.*

Articles 42 to 46 regulate the selection and appointment procedures for the state level directors and the Local Police Commissioners. Article 42 defines the selection and appointment procedure for the National Director of Local Police (Article 76), the Directors and Deputy Directors of SIPA, SBS and the Police Administration Agency (Articles 16-17). When a vacancy occurs in one of these positions, the Minister of Security requests the Police Administration Agency to initiate an open competition. The Agency appoints an Independent Selection Board which reviews the applications and forwards a list of best qualified candidates to the Ministry of Security. The Ministry of Security forwards a list of three candidates chosen from the list prepared by the Agency to the Council of Ministers for appointment. Article 43 defines the conditions under which directors at state level may be removed. While the Minister may in some cases recommend the removal of directors, the decision to remove them remains a prerogative of the Council of Ministers.

Article 44 foresees a selection procedure similar to that of Article 42 for the Local Police Commissioners. Under Article 44, the list of candidates short-listed by the Minister of Security is forwarded to the competent Community Oversight Council. The Minister of Security then appoints the candidate recommended by the Community Oversight Council. Article 45 defines the removal procedure for Local Police Commissioners.



9. Cooperation, Support and Assistance

Article 47 Cooperation

All police bodies and other organizations within the Police Service shall cooperate with one another in order to ensure an optimal level of security throughout the whole territory of Bosnia and Herzegovina.

Article 48 Support and Assistance

(1) Any police body or organization within the Police Service of Bosnia and Herzegovina may request the assistance or support of another police body or organization.

(2) A police body at Local Level that is the object of a request for assistance or support from SIPA or SBS pursuant to Paragraph 1 of this Article shall be obliged to assist or support the requesting body and shall coordinate activities within the scope of its competences, in accordance with the law and other regulations on the protection of sources, methods and other non-public information.

(3) In cases where SIPA or SBS is the object of a request for assistance or support from other police bodies or organisation within the Police Service of Bosnia and Herzegovina pursuant to Paragraph 1 of this Article, it shall, to the maximum of its available resources, be obliged to assist or support the requesting body or organisation and shall coordinate activities within the scope of its competences, in accordance with the law and other regulations on the protection of sources, methods and other non-public information.

(4) The manner in which police bodies and organizations shall request or provide support and assistance to one another is defined in a uniform set of procedures adopted by the Conference of Directors and Commissioners in accordance with its responsibilities pursuant to Article 21 of this Law.

(5) The procedures referred to in Paragraph 4 of this Article shall be binding upon any body or organization within the Police Service of Bosnia and Herzegovina or upon any other body where applicable. Said procedures shall define, inter alia:

(a) the procedures applicable in times of declared state of emergency and natural disasters;



- (b) the procedures applicable to operations that exceeds the territorial or substantive competence of two or more police bodies;*
- (c) the level of subordination amongst police bodies in joint operations;*
- (d) the respective financial responsibility of police bodies involved in joint operations;*
- (e) the manner in which information is exchanged during joint operations.*

(6) The provisions of this Article shall not preclude police bodies and/or other organizations of the Police Service of Bosnia and Herzegovina to reach bilateral or multilateral cooperation agreements between them insofar as such agreements are in conformity with the procedures referred to in Paragraph 4 of this Article. The Police Bodies and organizations shall inform each other of such agreements.

Article 49

Obligation to Inform Competent Body or Organisation

(1) In cases where a police body or organization within the Police Service of Bosnia and Herzegovina obtains information in the course of performing its duties regarding the preparation or perpetration of a criminal offence or a minor offence that fall within the competence of another police body, organization, other body or agency, it shall immediately inform such body or organization or agency about this information as well as about any measure and action taken in order to prevent the preparation or perpetration of such an offence or to locate and capture its perpetrators.

(2) A police body or organization within the Police Service of Bosnia and Herzegovina shall be obligated to take all measures that must be undertaken without delay in order to prevent the preparation or perpetration of a criminal or minor offence and to prevent the concealment and modification of information and materials related to a criminal or minor offence.

Article 50

Failures to Cooperate or to Provide Support or Assistance

Cases of failure to cooperate, to provide support or assistance that are due to actions or omissions of a person, body or organization within the Police Service of Bosnia and Herzegovina shall be immediately notified to the Minister, the Police Inspectorate and the Conference of Directors and Commissioners.

Article 51

Obligation of Other bodies

(1) Administrative and other bodies, services and other institutions, customs and tax authorities and other appropriate and component bodies in Bosnia and



Herzegovina other than bodies or organisations within the Police Service of Bosnia and Herzegovina, are subject to the obligations of cooperation, support and assistance foreseen under this Section to the extent that said obligations may apply to them.

(2) Police bodies and organisations within the Police Service of Bosnia and Herzegovina shall be obliged to co-operate and render assistance to the bodies referred to in Paragraph 1 of this Article upon their request.

Article 52 **International Cooperation**

(1) SBS and SIPA shall cooperate with foreign law enforcement agencies, other appropriate foreign bodies and international organizations, for the purpose of execution of duties that fall under their competence according to the laws establishing these police bodies. Such co-operation may include the exchange of information and joint execution of activities that fall under the competence of SBS and SIPA. Such cooperation must take place through the Office for Cooperation with Interpol when said cooperation includes matters or issues falling within the scope of responsibilities of the Office for Cooperation with Interpol.

(2) The Local Police Bodies shall cooperate with foreign law enforcement agencies, other appropriate foreign bodies and international organizations through SIPA or the Office for Cooperation with Interpol for the purpose of execution of duties that fall under their competence according to this Law. Such co-operation may include the exchange of information and joint execution of activities that come under their competence.

(3) In accordance with Paragraphs 1 and 2 of this Article, the police bodies within the Police Service of Bosnia and Herzegovina may provide foreign law enforcement agencies and other appropriate foreign bodies with data on citizens of Bosnia and Herzegovina or persons in Bosnia and Herzegovina, should it receive information to the effect that such a person represents a danger to the security of Bosnia and Herzegovina, to the security of the requesting State or to regional or global security.

(4) Notwithstanding Paragraph 3 of this Article, police bodies shall not provide data on citizens of Bosnia and Herzegovina or other persons unless it has been offered reasonable assurances that the recipient will process such data with the same level of protection as that provided in Bosnia and Herzegovina.

(5) If the data requested relates to an ongoing criminal proceeding in Bosnia and Herzegovina, the exchange of such data shall be carried out in accordance with the applicable Criminal Procedure Code.



(6) International cooperation related to matters falling within the responsibilities of the police bodies shall be determined through written bilateral or multilateral agreements or protocols adopted or ratified by the competent authority and in accordance with applicable procedures under the Constitution of Bosnia and Herzegovina. Said agreements or protocols may cover all aspects of trans-border cooperation, including mutual risk analysis, exchange of experience, cooperation in training and cooperation with investigations.

(7) Police officials of Bosnia and Herzegovina may act outside the territory of Bosnia and Herzegovina if authorised to do so by bilateral or multilateral international agreements. Such actions must take place in accordance with applicable regulations.

(8) The representatives of the police bodies may participate in international meetings and SIPA and SBS may appoint liaison officers for international cooperation.

Section 9 addresses issues of cooperation, support and assistance. The provisions of Section 9 are particularly important as they create rights and obligations which are applicable to all elements within the Police Service of Bosnia and Herzegovina. Article 48 foresees the adoption by the Conference of Directors and Commissioners of a series of uniform procedures that are binding upon all the elements of the Police Service. Article 50 provides that cases of failures to cooperate shall be immediately notified to the Minister, the Police Inspectorate and the Conference of Directors and Commissioners. It should be noted that both the Minister and the Conference may request inspection from the Police Inspectorate in cases of non cooperation. Directors or Commissioners may also be removed when they fail to properly supervise their police body or fail to comply with the decisions of the Conference of Directors and Commissioners.

The system of cooperation established by Section 9 constitute a significant step forward when measured against the current situation of cooperation based on the good will of the various police forces of Bosnia and Herzegovina.

Article 47 provides for a general obligation to cooperate whereas Article 48 regulates the specific matter of assistance and support. Pursuant to Article 48, all police bodies or organisations may request support or assistance. While all police bodies and organisations have an obligation to provide support upon request, SIPA and SBS' obligations are somewhat more qualified as both agencies are obliged to provide support and assistance *to the maximum of their available resources*. This distinction is justified by the fact that state level police bodies are responsible throughout the whole territory of Bosnia and Herzegovina and are likely to be the object of several simultaneous requests. The manner in which elements within the Police Service cooperate with one another will



be defined in a series of binding procedures adopted by the Conference of Directors and Commissioners as mentioned above.

III- STATE LEVEL

Article 53

Special Laws on SIPA and SBS

(1) Special Laws regulate the establishment, organization, management and other issues relevant to the functioning and supervision of the SBS and SIPA.

(2) Members of the staff of SIPA and SBS may be co-located within the Local Police Bodies established pursuant to this Law to act as liaison officers in order to ensure an optimal level of cooperation between SIPA, SBS and Local Police Bodies.

Article 54

Ethnic Representation in Police Bodies and Other Organizations at State Level

(1) The ethnic structure of police officials, civil servants and other employees within SBS is regulated by the Law on State Border Service.

(2) The ethnic structure of police officials, civil servants and other employees within SIPA shall in general reflect the ethnic structure of the population of Bosnia and Herzegovina as a whole according to the 1991 census pursuant to the following criteria:

(a) The ethnic structure of the Headquarters of SIPA shall reflect the ethnic structure of the population of Bosnia and Herzegovina as a whole according to the 1991 census;

(b) The ethnic structure of the regional offices of SIPA shall reflect the ethnic structure of the population within the respective areas of responsibility of said regional offices according to the 1991 census;

(c) The representation of any of the constituent peoples of Bosnia and Herzegovina at the Headquarters of SIPA, within any SIPA region and within any other units of SIPA shall in no event constitute more than 2/3 or less than 1/10 of the respective total number of SIPA staff in the Headquarters, region or other unit. This provision shall not apply to the representation of Others, who shall, in any event, be entitled to the representation according to the 1991 census and the above criteria;

(d) The Headquarters of SIPA, all SIPA regional offices and any other units of SIPA shall be fully multi-ethnic in their composition and all staff members shall be entitled to perform their duties anywhere within SIPA.



(3) The ethnic structure of police officials, civil servants and other employees within other organizations of the Police Service of Bosnia and Herzegovina at state level shall generally reflect the ethnic structure of the Bosnia and Herzegovina population according to the 1991 census.

(4) If organizations within the Police Service of Bosnia and Herzegovina, referred to in Paragraph 3 of this Article, establish regional offices or other units, the structure of police officials, civil servants and other employees within these regional offices and units shall reflect the population structure within their respective areas of responsibility according to the 1991 census.

PART III of the Law covers the state level. Its relatively small size is explained by the fact that the establishment, organisation and management of SIPA and SBS is already regulated by separate laws.

Article 53 refers to these laws and also provide that members of SBS and SIPA may be collocated within the Local Police Bodies as liaison officers in order to ensure an optimal level of cooperation at working level between the state and the local level. These officers may play a significant role in ensuring, for example, that request for assistance and support from both levels are processed both effectively and efficiently.

While Article 6 provides for multi ethnicity requirements that are applicable to the Police Service as a whole, Article 54 regulates more specifically the ethnic representation for police bodies and organizations of the State Level. Article 54 is mainly based on the provisions of the ethnic representation contained in the current *Law on the State Border Service of Bosnia and Herzegovina*. It ensures that organizational units of police bodies or organisations generally reflect the ethnic structure of the 1991 census in the area of responsibility of the unit while setting maximum and minimum quotas in order to avoid the polarization of a minority or majority constituent people within a unit.

IV- LOCAL LEVEL

1-General Provisions

Article 55 Local Level

(1) In accordance with Paragraph 4 of Article 4 of this Law, the police bodies of the local level established under this Part shall provide local police services within the territory of Bosnia and Herzegovina, specifically the prevention, detection and investigation of crimes that are not within the competency of the SBS or SIPA, crowd control and public order, traffic control and safety, community policing, and rapid intervention.



(2) For the purpose of efficiently and effectively providing local police services to the citizens of Bosnia and Herzegovina, the Local Police Bodies of the local level shall be organized within groupings of municipalities referred to as local police areas.

(3) Each Local Police Area shall have a Local Police Commissioner with primary responsibility for policing administration and operations within his/her area. Each Local Police Commissioner shall act as the managing official of the Local Police Body for his/her Local Police Area.

(4) Each Local Police Area shall have a Community Oversight Council, which shall provide oversight and advice regarding the local police service within the area.

This section outlines the structure of the newly created local police service within the Police Service of Bosnia and Herzegovina. The local policing competencies are distinguished from the state-level competencies of SIPA and SBS. The section then introduces the terms Local Police Body, Local Police Area, Local Police Commissioner and Community Oversight Council all of which are described in greater detail in the following sections.

2-Local Police Areas

Article 56

Number and Territorial Boundaries of Local Police Areas

(1) There shall be 10 Local Police Areas within the territory of Bosnia and Herzegovina.

(2) The Local Police Area shall be known by the name of the municipality where the headquarters of the local police body is located.

(3) The territorial boundaries of the Local Police Areas shall be as follows:

(a) Local Police Area Bihac shall include the municipalities of: Velika Kladusa, Buzim, Cazin, Bihac, Bosanska Krupa, Sanski Most, Bosanski Petrovac, Drvar, Kljuc, Bosanska Krupa/Krupa na Uni, Kljuc/Ribnik, Ostra Luka, Istocni Drvar, Bosanski Petrovac/Petrovac;

(b) Local Police Area Banja Luka shall include the municipalities of: Bosanski Novi/Novi Grad, Bosanska Dubica/Kozarska Dubica, Bosanska Gradiska/Gradiska, Srbac, Prijedor, Mrkonjic Grad, Sipovo, Skender Vakuf/Knezevo, Kotor Varos, Banja Luka, Laktasi, Celinac, Prnjavor, Dobretici;



(c) Local Police Area Doboj shall include the municipalities of: Teslic, Tesanj, Maglaj, Zepce, Doboj, Derventa, Bosanski Brod, Odzak, Bosanski Samac/Samac, Orasje, Brcko District, Gradacac, Gracanica, Modrica, Usora, Gracanica/Petrovo, Doboj Istok, Doboj Jug, Usora, Odzak / Vukosavlje, Donji Zabar, Gradacac / Pelagicevo, Domaljevac / Samac;

(d) Local Police Area Tuzla shall include the municipalities of: Tuzla, Bijeljina, Srebrenik, Ugljevik, Lopare, Lukavac, Kalesija, Zvornik, Zivinice, Kladanj, Sekovici, Vlasenica, Bratunac, Srebrenica, Banovici, Milici, Sapna, Teocak, Kalesija/Osmaci, Lopare/Celic;

(e) Local Police Area Foca shall include the municipalities of: Foca, Foca FbiH, Gorazde, Sokolac, Pale RS, Pale FbiH, Trnovo F BiH , Trnovo RS, Han Pijesak, Kalinovik, Rogatica, Cajnice, Rudo, Visegrad, Ustipraca.

(f) Local Police Area Mostar shall include the municipalities of: City of Mostar, Capljina, Stolac, Neum, Trebinje, Nevesinje, Ljubinje, Gacko, Bileca, Ljubuski, Grude, Posusje, Siroki Brijeg, Jablanica, Konjic, Prozor/Rama, Citluk, Ravno, Istocni Mostar, Stolac/Berkovici;

(g) Local Police Area Livno shall include the municipalities of: Livno, Glamoc, Kupres FbiH, Kupres RS, Bosansko Grahovo/Grahovo, Tomislavgrad;

(h) Local Police Area Travnik shall include the municipalities of: Travnik, Jajce, Busovaca, Donji Vakuf, Fojnica, Vitez, Gornji Vakuf/Uskoplje, Novi Travnik, Kresevo, Bugojno, Kiseljak, Jajce/Jezero;

(i) Local Police Area Zenica shall include the municipalities of: Zenica, Kakanj, Ilijas, Visoko, Breza, Olovo, Vares, Zavidovici

(j) Local Police Area Sarajevo shall include the municipalities of: Stari Grad, Centar, Novo Sarajevo, Novi Grad, Ilidza, Hadzici, Vogosca, Istocni Stari Grad, Kasindo, Istocno Novo Sarajevo, Lukavica;

Article 57

Changes on the Boundaries and Number of Local Police Areas

(1) The Parliamentary Assembly of Bosnia and Herzegovina may change the number and territorial boundaries of Local Police Areas upon a request made by the Council of Ministers.



(2) Before requesting the changes referred to in Paragraph 1 of this Article, the Council of Ministers shall consult the Minister, the affected Community Oversight Councils and the Conference of Directors and Commissioners.

The law establishes a number of Local Police Areas each of which are made up of a number of municipalities. Local Police Areas have been created for the purpose of providing policing services efficiently, effectively, and within a defined geographic space, which keeps the local police service close to the citizens that it is intended to serve. These specific local police areas have been proposed based on objective policing criteria such as population, road links and intercity connections, crime statistics, number of traffic accidents and geographic size. (see Appendix 8.6: Agenda and Conclusions 5th Special Continuation meeting, for a detailed list of criteria adopted by the PRC.)

3–Local Police Bodies

Article 58 Local Police Bodies

- (1) A Local Police Body shall be established for every Local Police Area.*
- (2) The Local Police Body for each Local Police Area shall be an administrative organization within the Ministry with operational autonomy, established for the purpose of performing police tasks.*
- (3) The Local Police Bodies shall be financed from the “Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina”.*

Article 59 Organization of Local Police Bodies

- (1) The Local Police Bodies may have sub-areas and units.*
- (2) The Rulebook on Internal Organization, which shall be passed by the Local Police Bodies in accordance with the Law on Administration and the Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina, may establish other organizational units within or outside the headquarters of the Local Police Bodies.*
- (3) The organization of all Local Police Bodies shall be harmonized to ensure efficient and effective delivery of local police services throughout the territory of Bosnia and Herzegovina. The Minister shall review all books of rules for Local Police Bodies before submission to the Council of Ministers in order to ensure harmonization.*



Article 60
Ethnic Representation in Local Police Bodies

The ethnic structure of police officials, civil servants and other employees within a Local Police Body shall in general reflect the ethnic structure of the population of the respective Local Police Area according to the 1991 census pursuant to the following criteria:

(a) The ethnic structure of the headquarters of the Local Police Body shall reflect the ethnic structure of the population of the Local Police Area as a whole according to the 1991 census.

(b) The ethnic structure of the sub-areas and other units of the Local Police Body shall reflect the ethnic structure of the population within the respective areas of responsibility of said sub-areas, municipal stations and other units according to the 1991 census.

(c) The representation of any of the constituent peoples of Bosnia and Herzegovina in any unit of a Local Police Body shall, in no event, constitute more than 2/3 or less than 1/10 of the total number of the Local Police Body's staff in that unit. This provision shall not apply to the representation of Others, who shall, in any event be entitled to the representation according to 1991 census and the above criteria.

(d) All the organizational units of Local Police Bodies shall be fully multi ethnic in their composition and all staff members shall be entitled to perform their duties at any spot within the Local Police Area.

This section establishes the legal status of the Local Police Bodies and their structure. Each Local Police Area has its own Local Police Body that provides local police services within the defined geographic area. Each Local Police Body is an administrative organization within the Ministry of Security with its own rulebook and budget, which gives the Local Police Bodies a degree of autonomy. However, Article 59(3) makes it clear that the Local Police Bodies must harmonize their operations and the Minister of Security is given explicit authority to ensure such harmonization. Article 60 establishes the principle of multi-ethnic local police services, consistent with the multi-ethnic principles for SBS and SIPA expressed in Article 54.



4- Local Police Commissioners

Article 61

Authority

(1) The Local Police Commissioner shall be the managing official of his/her Local Police Body with primary responsibility for the operation and administration of the Local Police Body.

(2) The Local Police Commissioner shall have the rank of Inspector General of Police.

(3) Every Local Police Commissioner shall discharge his/her functions in accordance with the provisions of the Local Policing Plan issued by the Community Oversight Council for his/her area and the Bosnia and Herzegovina Policing Plan.

Article 62

Accountability

The Local Police Commissioner shall be responsible to the Community Oversight Council of his/her area and to the Minister for all matters falling within the competence of the Local Police Body.

Article 63

Duties and Responsibilities of the Local Police Commissioner

(1) The Local Police Commissioner shall be responsible for the lawful work of the Local Police Body and for the lawful expenditure of funds allocated to the Local Police Body. He/she shall be responsible for the implementation of the Local Policing Plan and the Bosnia and Herzegovina Policing Plan and carry out other duties required by legislation and/or the Minister.

(2) The Local Police Commissioner shall specifically:

- (a) Represent his/her Local Police Body;*
- (b) Manage and direct the implementation of tasks falling within the scope of competence of the Local Police Body;*
- (c) Ensure proper implementation of the guidelines and directives of the Prosecutor concerning the activities of police officials in relation to criminal proceedings within his/her police area; and*
- (d) Ensure co-operation with other police bodies and other relevant bodies in Bosnia and Herzegovina.*



(3) In addition to the duties and responsibilities referred to in Paragraphs 1 and 2 of this Article, the Local Police Commissioner shall also carry out other tasks, including:

- (a) Proposing to the Council of Ministers the Rulebook on Internal Organization and other orders, directives, and instructions necessary for the performance of tasks within the scope of competence of the Local Police Body, in accordance with the laws of Bosnia and Herzegovina;*
- (b) Appointing heads of organisational units of the police body;*
- (c) Assigning duties to heads of organisational units of the police body in accordance with the law, the Rulebook on Internal Organization and other regulations;*
- (d) Submitting an initial draft of the Local Policing Plan and of the budget proposal for the Local Police Area to the Community Oversight Council in accordance with the procedure foreseen in this Law;*
- (e) Meeting on a regular basis with the Community Oversight Council;*
- (f) Submitting an annual general report to the Community Oversight Council on policing in the Local Police Area;*
- (g) Issuing decisions on, inter alia, employment, deployment, appointment, promotion, and termination of employment of the members of the staff within the Local Police Body, in accordance with the Law on Police Officials of Bosnia and Herzegovina, the Law on Civil Service in the Institutions of Bosnia and Herzegovina and other applicable laws and regulations.*

Section 4 expressly establishes the Local Police Commissioner as the managing official within his/her Local Police Area with the highest rank of any police official within that Local Police Area. S/he has dual political accountability – to the Community Oversight Council at the local level and to the Minister of Security at the state level. This dual accountability ensures that the Local Police Commissioner is responsible to the citizens within his/her Local Police Area and that s/he is also acting in a manner that is consistent with the standards and objectives established at the state level. Article 63 clearly enumerates the responsibilities of each Local Police Commissioner within his/her Local Police Area. Again, this Article reflects a degree of operational autonomy that is granted to the Local Police Commissioners, but always within the framework of the Bosnia and Herzegovina Policing Plan and subject to the supervision of the Minister of Security and the operational coordination and command of the National Director for Local Police (Article 76).



5–Community Oversight Councils

A. Membership and Governance

Article 64 Establishment of Community Oversight Councils

- (1) There shall be a Community Oversight Council for each Local Police Area.*
- (2) Each Community Oversight Council shall consist of the following members:*
 - (a) Municipal mayors – a number equal to one-third of the number of municipalities within the Local Police Areas;*
 - (b) One member of the judiciary;*
 - (c) One prosecutor; and*
 - (d) Community representatives – a number equal to one-half the number of mayoral members of the council.*
- (3) For the purpose of this Article, fractions of numbers shall be rounded up to the next whole number.*

Article 65 Mayors

The mayoral positions on the Community Oversight Councils shall rotate every sixteen (16) months among the mayors of the municipalities within the Local Police Areas, based on a schedule of rotation established in Article 94 of this Law.

Article 66 Judicial and Prosecutorial Members

- (1) The High Judicial and Prosecutorial Council of Bosnia and Herzegovina shall appoint the judicial and prosecutorial members of the Community Oversight Council.*
- (2) The mandate of judicial and prosecutorial members of the Community Oversight Council shall last for a period of four (4) years from the date of their appointment and shall be renewable only for a second consecutive term.*



Article 67
Community Representatives

(1) Community representatives shall be citizens of Bosnia and Herzegovina and reside within the Local Police Areas governed by the Community Oversight Council.

(2) The community representatives of the Community Oversight Council shall serve for a term of four (4) years from the date of their appointment. A community representative of the Community Oversight Council may be a member for more than one term, but may not serve two terms consecutively.

Article 68
Selection of Community Representatives

(1) A collegium of all mayors from the municipalities within the Local Police Area, along with the judicial and prosecutorial members of the Community Oversight Council, shall appoint the community representatives from among nominations submitted by non-governmental organizations, religious organizations, business or trade organizations, or labour organizations active in the area.

(2) The invitation to submit nominations referred to in Paragraph 1 of this Article shall be sent directly to registered organisations referred to therein and shall, at a minimum, be effectively published for a reasonable period of time in at least two daily newspapers of Bosnia and Herzegovina that are widely read in the Local Police Area concerned.

Article 69
Resignation or Removal of Community Representatives

(1) A community representative of a Community Oversight Council may resign prior to the end of his/her mandate or may be removed by a majority vote of the Community Oversight Council.

(2) A community representative of the Community Oversight Council shall cease to be a member if he moves his place of residence outside of the boundaries of the Local Police Area governed by the Council of which he is a member or if he/she has been pronounced a final sentence of imprisonment for a criminal offence.



Article 70
Compensation of Council Members

(1) Members of Community Oversight Councils shall be entitled to the actual costs incurred in attending meetings of the Community Oversight Council. Members shall not be entitled to any other compensation for their service on the Community Oversight Council.

(2) Expenses of the meetings of the Community Oversight Council shall be paid from the budget of the Local Police Body.

Article 71
Rules of Procedure

(1) Community Oversight Councils shall meet as necessary in order to carry out their responsibilities under this Law.

(2) All decisions of a Community Oversight Council shall be taken by a majority vote of its members. All members of the Council have the same voting rights.

(3) The quorum of the Community Oversight Council exists when a majority of its members are present. The Community Oversight Council must keep minutes of all its sessions.

(4) Other rules of procedure may be adopted by the Community Oversight Council or determined by the Minister.

(5) Rules of procedure for Community Oversight Councils, which have been established by the Minister shall take precedence over rules of procedure adopted by the Community Oversight Council.

B. Competencies

Article 72
Local Police Budget

(1) The Community Oversight Council shall develop an annual budget proposal for the Local Police Area in accordance with instructions established by the Minister.

(2) The budget proposal of the Local Police Area shall be based on an initial draft submitted to the Council by the Local Police Commissioner. The Community Oversight Council may propose amendments to the initial draft proposed by the Local Police Commissioner. The Local Police Commissioner



and the Community Oversight Council shall adopt the budget proposal by consensus.

(3) The Community Oversight Council shall submit the local budget proposal to the Minister. The Minister incorporates local budget proposals into the overall budget of the Police Service of Bosnia and Herzegovina and may alter or amend any local budget proposal for the purpose of making it consistent with other elements of the overall budget and the Bosnia and Herzegovina Policing Plan

Article 73
Local Policing Plan

(1) The Community Oversight Council shall, in accordance with Article 12 of this Law, participate in the elaboration of the Local Policing Plan.

(2) The Community Oversight Council shall monitor the implementation of the elements of the Local Policing Plan and may request periodic reports from the Local Police Commissioner regarding the work of the Local Police Body.

Article 74
Annual Reports

(1) At the end of each financial year, every Community Oversight Council shall issue a report detailing the work of the Community Oversight Council for the year.

(2) The Community Oversight Council shall arrange for every report issued by it to be published in a manner it deems appropriate and shall send a copy of the report to the Minister.

Article 75
Personnel or Policy Recommendations

The Community Oversight Council may make personnel or policy recommendations to the Minister or the Local Police Commissioner.

Community Oversight Councils are established in order to provide local, political oversight and advice to the Local Police Commissioner and Local Police Body. Community Oversight Councils are made up of municipal mayors, judges, prosecutors, and community leaders. This mix of representation is intended to include a cross-section of community input into the operations and oversight of policing within the Local Police Area.



In order to keep the councils to a manageable size, only one-third of the municipal mayors within a Local Police Area will sit on the council at any one time. The membership of municipal mayors will rotate every sixteen months to ensure that each mayor will have the opportunity to serve on the council during his/her term as mayor. The judicial and prosecutorial representatives on the council are selected by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and serve a four-year term with the possibility to renew for only one additional term. The community representatives on the council are selected by the other members of the council from among nominations submitted by NGOs, religious organizations, business or trade organizations, or labour organizations.

The primary responsibilities of the Community Oversight Council are the development of the Local Policing Plan and the development of the budget for the Local Police Area. Articles 72, 73 and 12 define the role of the Community Oversight Council in developing the Local Policing Plan and the local budget. The procedures set forth in those articles require a level of cooperation between the Community Oversight Council and the Local Police Commissioner in the development of both of those documents. The law also requires the council to develop a Local Policing Plan and budget within the framework of a state policing plan and state budget. These requirements will help to ensure operational coordination of Local Police Bodies, interoperability of Local Police Bodies, and the consistent delivery of local police services throughout the territory of Bosnia and Herzegovina.

The Community Oversight Council will be required to prepare an annual report detailing its own work for the preceding year and to publish that report. This will provide another level of transparency and accountability in the work of the council and the Local Police Body.

6-National Director of Local Police

Article 76

National Director of Local Police

- (1) There shall be a National Director of Local Police.*
- (2) The National Director of Local Police shall ensure an optimal level of cooperation between the Local Police Bodies.*
- (3) The National Director of Local Police shall direct and command the Local Police Commissioners:*
 - (a) For operations or events falling within the competences of Local Police Bodies that cross the territory of two or more Local Police Areas;*



(b) For all operations or events falling within the competences of Local Police Bodies during a declared state of emergency;

(c) For operations targeting a specific security matter falling within the competences of Local Police Bodies when he/she is mandated by the Conference of Directors and Commissioners to do so.

(4) In addition to the responsibilities referred to in Paragraphs 1 and 2 of this Article, the National Director of Local Police shall also:

(a) Represent the views of the Local Police Commissioners before the Minister and other Ministers in the Council of Ministers;

(b) Coordinate the representation of the Local Police Bodies in international forums;

(c) Propose to the Conference of Directors and Commissioners policies, procedures, guidance and mechanisms for operational cooperation between Local Police Bodies;

(d) Review and provide opinions on Local Policing Plans to ensure that the need for operational cooperation between Local Police Bodies is being adequately addressed;

(e) Perform his functions as Chair of the Conference of Directors and Commissioners in accordance with Paragraph 5 of Article 19 of this Law;

(f) Perform any other functions attributed to him/her by the Minister, the Conference of Directors and Commissioners or by other laws and regulations.

(5) The National Director of Local Police shall have the rank Chief Inspector General of Police during the performance of his functions in accordance with the Law on Police Officials of Bosnia and Herzegovina.

(6) In cases where the National Director of Local Police is temporarily unable to exercise his/her responsibilities he/she shall be replaced by a Local Police Commissioner mandated by the Conference of Directors and Commissioners, until such time as the Director can resume his/her responsibilities. During this period, the Local Police Commissioner replacing the Director shall assume all the responsibilities of the Director but shall not, in accordance with Paragraphs 7 and 8 of Article 19 of this Law, assume the functions of Chair of the Conference of Directors and Commissioners.

The position of National Director of Local Police is created to ensure cooperation among the semi-autonomous Local Police Bodies. S/he is given operational authority over the Local Police Commissioners in a limited number of situations – those that absolutely require a coordinated effort among two or more Local Police Areas. Otherwise, the National Director of Local Police plays an important role in coordinating the local policing activities of the Local Police Bodies and, specifically, in representing the views



of Local Police Commissioners to the Minister of Security. The power of the National Director of the Local Police to direct certain activities of Local Police Commissioners, his/her role as Chair of the Conference of Directors and Commissioners (see Article 19), and his/her role as an intermediary between the Minister and the Local Police Commissioners creates a deliberate hierarchy in the relationship between the National Director of Local Police and the Local Police Commissioners. This position is created to encourage cooperation among Local Police Bodies and empowered, when necessary, to demand it.

V. TRANSITION PROVISIONS

1-Directorate for the Implementation of Police Restructuring

Article 77

Directorate for the Implementation of Police Restructuring

(1) This Law establishes the Directorate for the Implementation of Police Restructuring (Directorate).

(2) The Directorate shall be an administrative organisation within the Ministry and is established for the purpose of supervising the establishment of the Police Service of Bosnia and Herzegovina and for supervising the implementation of the provisions of this Law.

(3) The Minister shall provide necessary support and facilities to ensure that the Directorate is operational within thirty (30) days of the entry into force of this Law. All bodies and organisations of the Police Service of Bosnia and Herzegovina have the obligation to fully cooperate with the Directorate. Cases of failures to cooperate shall be immediately notified to the Minister, the Police Inspectorate and the Conference of Directors and Commissioners.

Article 78

The Directorate as a Temporary Body

(1) The Directorate's mandate shall be limited in its duration. The mandate of the Directorate commences on the day of entry into force of this Law and is terminated upon full implementation of the provisions of this Law, as determined by the Council of Ministers.

(2) The Directorate shall be dissolved upon the expiration of its mandate.



Article 79
Head of the Directorate

(1) The Minister shall appoint the Head of the Directorate and may also remove him or her. The Head of the Directorate shall be appointed within thirty (30) days of the entry into force of this Law. In cases of removal, a new Head shall be appointed immediately.

(2) The Law on Ministerial and Government Appointments of Bosnia and Herzegovina (BiH O.G. no. 37/03) shall not apply to the appointments or removals referred to in Paragraph 1 of this Article. The decision for said appointments or removals shall be published in the Official Gazette of Bosnia and Herzegovina.

(3) The Head of the Directorate shall be a person who fulfils the following cumulative criteria:

- (a) Proven managerial experience of an administrative body;*
- (b) Relevant university level education;*
- (c) At least ten (10) years of effective working experience;*
- (d) High moral character and integrity;*
- (e) Not to have been dismissed from any position within the public administration or the military service in Bosnia and Herzegovina as a consequence of a disciplinary sanction;*
- (f) Not to have criminal proceedings initiated against him/her and not to have been pronounced a final sentence of imprisonment for a criminal offence with the exception of criminal offences against traffic, in accordance with the criminal legislation;*
- (g) Not to be affected by Article IX (1) of the Constitution of Bosnia and Herzegovina;*
- (h) Not to have been denied certification or to have had provisional authorization to apply police powers removed by the International Police Task Force of the United Nations.*

(4) The terms and conditions of employment of the Head of the Directorate shall be defined by contract.

(5) The mandate of the Head of the Directorate shall last until the expiration of the mandate of the Directorate unless he/she is removed.

(6) The Minister may remove the Head of the Directorate before the expiration of his/her mandate:

- (a) Upon the request of the Head of the Directorate;*



- (b) If the Head of the Directorate permanently loses the capacity to execute his/her duties and responsibilities;*
- (c) If the Head of the Directorate has been pronounced a final sentence of imprisonment for a criminal offence;*
- (d) If the Minister establishes that the Head of the Directorate has not achieved appropriate results in his/her work; or*
- (e) If the Head of the Directorate fails to properly supervise the Directorate.*

Article 80 **Directorate Staff**

(1) The staff of the Directorate shall consist of experts in project management, administration, personnel, property management, finance, information technology, police operations and other relevant areas. The Head of the Directorate shall appoint the staff of the Directorate. The staff of the Directorate shall be approved by the Minister. There shall be no more than fifteen (15) staff of the Directorate.

(2) Staff members of the Directorate may be seconded or otherwise transferred to the Directorate from the ministries or other administrative and police bodies of Bosnia and Herzegovina, and from the ministries or other administrative bodies or police forces, services, agencies or internal affairs bodies of the Entities, Cantons, or the Brcko District, in accordance with applicable laws and regulations.

(3) The Head of the Directorate may hire temporary expert staff without regard to the provisions of the Law on Police Officials of Bosnia and Herzegovina, the Law on Civil Service in the Institutions of Bosnia and Herzegovina or the Labour Law for the Institutions of Bosnia and Herzegovina. Of the total number of the staff of the Directorate as specified in Paragraph 1 of this Article, no more than fifty percent shall be temporary, expert staff. The terms and conditions of such employees shall be defined by contract.

(4) The Directorate shall make appropriate use of expert personnel within the Ministry and the Police Service of Bosnia and Herzegovina.

The implementation of this law, and the transition from the current structure of Entity, Canton, and Brcko District police bodies to a single structure of policing will be a very complicated process. Therefore, the law establishes a Directorate for the Implementation of Police Restructuring. The Directorate is established as an administrative organisation within the Ministry of Security, similar to the CIPS Directorate for implementation that was established within the Ministry of Civil Affairs.



The Directorate is specifically created as a temporary institution with a limited number of staff. This is intended to prevent the Directorate from conflicting, or competing with, the Police Administration Agency and other permanent bodies created by this law. The head of the Directorate and the Directorate staff will be selected according to simplified procedures defined in this section rather than the normal, civil service selection processes. This is in recognition of the need for quick establishment of the Directorate and also its temporary status. It is expected that the head of the Directorate will draw on expert staff within the Ministry of Security and the Entity, Canton, and Brcko District police bodies to assist in the implementation.

2-Police Restructuring Implementation Plan

Article 81

Police Restructuring Implementation Plan

(1) Within thirty (30) days of its appointment, the Head of the Directorate shall produce an overall plan for the successful implementation of the provisions of this Law. The implementation plan shall be presented to the Minister, and to the Joint Commission on Defence and Security Policy of the Parliamentary Assembly of Bosnia and Herzegovina

(2) The implementation plan shall include a timeline for implementation of each provision of the Law, identify the responsible person or institution for each element of the implementation, and shall identify any legal, logistical, or practical obstacles that would prevent the full implementation of the Law within two (2) years of its entry into force.

(3) Following the production of the implementation plan, the Head of the Directorate shall produce monthly progress reports, which shall be presented to the Minister, and to the Joint Security Commission. The progress reports shall detail the progress made toward full implementation of the provisions of this Law and identify any new obstacles to the full implementation of the Law that have arisen since the production of the implementation plan.

(4) The Minister may request that the Head of the Directorate produce a revised implementation plan as necessary.

Article 82

Final Directorate Report

Prior to the completion of its work and its final dissolution, the Head of the Directorate shall produce a final report describing its work. The final report of the Directorate shall be presented to the Minister, and to the Joint Security Commission. The report shall include recommendations for further legislation



or action necessary to promote a more efficient and effective Police Service of Bosnia and Herzegovina, which meets European standards.

This section requires the Head of the Directorate to produce an overall plan for the successful implementation of the provisions of this law. This plan will provide the framework and timeline for implementation. The Head of the Directorate will also produce monthly progress reports. The overall plan and the progress reports will be submitted to the Minister of Security and to the Joint Security Commission of the Parliamentary Assembly of Bosnia and Herzegovina.

Article 81(2) specifically requires the overall plan to identify the responsible person or institution for each element of the implementation plan and to identify any obstacles to implementation. The Minister and the Joint Commission will use the Police Restructuring Implementation Plan, along with the monthly progress reports, to judge the progress of implementation and to address any obstacles to implementation. The implementation plan and monthly progress reports will provide transparency and accountability in the implementation process.

3- Establishment of Local Police Bodies

Article 83

Interim Operational Control of Local Police Bodies

(1) Immediately upon the entry into force of this Law, the Minister shall assume full authority over all police bodies, forces, services, agencies and internal affairs bodies in Bosnia and Herzegovina and over all authorities responsible for the police, police, officials, civil servants, and other employees of police bodies in the Entities, Cantons, and Brcko District.

(2) Until such time as a Local Police Area is accredited as being fully operational pursuant to Article 85 of this Law; the police officials, civil servants, and other employees of the Canton, Entity and Brcko District police bodies, forces, services, agencies and internal affairs bodies within that Local Police Area shall continue to operate pursuant to existing, relevant Entity, Canton, or Brcko District legislation, regulations and other general acts. Police officials, civil servants, and other employees of Entity, Canton, and Brcko District police bodies shall continue to report to, and be subject to the authority of, the appropriate head as defined by the relevant Entity, Canton, or Brcko District law, regulation, or other general act.

(3) Notwithstanding the provisions of Paragraph 2, any order or directive from the Minister of Security shall supersede any conflicting or inconsistent provision in any Entity, Canton, or Brcko District law, regulation or other general act and



shall supersede any inconsistent order or directive issued by any responsible Entity, Cantonal or Brcko authority.

Article 84
Organizational Restructuring of Local Police

(1) Within the framework of the Police Restructuring Implementation Plan, the Head of the Directorate shall adopt an Organizational Restructuring Program for the Local Police Bodies within ninety (90) days of his/her appointment. The Organizational Restructuring Program shall prescribe measures necessary to meet the requirements of this Law, in particular with regard to the organizational structure and rationalization of staffing at the headquarters, sub-areas and other units of the Local Police Areas. The Organizational Restructuring Program shall be presented to the Minister, and to the Joint Defence and Security Commission.

*(2) The Organizational Restructuring Program shall provide for the rationalization of local police headquarters, sub-areas and other units within the **ten (10)** Local Police Areas, according to Article 56 of this Law.*

(3) The Organizational Restructuring Program shall be based on a comprehensive analysis of the capital, technical and human resources required by the Local Police Bodies in undertaking their duties pursuant to Article 4 of this Law.

(4) For each Local Police Body, the Organizational Restructuring Program shall provide for the restructuring of the headquarters, based on the need for adequate premises, the identification and relocation of employees, as well as the need to ensure that the headquarters is able to function in an effective and efficient manner. Until such time as a Local Police Body is accredited, the existing offices, premises and facilities used by the Entity, Canton and Brcko police bodies, forces, services, agencies and internal affairs bodies shall be an integral part of the Police Service of Bosnia and Herzegovina.

*(5) The Organizational Restructuring Program shall include a timetable for establishing the **ten (10)** Local Police Bodies pursuant to this Law. Local Police Bodies shall be established one at a time and their operational status shall be accredited pursuant to Article 85 of this Law.*

Article 85
Accreditation of Operational Status of Local Police Bodies

(1) Each Local Police Body shall be considered to be fully operational once:



- (a) The Community Oversight Council has been appointed pursuant to Article 94 of this Law;*
- (b) The Local Police Area Commissioner has been appointed pursuant to Article 96 of this Law;*
- (c) The recruitment of police officials, civil servants, and other employees has been completed pursuant to this Law; and*
- (d) The Book of Rules on Internal Organisation of the Local Police Body referred to in Article 59 of this Law has been adopted; and*
- (e) The Local Police Body is operationally able to effectively fulfil its responsibilities pursuant to this Law;*

(2) Upon completion of the tasks listed in Paragraph 1, the Head of the Directorate shall notify to the Minister that the Local Police Body has become fully operational. Upon receipt of this notification, the Minister shall accredit the Local Police Body.

(3) Upon the accreditation described in Paragraph 2 of this Article, the Local Police Body shall be under the full supervision of the Minister and the full operational authority of the Local Police Commissioner and all provisions of this Law shall come into full force and effect for that Local Police Area. Any laws, regulations, or other general acts of the Entities, Cantons, or Brcko District which conflict with, or are inconsistent with, the provisions of this Law shall be without effect within that Local Police Area.

(4) Upon final accreditation of all Local Police Bodies, any laws, regulations, or other general acts of the Entities, Cantons, or Brcko District which conflict with, or are inconsistent with, the provisions of this Law shall be without effect on the whole territory of Bosnia and Herzegovina.

This section provides for the initial establishment of the Local Police Bodies. First, it is explicit that the Minister of Security assumes full operational authority over Entity, Canton, and Brcko District police bodies upon entry into force of this law. Existing local laws and regulations will continue in force, and existing command structures will continue to control police administration and operations, until implementation of the law within each Local Police Area. However, during the transition, Article 83 makes clear that the Minister of Security has ultimate authority over all local police services throughout the territory of Bosnia and Herzegovina.

The first step in the restructuring of local police services is the adoption of an Organizational Restructuring Program by the Head of the Directorate. The Organizational Restructuring Program is one piece of the Police Restructuring Implementation Plan. The Organizational Restructuring Program will propose the most efficient and effective local police structure within the Local Police Areas. Until the restructuring has been completed, all offices and facilities used by Entity, Canton, and



Brcko District police bodies will be considered an integral part of the new Police Service of BiH and under the ultimate authority of the Minister of Security.

This section also establishes a system of accreditation whereby each new, Local Police Area is established and accredited one at a time. The accreditation of Local Police Areas only after they have achieved operational capacity will provide for an orderly transition from the old structure to the new. Once accredited, a Local Police Area comes under the operational control of its Local Police Commissioner and all provisions of this law come into force. At that time, Entity, Canton, or Brcko District legislation or regulations related to local policing become null and void.

4-Recruitment of Staff

Article 86

Transitional Regulation of the Status of Staff

(1) There shall be a moratorium on the hiring and termination of police officials, civil servants and other employees by Canton, Entity and Brcko District police bodies, forces, services, agencies and internal affairs bodies effective immediately upon the entry into force of this Law. A Canton, Entity, or Brcko District police body, force, service, agency or internal affairs body may hire or terminate the employment of a police official, civil servant or other employee only for extraordinary reasons and only with the written permission of the Directorate.

(2) Relevant provisions of employment legislation and subsidiary regulations of the Entity, Canton, and the Brcko District, including legislation regulating salaries and benefits, shall apply to police officials, civil servants and other employees of the Entity, Canton, and Brcko District police bodies, forces, services, agencies and internal affairs bodies until such time as those employees are employed in the Police Service of Bosnia and Herzegovina pursuant to Articles 88 to 90 of this Law.

(3) Police officials, civil servants or other employees of former Entity, Canton, and Brcko District police bodies, force, services, agencies and internal affairs bodies who are not selected for employment in the Police Service of Bosnia and Herzegovina shall be terminated from their employment or transferred or shall avail themselves of other available rights under applicable Entity, Canton, or Brcko District employment legislation and subsidiary regulations.

Article 87

Program for Selection of Local Staff

(1) For the purpose of this Article:



(a) “Local staff” shall mean police officials, civil servants and other employees working for the Canton, Entity and District police bodies, forces, services, agencies and internal affairs bodies that will be replaced by a Local Police Area established pursuant to this Law in a given area.

(b) “Selection of qualified local staff” means the process of selecting qualified local staff for employment within a Local Police Body.

(2) Within thirty (30) days of the final adoption of the Organizational Restructuring Program, the Directorate shall adopt a Program for the Selection of Qualified Local Staff (Local Staff Selection Program). The Local Staff Selection Program shall be presented to the Minister, and to the Joint Security and Defence Commission for their information.

(3) Local staff may apply for positions within a Local Police Body and may be selected for employment based on objective, professional criteria in accordance with this Law.

(4) Local staff selected for employment in the Police Service of Bosnia and Herzegovina pursuant to this Article shall take the oath prescribed by applicable laws and regulations.

(5) The Local Staff Selection Program shall provide for the selection of qualified local staff within one Local Police Area at a time and shall include a timetable for achieving the selection of qualified local staff in all Local Police Areas.

(6) The Program shall also include a process and timeline for severing the employment of redundant local staffs within the Canton, Entity and District.

Article 88 **Recruitment of Local Civil Servants**

For the selection and recruitment of local staff who have the status of civil servants, in accordance with applicable laws on civil service, said recruitment and selection shall be conducted in accordance with Article 32a of the Law on Civil Service in the Institutions of Bosnia and Herzegovina. The by-law foreseen in Paragraph 4 of Article 32a of said Law shall be jointly analysed by the Directorate and the Civil Service Agency of Bosnia and Herzegovina and shall be amended if need be in order to take into account the specific circumstances under which this recruitment shall take place. Provisions on the probation period in the Law on Civil Service in the Institutions of Bosnia and Herzegovina shall be applicable to persons recruited pursuant to this Article.



Article 89
Recruitment of Local Police Officials

(1) The selection and recruitment of local staff who are police officials within Canton, Entity and District police bodies, forces, services, agencies or internal affairs bodies shall be based upon an open competition for all ranks, including the ranks of police officer and junior inspector. During said period, the provisions on vacancies and recruitment of the Law on Police Officials of Bosnia and Herzegovina shall not be applicable to said recruitments unless otherwise provided by this Article.

(2) For the purpose of this Article, a police official under Paragraph 1 of this Article shall be understood as a person authorized to apply police powers and to act as an authorized official person under the Criminal Procedure Codes in Bosnia and Herzegovina, excluding persons who are not authorized to apply police powers but who only perform certain duties or tasks that may be related to police activities.

(3) The provisions of the Law on Police Officials of Bosnia and Herzegovina regulating the basic training and appointment of cadets shall not apply to persons recruited pursuant to Paragraph 1 of this Article. Provisions related to the probation period in the Law on Police Officials of Bosnia and Herzegovina shall be applicable to persons recruited pursuant to this Article.

(4) During the selection of qualified local staff referred to in Paragraph 1 of this Article, Local Police Bodies may also recruit cadets for the two levels of entry referred to in the Law on Police Officials of Bosnia and Herzegovina in accordance with the regular recruitment procedure foreseen by said Law.

(5) The Directorate shall issue a Book of Rules for the selection procedure applicable to the qualified local staff referred to in Paragraph 1 of this Article. This Book of Rules shall to the fullest possible extent, be in accordance with the general object and purpose of the Law on Police Officials of Bosnia and Herzegovina and shall also list Canton, Entity and District police bodies, forces, services, agencies and internal affairs bodies from which police officials can be recruited for each Local Police Body.

Article 90
Recruitment of Local Employees

The Directorate shall issue a Book of Rules for the selection and recruitment procedures applicable to qualified local staff who are neither civil servants pursuant to Article 88 of this Law nor police officials pursuant to Article 89 of this Law. This Book of Rules shall, to the fullest possible extent, be in accordance



with the general object and purpose of the Labour Law in the Institutions of Bosnia and Herzegovina.

Article 91
Recruitment of Additional Staff

(1) Local Police Bodies may, with the written approval of the Directorate and in order to fill all positions required for them to be accredited pursuant to Article 85 of this Law, continue to recruit staff in accordance with Articles 88 to 90 of this Law in cases where all vacancies in the Local Police Body have not been filled through the recruitment of local qualified staff.

(2) In issuing the approval referred to in Paragraph 1 of this Article, the Directorate must be satisfied that the remaining open positions could not be filled through the recruitment of local qualified staff.

Article 92
Employment Status upon Accreditation

(1) After accreditation of a Local Police Body pursuant to Article 85 of this Law, the regular recruitment procedures of the Police Administration Agency, the Civil Service Agency of Bosnia and Herzegovina or other competent authority shall apply.

(2) Upon accreditation of a given Local Police Body, local staff who have not been selected for employment in that Local Police Body of the Police Service of Bosnia and Herzegovina shall not be entitled to perform any duties or functions as a police official, civil servant or other employee within any Canton, Entity or District police body, force, service, agency or internal affairs body in the corresponding Local Police Area. Such police officials, civil servants, or other employees shall hand over all official equipment and property within seven (7) days of the date of accreditation.

(3) Local police officials who have not been selected for employment at the time of accreditation shall immediately return their weapons and identification cards, shall no longer be authorized to apply police powers nor shall they be authorized to act as authorized official persons under the Criminal Procedure Codes in Bosnia and Herzegovina and shall be prohibited from wearing their police uniforms.



Article 93
Interim Provisions on Termination of Employment

(1) In accordance with Bosnia and Herzegovina's international obligations, an individual shall not, under any circumstances, be employed in any position within any police service, body or other organisation established pursuant to this Law or within any police service, body or other police organisation in Bosnia and Herzegovina which continues to function after the entry into force of this Law until such time as it is replaced by a new police service, body or organisation established under this Law, if he/she was denied certification by the United Nations International Police Task Force or if his/her authorization to exercise police powers has been removed by the United Nations International Police Task Force, regardless of whether such a person works as a police official, civil servant or as any other type of employee.

(2) In accordance with Bosnia and Herzegovina's international obligations and in addition to the grounds to terminate the employment prescribed by the applicable laws regulating the working relations of a person who, on the day of entry into force of this Law, is employed in any position within a police service, body or other organisation referred to in Paragraph 1 of this Article, the employment of said person shall be terminated and shall not be renewed under any form or manner and under any circumstances, if he/she was denied certification by the United Nations International Police Task Force or if his/her authorization to exercise police powers has been removed by the United Nations International Police Task Force, regardless of whether such a person works as a police official, civil servant or as any other type of employee.

This section provides for the selection of qualified, existing staff within the Entity, Canton and Brcko District police bodies for employment with the new, Local Police Bodies. The first step in this process is to impose a moratorium on the hiring or firing of the existing staff at the time that the law comes into force. Existing local legislation and regulations governing employment relations will remain in effect for those employees until they are selected for employment with the Police Service of BiH. An Entity, Canton, or Brcko District police body may apply to the Directorate for an exemption to the moratorium in extraordinary circumstances. Entity, Canton, or Brcko District employees of police bodies who are not selected for employment in the Police Service of BiH remain employees of their respective government.

The second step in the process of selecting qualified local staff for employment in the new, Local Police Bodies is the development of a Program for Selection of Qualified Local Staff. This program will also be one piece of the Police Restructuring Implementation Plan and will be consistent with the Organizational Restructuring Plan in terms of the number and qualifications of employees required for each new Local Police Area and its sub-areas and units. This program will describe the process for selecting



qualified local police staff within one Local Police Area at a time, allowing for the accreditation of each Local Police Area when an appropriate number of local staff have been selected and the other criteria for accreditation have been met.

This program will also include a process and timeline for severing the employment of redundant employees who are not selected for employment with the new, Local Police Bodies. The responsibility to sever or transfer redundant employees will remain with the local government. The process for severing redundant employees is critical to ensuring that the new, single structure of policing achieves the overall budget reductions necessary to make it financially sustainable and effective.

Articles 88 – 90 describe processes for selection of local staff for employment with the new, Local Police Bodies. There is a process for civil servants, one for police officials, and one for other employees. All of these transitional selection processes allow for deviation from the normal recruitment processes in recognition of the exceptional circumstances involved in this complicated transition to a single structure of policing.

After a Local Police Area is accredited, then the normal recruitment procedures will apply to any vacancies that remain, or that occur after accreditation. The law also makes it clear that police officials and other staff who are not selected for employment in the new Local Police Bodies will have no right to exercise police powers or perform any other official function as an employee of a police body. All such employees will be required to handover their equipment. Police officials who are not selected for employment with a new, Local Police Body are required to handover their weapons and identification cards and are prohibited from wearing a police uniform.

5- Community Oversight Councils

Article 94

Initial Selection of Community Oversight Councils

(1) Within thirty (30) days of the entry into force of this Law, a collegium of all mayors from the municipalities within a Local Police Area shall meet to determine a schedule of rotation for membership on the Community Oversight Council. The schedule of rotation shall take into consideration the geographic distribution of membership during any term. The first schedule of rotation shall also be calculated so that the third rotation shall end with the next municipal election.

(2) Other members of the Community Oversight Councils shall be appointed pursuant to Article 68 within six (6) months of the entry into force of this Law.



Article 95
Interim Functions of Community Oversight Councils

(1) Until such time as a Local Police Body is accredited pursuant to Article 85, the Community Oversight Council for that Local Police Area shall have no authority under this Law.

(2) Until such time as its Local Police Body is accredited, a Community Oversight Council shall meet to establish its rules of procedure and to monitor the implementation of the provisions of this Law within its Local Police Area. The Community Oversight Council may make non-binding recommendations to the Head of the Directorate regarding implementation.

This section provides for the initial establishment of Community Oversight Councils and, in particular, the schedule of rotation for the participation of municipal mayors on the council. Other members of the council are required to be appointed within six months of the law's entry into force. This section also describes the role of the councils until such time as their respective Local Police Areas are accredited and they assume their full responsibilities under the law.

6- National Director of Local Police and Local Police Commissioners

Article 96

Selection of Interim National Director of Local Police and Interim Local Police Commissioners

(1) The Head of the Directorate shall nominate an Interim National Director of Local Police and interim Local Police Commissioners who shall be appointed by the Minister to serve for an interim period of two (2) years.

(2) The Interim National Director of Local Police shall be appointed no later than sixty (60) days after the entry into force of this Law in accordance with the provisions applicable to the appointment of the National Director of Local Police foreseen in this Law. The Interim National Director of Local Police may be a police official or a civilian. As an exception to Article 46, Paragraph (d) of this Law, candidates for the position of interim National Director of Local Police who are police officials shall be exempted from having more than three (3) years of effective police experience in positions requiring the rank of Senior Inspector and above in a police body within the Police Service of Bosnia and Herzegovina other than that for which he/she has applied. Candidates who are civilians shall be exempted from items b) c) and d) of Article 46 of this Law and shall have accumulated at least ten (10) years of effective working experience in the judicial or prosecutorial service. After the expiration of his/her mandate, he/she shall be



replaced by the National Director of Local Police appointed pursuant to the regular procedure foreseen by this Law.

(3) Only the Director of the Federation Administration of Police of the Federation of Bosnia and Herzegovina the Director of the Police of Republika Srpska, the Chiefs of Public Security Centres in Republika Srpska, the Cantonal Police Commissioners, and the Brcko District Police Chief who are serving in those positions at the time of the entry into force of this Law may be candidates for the position of interim Local Police Commissioner.

(4) The Directorate shall nominate the most qualified candidates based on objective, professional criteria. Articles 44 and 46 of this Law shall not apply to the selection of interim Local Police Commissioners. The application process and selection criteria shall be fully transparent.

(5) The appointment of a Local Police Commissioner by the Minister shall be timed to coincide with the accreditation of operational status for his or her Local Police Body pursuant to Article 85 of this Law. An interim Local Police Commissioners shall assume full administrative and operational authority for policing within his or her Local Police Area only upon such accreditation.

(6) At the expiration of the two-year, interim appointment, each position of Local Police Commissioner shall be filled by the regular open competition pursuant to the provisions of Articles 44 of this Law.

(7) If a vacancy occurs in the position of Local Police Area Commissioner within the two (2) year interim period, the position shall be filled according to Article 44 of this Law.

(8) After the expiration of his/her mandate as interim Local Police Commissioner, the police official who has occupied said functions shall be entitled to be appointed to a position requiring the rank of Chief Inspector within the Police Service of Bosnia and Herzegovina.

This section provides for the selection of an interim National Director for Local Police and interim Local Police Commissioners. These officials will be selected pursuant to an open and transparent process based on professional criteria. However, they will not be selected based on the normal recruitment processes established in this law in recognition of the fact that these positions will need to be filled before the Police Administration Agency is fully functioning. The interim appointments will be for two years. After that, the positions will be filled pursuant to the procedures set forth in the law. The Interim National Director of Local Police, proposed by this section, may be either a police official or a civilian with a background in the judicial or prosecutorial service.



7- Interim Conference of Directors and Commissioners

Article 97

Interim Conference of Directors and Commissioners

(1) The Conference of Directors and Commissioners established pursuant to Article 19 of this Law shall sit as an interim Conference and shall hold its first meeting no later than sixty (60) days after the entry into force of this Law.

(2) The interim National Director of Local Police shall Chair the interim Conference for the duration of his/her mandate.

Article 98

Interim Members of the Conference of Directors and Commissioners

(1) During the transitional period, the persons who exercise the functions of Director of the Federation Administration of Police of the Federation of Bosnia and Herzegovina, the Director of the Police of Republika Srpska, the Chiefs of Public Security Centres in Republika Srpska, the Cantonal Police Commissioners, and the Brcko District Police Chief shall assume the functions of interim members of the Conference of Directors and Commissioners established pursuant to Article 19 of this Law.

(2) The mandate of an interim member referred to in Paragraph 1 of this Article shall be terminated the day upon which the mandate to exercise the functions of Director, Commissioner or Chief referred to in Paragraph 1 of this Article is terminated as a consequence of the establishment of a Local Police Body or Local Police Bodies pursuant to this Law.

(3) Nothing in this Article shall be interpreted as preventing a person who assumed the functions of Director, Commissioner or Chief referred to in Paragraph 1 of this Article during the transitional period and who was appointed as an interim Local Police Commissioner pursuant to Article 96 of this Law to be subsequently a member of the Conference of Directors and Commissioners pursuant to item e) Paragraph 2 of Article 19 of this Law.

(4) During the transitional period, members, interim members and associate members shall sit on the Conference of Directors and Commissioners. For the purpose of the voting procedure during said period, interim members shall be considered as members referred to in item e) of Paragraph 2 of Article 19 of this Law and shall collectively exercise three (3) votes together with said members.



(5) There shall be no interim member sitting on the Conference the day upon which all Local Police Bodies have been accredited pursuant to Article 85 of this Law.

This section provides for the appointment of an interim Conference of Directors and Commissioners, which recognizes the need for close coordination of Entity, Canton, and Brcko District police bodies during the transition to the new structure. Officials from the old structure will sit as interim members of the Conference of Directors and Commissioners until they are replaced by the appropriate official from the new structure.

8 – Property, Assets and Documents

Article 99

Control of Property and Assets

Immediately upon the entry into force of this Law, all movable and immovable property of the Canton, Entity and District police bodies, forces, services, agencies and internal affairs bodies, their obligations and rights, and items in their lawful possession, including archives, files and other documents, may be directly used, controlled, copied or modified by the Directorate, the Director of the Police Administration Agency, the National Director of Local Police or the Police Commissioner for the Local Police Area in which the property is located.

Article 100

Inventory of Property

(1) Immediately upon the entry into force of this Law, there shall be a moratorium on the procurement or disposal or transfer of property by the Canton, Entity, and District police bodies, forces, services, agencies and internal affairs body.

(2) Within sixty (60) days of its first meeting, the Directorate shall complete an inventory of all movable and immovable property of the former Canton, Entity, and District police bodies, forces, services, agencies and internal affairs bodies. The Heads of all such police bodies in Bosnia and Herzegovina shall give their full cooperation to the Directorate in the preparation of this inventory.

(3) Until all issues have been resolved regarding the transfer and ownership of property pursuant to Article 101, the legal status of such property may only be changed with the written approval of the Directorate. Any person who authorizes the transfer or disposal of property in violation of the provisions of this Paragraph shall be liable to the Police Administration Agency in an amount equal to the value of the property transferred at the time of transfer.



(4) After entry into force of this Law, Canton, Entity and District police bodies, forces, services, agencies and internal affairs bodies may only purchase property, equipment, supplies, and services with the written permission of the Directorate. Any person who purchases property, equipment, supplies, or services in violation of this Paragraph shall be liable to the Police Administration Agency in the amount of the purchase.

Article 101

Transfer of Assets and Assumption of Liabilities

(1) The Directorate shall produce a comprehensive report detailing the assets and liabilities of the Canton, Entity, and District police bodies, forces, services, agencies and internal affairs bodies as of the date of the entry into force of this Law. The report shall contain recommendations regarding the property that should be transferred to the Police Service of Bosnia and Herzegovina where necessary to provide for the effective and efficient work of the Police Service of Bosnia and Herzegovina. The report shall also contain recommendations regarding the assumption, satisfaction or other resolution of the debts and liabilities of the former Canton, Entity and District police bodies, forces, services, agencies and internal affairs bodies which are legitimately related to the ongoing or future provision of local police services.

(2) The report shall be submitted to the Minister for approval within six (6) months of the establishment of the Directorate. The Minister may amend the report as he/she deems appropriate.

(3) After approval by the Minister, the Directorate shall negotiate agreements regarding the transfer of property rights held by the former Canton, Entity, and District police bodies, forces, services, agencies and internal affairs bodies and shall submit them for approval by the Minister and the appropriate local governments.

Article 102

Access to Documents and Records

The Canton, Entity, or District police bodies, forces, services, agencies and internal affairs bodies, or their legal successors, shall provide the Directorate, the Director of the Police Administration Agency, the Interim National Director of Local Police, the relevant Interim Local Police Area Commissioners, the National Director of Local Police and the relevant Local Police Commissioners if applicable, with unrestricted access to any documents related to any police matter. Such documents include, but are not limited to:

(a) Documents related to current or former criminal investigations;



- (b) Documents related to the employment or discipline of police officials or other employees of police bodies;*
- (c) Documents related to the assets and liabilities of police bodies;*
- (d) Documents related to the administration and operation of police bodies;*
and
- (e) Documents related to the budget of a police body.*

This section provides for the control, inventory and transfer of movable and immovable property from the Entity, Canton, and Brcko District police bodies to the state. The first step is to declare that all such property may be used or controlled by the Directorate, the Director of the Police Administration Agency or the Local Police Commissioner for the Local Police Area in which the property is located. At the same time, a moratorium is imposed on the procurement, sale, or transfer of any property by any Entity, Canton, or Brcko District police body. Then, the Directorate is required to inventory all such property. Entity, Canton, or Brcko district police bodies may apply to the Directorate for permission to buy, sell, or transfer property during the moratorium.

The Directorate will prepare a report recommending which assets and liabilities from the Entity, Canton, and Brcko district police bodies should be transferred or assumed by the state. Only those assets necessary for the efficient and effective work of the Police Service of Bosnia and Herzegovina, and only those liabilities legitimately related to ongoing or future provision of local police services, may be recommended for transfer or assumption. The report is submitted to the Minister of Security for amendment, as needed, and for approval. After approval, the Minister will negotiate specific agreements regarding the recommendations with the relevant government.

Article 102 specifies that the Directorate, Director of the Police Administration Agency, National Director of Local Police, and the Local Police Commissioner will have full access to police files and other documents held by the Entity, Canton and Brcko District police bodies.

9-Other Provisions

Article 103 Arbitration

The Minister shall issue any further instructions or decisions necessary to ensure the effective implementation of this Law and shall, at the request of the Directorate, appoint one or more arbitrators where necessary to resolve specific disputes. Decisions of said arbitrators shall be final and binding.



Article 104
Interim Budget for Local Police Services

Until the end of the fiscal year in which a Local Police Body is accredited, the Cantons, Federation, Republika Srpska and the Brcko District shall defray all operational and administrative expenses, as well as all necessary expenses for maintenance and replacement of equipment, of the former Canton, Entity and District police bodies, forces, services, agencies and internal affairs bodies in their respective territories, and costs for salaries and benefits of the staff of their respective former police bodies, forces, services, agencies and internal affairs bodies.

Article 105
Entry into Force

This Law shall enter into force on the eighth day after its publication in the "Official Gazette of Bosnia and Herzegovina".

Article 103 allows for the arbitration of specific disputes regarding implementation. Arbitration is intended to be an efficient mechanism for resolving disputes between the state and local governments over property, personnel, or other issues.

Article 104 specifies that the relevant local government is required to fund the operational and administrative costs of its local police bodies until the end of the fiscal year in which the Local Police Area encompassing the police body has been accredited. After that, the state is expected to fund the single structure of policing.

c) Proposed Amendments to the Law on the State Investigation and Protection Agency and the Law on the State Border Service

As mentioned above, it is proposed to maintain the *Law on the State Investigation and Protection Agency* and the *Law on the State Border Service of BiH*. Article 53 of the proposed *Law on the Police Service of Bosnia and Herzegovina* provides that special laws will regulate the establishment, organisation and management of SBS and SIPA. These laws will need to be amended in order to ensure that they are adapted and harmonised with the new structure established pursuant to the proposed *Law on the Police Service of Bosnia and Herzegovina*.



**Proposed amendments to the
*Law on the State Investigation and Protection Agency***

I – GENERAL PROVISIONS

***Article 1
Scope of Regulation***

(...)

(3) For all organizational and management issues and other issues relevant for the functioning of SIPA as an administrative organization, such as enactment of Rulebook on Internal Organization and other regulation, administrative supervision, relations between the institutions of BiH and relations towards legal and natural persons and relations with Police Bodies, other organizations and Institutions of Police Service of BiH, to the extent not prescribed by this Law, the Law on Ministries and Other Administrative Bodies of BiH, the Law on Administration and the Law on the Police Service of BiH shall apply.

This amendment to paragraph (3) recognizes the creation of new police bodies and specifies that the provisions of the new Law on Police Service apply to SIPA, its operations and its relationships with other legal bodies in BiH.

***Article 3
Competence of SIPA***

(1) The tasks within the scope of SIPA's competence are:

(...)

8. Providing operational support to other police bodies and other organizations within the Police Service of BiH; and

9. Other tasks as prescribed by law or other regulations.

This amendment to paragraph (1) adds a new task for SIPA – to provide support to the other, newly created police bodies within the Police Service of BiH.



II – ORGANIZATION

1. Management

Article 7

Line of Managing and Reporting

(1) SIPA shall be managed by a Director of SIPA (hereinafter: the Director), who has the highest authorised police rank.

(2) The Director shall have one deputy and assistant directors. The Deputy and assistant directors are responsible to the Director for their work.

~~*(3) The Director, Deputy Director, Assistant Director for the Criminal Investigative Department and the Assistant Director for the Internal Control Department shall be appointed by the Council of Ministers upon proposal of the Selection Commission in accordance with the Law on Police Officials of BiH (hereinafter: the Commission), for mandate of four years with the possibility of renewal for a second consecutive term.*~~

~~*(4) The Council of Ministers shall appoint and dismiss the Director, Deputy Director, Assistant Director for the Criminal Investigative Department and the Assistant Director for Internal Control Department under the conditions and in a procedure according to the Law on Police Officials of BiH.*~~

(3) The Director and Deputy Director of SIPA shall be appointed and removed in accordance with the Law on Police Service of Bosnia and Herzegovina,

(4) Assistant Director for the Criminal Investigative Department and the Assistant Director for Internal Control Department shall be appointed and removed in accordance with the provisions of Articles 42 and 43 of the Law on Police Service of BiH.

(5) The Director shall be responsible for his/her work and the work of SIPA, as well as for the situation in the fields falling within the scope of SIPA's competence, to the minister competent for the security of BiH (hereinafter: the Minister) and to the Council of Ministers.

(6) The Director shall submit reports on the work of SIPA to the Minister.

The amendments to this Article delete the existing provisions for appointment of the Director and Deputy Director of SIPA. The appointment procedures are now found in Article 42 of the Law on the Police Service of BiH.



Article 8
Duties and Responsibilities of the Director

(1) *The Director shall:*

- (a) *Represent SIPA;*
- (b) *Develop an annual ~~Activity Programme~~ SIPA Policing Plan according to the guidelines formulated by the ~~Chair of the Council of Ministers~~ Minister and in accordance with the BiH Policing Plan, as well as the annual budget for SIPA and propose them to the Minister, who shall submit them to the Council of Ministers;*
- (c) *Manage and direct the implementation of the tasks falling within the scope of SIPA's competence;*
- (d) *Ensure proper implementation of the guidelines and directives of the Prosecutor concerning the activities of police officials in relation to criminal proceedings;*
- (e) *Ensure co-operation with other police bodies, law enforcement agencies and other appropriate bodies in BiH;*
- (f) *Ensure co-operation with law enforcement and other competent agencies of foreign States and implementation of other international agreements on police co-operation as well as other international instruments that fall within the scope of SIPA's competence.*

(2) *In addition to the duties and responsibilities referred to in Paragraph 1 of this Article, the Director shall also carry out other tasks, such as:*

- (a) *Proposing to the Council of Ministers the Rulebook on Internal Organisation, other regulation envisaged by law and regulations necessary for the performance of tasks within the scope of SIPA's competence, in accordance with laws of BiH;*
- (b) *Assigning duties to assistant directors and heads in accordance with the law, the Rulebook on Internal Organisation and other regulations;*
- (c) *Issuing decisions on employment, deployment and termination of employment of the employees within SIPA, in accordance with the Law on Police Officials of BiH and other laws and regulations;*
- (d) *~~In consultation with the Minister, carrying out~~ Requesting, through the Police Administration Agency, the procurement of weapons, ammunition, equipment and other material resources for the needs of SIPA;*
- (e) *~~In consultation with the Minister, developing and implementing~~ Cooperating with the Police Administration Agency in the development and implementation of programs for education and training of the employees within SIPA;*
- (f) *Providing an annual Activity Report on the work and situation in the fields falling within the scope of SIPA's competence to the Minister, who shall submit*



it to Council of Ministers, as well as special reports when needed or on the request of the Minister;

(g) Submitting reports to the Parliamentary Assembly of BiH, the Council of Ministers and the Presidency of BiH, upon their request;

(h) Coordinate administrative functions with the Police Administration Agency as prescribed by the Law on Police Service of BiH; and

(i) Performing other duties as prescribed by law or other regulations.

The amendments to paragraph (1) introduce the concept of a “Policing Plan,” to replace the existing requirement to develop an annual activity programme. The SIPA Policing Plan will become a component of the BiH Policing Plan along with the policing plans developed by the other police bodies within the Police Service of BiH. See Article 11 of the Law on Police Service of BiH and the related commentary for a discussion of policing plans.

The amendments to paragraph (2) introduce the new, Police Administration Agency and specify its role in procurement and training activities related to SIPA’s operations. They also specifically require SIPA to coordinate administrative functions with the PAA with a reference to the provisions of the Law on Police Service of BiH.

Article 10 ***Director’s Inability***

(1) If the Director is not able to carry out his/her duties and responsibilities, the Deputy Director shall perform them, until the Director is able to reassume them or until the new Director is appointed.

(2) Should the Director be unable to reassume his/her duties and responsibilities, ~~the Commission shall propose to the Council of Ministers a candidate for the new Director~~ a new Director shall be appointed by the Council of Ministers in accordance with the provisions of the Law on the Police Service of BiH.

This amendment also recognizes the new appointment procedures for Directors and Deputy Directors contained in the Law on Police Service of BiH.

Article 12 ***Duties of the Criminal Investigative Department***

The Criminal Investigative Department (hereinafter: CID) shall:

(...)

(f) Provide operational assistance to other police bodies in BiH, in accordance with the Law on the Police Service of Bosnia and Herzegovina.



This amendment adds a new requirement for the CID – to provide assistance to the newly created police bodies in the Police Service of BiH.

Article 18
Role of the Special Support Unit

(1) The Special Support Unit (hereinafter: SSU) shall assist other departments of SIPA and other Police Bodies of Bosnia and Herzegovina by providing additional police tactics, equipment and personnel, when enhanced security measures must be taken or when the other police bodies request such support.

(2) SSU shall undertake the most sophisticated tactical and technical police operations, applying police powers in high-risk situations when special skills, training and equipment are necessary.

(3) The use of SSU shall be approved by the Director.

See the comment to Article 12, above.

III – OFFICIAL CO-OPERATION

Article 21
Rendering Assistance

~~(1) The administrative and other bodies, services and other institutions in BiH, Entity and Cantonal Ministries of Interior, customs and tax authorities, financial police, Interpol liaison bodies, competent bodies of the Brčko District of BiH and other appropriate bodies shall be obliged to co-operate with SIPA and upon its request to assist SIPA in performing the duties of its competence, and shall coordinate activities within the scope of their competences, in accordance with the law and other regulations on the protection of sources, methods and other non-public information.~~

~~(2) SIPA shall be obliged to co-operate and render assistance to the bodies referred to in Paragraph 1 of this Article upon their request.~~

~~(3) The manner of assistance and all other issues regarding the assistance and co-operation referred to in Paragraphs 1 and 2 of this Article shall be regulated by the mutual agreement or by the other legal act, to the extent not determined by law.~~



Article 22
Duty to Inform Competent Body

(1) SIPA shall be obliged to inform competent bodies in BiH about information obtained in the course of performing its duties, regarding the preparation or perpetration of criminal offences that fall within the scope of work of those bodies, as well as about the measures and actions taken with the goal to prevent perpetration or to locate and capture the perpetrators of such criminal offences.

(2) Competent bodies in BiH shall be obliged to inform SIPA about information obtained in the course of performing their duties, regarding the preparation or perpetration of criminal offences that fall within the scope of SIPA's competence, as well as about the measures and actions taken with the goal to prevent perpetration or to locate and capture the perpetrators of such criminal offences.

Article 23
International Co-operation

(1) SIPA may co-operate with foreign law enforcement and other foreign appropriate bodies, for the purpose of fulfilling its tasks under this Law. The co-operation may include the exchange of data and joint execution of the activities that fall within the scope of SIPA's competence.

(2) SIPA may provide foreign law enforcement and other foreign appropriate bodies with data on citizens of BiH based on information that the citizen poses a danger to the security of BiH, the receiving State or a broader danger to regional or global security.

(3) In criminal matters, the co-operation with foreign law enforcement agencies shall be conducted through the Office for Co-operation with Interpol.

(4) Notwithstanding Paragraph 2 of this Article, SIPA shall not provide data on citizens of BiH unless it has reasonable assurance that the recipient will provide the data with the same level of protection as provided in BiH.

(5) If the data relate to the criminal proceedings instituted in BiH, the exchange of data referred to in this Article shall be carried out in accordance with the criminal procedure code.

Extensive provisions on cooperation between domestic and foreign agencies are contained in the Law on Police Service of BiH. See Articles 47 through 52 of the Law on Police Service of BiH. Therefore, these articles can be deleted from the Law on SIPA in order to avoid duplication or potential conflict.



***Proposed amendments to the
LAW ON STATE BORDER SERVICE***

***Article 1
Scope of Law***

(3) For all issues pertaining to the organisation and management and other issues relevant to the functioning of the SBS as an administrative organization, such as enactment of the Book of Rules on Internal Organization and other by-laws, administrative supervision, relations between the institutions of BiH and relations of administrative organizations with legal and natural persons, relations with Police Bodies, other organizations and Institutions of Police Service of BiH, to the extent not prescribed by this Law, the Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina, the Law on Administration and the Law on the Police Service of BiH shall apply.

This amendment to paragraph (3) recognizes the creation of new police bodies and specifies that the provisions of the new Law on Police Service apply to the SBS, its operations and its relationships with other legal bodies in BiH.

***Article 7
Competence of SBS***

The activities within the SBS area of competence are:

(...)

11. Providing operational support to other police bodies and other organizations of Police Service of BiH.

This amendment to paragraph (1) adds a new task for SIPA – to provide support to the other, newly created police bodies within the Police Service of BiH.

Extensive provisions on cooperation between domestic and foreign agencies are contained in the Law on Police Service of BiH. See Articles 47 through 52 of the Law on Police Service of BiH. Therefore, these articles can be deleted from the Law on the SBS in order to avoid duplication or potential conflict.

***Article 12
Deputy Director***

(...)



(2) If the Director is not able to execute his/her duties and responsibilities, the Deputy Director shall execute those duties until the Director is able to resume the duties or until new Director is appointed. In case that the Director is not able to resume his/her duties, the Council of Ministers shall appoint a new Director pursuant to the Law on ~~Police Officials~~ the Police Service of BiH.

The amendment to paragraph (2) substitutes the Law on Police Service of BiH as the new legal authority for procedures to replace the SBS Director.

Article 14
**Appointment and Dismissal of Director,
Deputy Director and Assistant Director**

(1) The Director and the Deputy Director shall be appointed and dismissed by the Council of Ministers in accordance with the Law on ~~Police Officials of BiH~~ Police Service in BiH.

(2) The Assistant Director shall be appointed by the Council of Ministers in accordance with the procedures for appointment of the directors and deputy directors contained in the Law on Police Service of BiH. ~~BiH Law on Ministerial Appointments, Appointments of Councils of Ministers and Other Appointments~~.

(3) The Assistant Director shall be dismissed by the Council of Ministers pursuant to conditions for dismissal of directors and deputy directors defined by the ~~Law on Police Officials of Bosnia and Herzegovina~~ Law on Police Service of BiH

(4) The Assistant Director shall be appointed for a four year term and may be re-appointed for a second consecutive term.

The amendments to this article recognize that the Law on Police Service of BiH will now govern the appointment and dismissal of directors and deputies of SBS.

Article 17
Duties and Responsibilities of the Director

(1) The Director shall:

(...)

(b) create the SBS Policing Plan ~~annual working plan~~ according to the directives given by the Minister of Security ~~Council of Ministers~~, as well as the annual budget for the SBS and propose them for adoption to the Council of Ministers through the Ministry;

(...)



(g) ensure co-operation with other police bodies and law enforcement agencies and other appropriate bodies in BiH;

*(h) ensure co-operation with other police bodies and law enforcement agencies and other competent agencies of foreign states and ensure the implementation of other international agreements in the area of surveillance and control of crossing of the state border, as well as other international instruments pertaining to matters that come under the competence of the SBS;
(...).*

(2) In addition to the duties and responsibilities referred to in paragraph 1 of this Article, the Director shall also carry out other tasks, such as:

(...)

(f) Requesting, through the Police Administration Agency, the procurement of weapons, ammunition, equipment and other material means for the needs of the SBS in agreement with the Minister;

(g) Cooperating with the Police Administration Agency in the development and implementation of ~~Developing and implementing~~ programs for education and training of the employees within the SBS in agreement with the Minister;

(...)

(j) Coordinating administrative functions with the Police Administration Agency as prescribed by the Law on Police Service of BiH; and

(k) Performing other duties as prescribed by law or other regulations.

The amendments to paragraph (1) introduce the concept of a “Policing Plan,” to replace the existing requirement to develop an annual work plan. The SBS Policing Plan will become a component of the BiH Policing Plan along with the policing plans developed by the other police bodies within the Police Service of BiH. See Article 11 of the Law on Police Service of BiH and the related commentary for a discussion of policing plans.

The amendments to paragraph (2) introduce the new, Police Administration Agency and specify its role in procurement and training activities related to the SBS’s operations. They also specifically require the SBS to coordinate administrative functions with the PAA with a reference to the provisions of the Law on Police Service of BiH.



~~IV-COOPERATION~~

~~Article 18~~ **~~Rendering Assistance~~**

~~(1) Administrative and other bodies, services and other institutions in BiH, Entity and Cantonal Ministries of Interior, customs and tax authorities, financial police, Interpol liaison bodies, competent bodies of the BiH Breko District and other appropriate bodies are obligated to cooperate with the SBS and upon its request, shall assist the SBS in performing the tasks that come under its competence and shall coordinate activities under their own competence, in accordance with the law and other regulations on protection of sources, methods and other non-public information.~~

~~(2) The SBS shall cooperate and render assistance to bodies referred to in paragraph 1 of this Article upon their request.~~

~~(3) The manner of rendering assistance and all other matters related to the assistance and cooperation referred to in paragraphs 1 and 2 of this Article shall be regulated by mutual agreement or by other legal acts to the degree not defined by law.~~

~~Article 19~~ **~~Tasks in Case of State of Emergency~~**

~~(1) In the event that a serious danger to public security or order, as established by the competent authority, or a natural disaster, causes serious operational difficulties for SBS, the SBS can request support from the appropriate competent institutions, police bodies and law enforcement agencies in BiH, if the said difficulties are directly related to the effective execution of its duties.~~

~~(2) Upon the proposal of the Director, the decision on requesting the support referred to in paragraph 1 of this Article shall be taken by the Ministry in agreement with the competent law enforcement agencies of BiH, Entities and Breko District. The competent institutions, police bodies and agencies involved in support shall be subordinated to the SBS and measures undertaken by them shall represent the measures undertaken by the SBS. Additional costs incurred by such activities shall be borne by the Budget of the Institutions of BiH and International Obligations of BiH based on a special decision of the Council of Ministers.~~

~~(3) The provisions of this Article shall also apply to the assistance provided by the SBS to other law enforcement agencies in BiH.~~



Extensive provisions on cooperation between domestic and foreign agencies are contained in the Law on the Police Service of BiH. See Articles 47 through 52 of the Law on Police Service of BiH. Therefore, these articles can be deleted from the Law on SBS in order to avoid duplication or potential conflict.

2) Human Resources Legislation

Within their current sphere of competency over police, the Institutions have recently adopted the *Law on Police Officials of Bosnia and Herzegovina* (O.G. BiH no. 27/04) which currently applies to police officials working for state level police agencies (SIPA and SBS).

Once all competencies for police matters will be vested with the Institutions of BiH, the Institutions will be competent to regulate the working relations of all police officials working within the Police Service of BiH established pursuant to the *Law on the Police Service of BiH* proposed above.

It is recommended that the *Law on Police Officials of BiH* be amended in order to apply to all police officials working within the Police Service of BiH. There would be thus a common ranking system, a common salary scale, a common disciplinary regime and a common system of recruitment, transfer and promotion for all police officials in BiH. This represents a substantial departure from the situation that is currently prevailing in BiH and will ensure a high level of mobility for all police officials within the single structure throughout their respective career. This, in turn, will be conducive to a more multi-ethnic police service.

Several amendments to the *Law on Police Officials* will be required for it to be harmonised with the concept proposed in this report. These amendments are necessary to ensure, among others, that:

- The scope of application of the *Law on Police Officials* extends to all police officials working within the single structure;
- The Police Administration Agency provides centralised services for the recruitment, transfer and promotion of police officials working within the single structure;
- Persons can be recruited and deployed to a position within any police body or organisation within the single structure;
- Police officials can apply to be either transferred (temporarily or permanently) or promoted to a police body other than the one for which they are working;



- An integrated system of disciplinary proceedings with a common second instance board is established for all police bodies and organisations within the single structure.

3) Additional Amendments to Legislation

Additional amendments should be adopted in order to harmonise legislation with the new laws regulating police matters. As indicated above, such amendments are recommended in order to ensure a higher degree of legal clarity and harmonization. These amendments are not prerequisites for the Institutions to assume all competencies over police matters. As mentioned above, once the proposed amendment to the BiH Constitution will be adopted, the Entities and any other subdivisions will have the obligation, pursuant to Article III (3) b) of the BiH Constitution, to comply with the Constitution of BiH which will supersede inconsistent provisions of the constitutions and laws of the Entity.

Appropriate amendments shall be adopted for the following legislation:

a) BOSNIA AND HERZEGOVINA

1. Law on the Council of Ministries of Bosnia and Herzegovina, (OG BiH 38/02, 30/03, 42/03)
2. Law on Ministries and other Bodies of Administration of Bosnia and Herzegovina, (OG BiH 05/03, 42/03, 26/04))
3. Criminal Procedure Code of Bosnia and Herzegovina (OG BiH 03/03, 32/03, 36/03, 26/04)
4. Law on Legal Assistance and Official Co-operation in Criminal Matters between FBiH, RS and Brcko District of Bosnia and Herzegovina (OG BiH 13/02, 19/02.) (Note: Also published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 25/02, “Official Gazette of Republika Srpska”, 34/02, “Official Gazette of the Brcko District of Bosnia and Herzegovina”, 6/02.);
5. Law on Civil Service in the Institution of Bosnia and Herzegovina (OG BIH 12/02, 19/02, 08/03, 35/03, 4/04) (Note: Also published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 23/02 and in the “Official Gazette of Republika Srpska”, 31/02)

b) REPUBLIKA SRPSKA

1. Constitution of Republika of Srpska (Official Gazette” of Republika Srpska, 6/92, 8/92, 15/92, 19/92, 21/92, 28/94, 8/96, 13/96,



15/96, 16/96 ,21/96 , 36/00, 13/02, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03 98/03);

2. Law on Internal Affairs of Republika Srpska (OG RS 48/03);
3. Law on Ministries of Republika Srpska (OG RS 70/02,33/04);
4. Criminal Procedure Code of Republika Srpska (OG RS 50/03);
5. Law on the Civil Service of the Republika Srpska Administration t (OG RS 16/02,62/02, 38/03, 42/04);
6. Law on Civil Protection of Republika Srpska (OG RS 26/02).

c) FEDERATION OF BOSNIA AND HERZEGOVINA

1. Constitution of the Federation of Bosnia and Herzegovina (OG FBIH 1/94,13/97,16/02,22/02,52/02, 60/02,18/03, 63/03, 9/04, 20/04, 33/04);
2. Law on Internal Affairs of the Federation of Bosnia and Herzegovina (OG FBiH 42/02, 46/02,19/03, 21/03);
3. Law on Federal Ministries and Other Administrative Organs of the Federation of Bosnia and Herzegovina. (OG FBiH 58/02, 19/03);
4. Law on Administration of the Federation of Bosnia and Herzegovina (OG FBiH 28/97, 26/02);
5. Law on Ministerial, Governmental and other Appointments of Federation of Bosnia and Herzegovina (OG FBiH 12/03, 34/03);
5. Law on Employment Relations and Salaries of the Federation of Bosnia and Herzegovina (OG BiH 13/98);
6. Law on Civil Service of the Federation of Bosnia and Herzegovina (OG FBiH 29/03, 23/04, 39/04);
7. Criminal Procedure Code of the Federation of Bosnia and Herzegovina (OG FBiH 35/03, 37/03, 56/03);
8. Law on Violation of Federal Regulations the Federation of Bosnia and Herzegovina (OG FBiH 9/96, 29/00);



9. Law on Federal Prosecutors Office the Federation of Bosnia and Herzegovina (OG FBiH 42/02, 19/03);
10. Law on Administrative Procedure of the Federation of Bosnia and Herzegovina (OG FBiH 2/98, 48/99);
11. Law on Basic Traffic Safety on Roads of the Federation of Bosnia and Herzegovina (OG SFRY 50/88, 63/88, 80/89, 29/90., 11/91, OG RBH 2/92, 13/94, 2/96).

UNA-SANA CANTON:

1. Constitution of Una-Sana Canton - Official Gazette 1/95, 2/97, 9/99, 5/00, 3/03, 11/03 and 1/04;
2. Law on Internal Affairs of Una-Sana Canton - Official Gazette 1/97, 1/02, 6/02, 8/02;
3. Law on Cantonal Ministries and other Cantonal Administrative Bodies – Official Gazette 6/02, 3/03 and 7/04;
4. Law on Administration in Una-Sana Canton – Official Gazette 2/00;
5. Law on Public Peace and Order - Official Gazette 8/02;
6. Law on Minor Offences - Official Gazette 4/97, 7/98, 8/99.

CANTON POSAVINA:

1. Constitution of Posavina Canton - Official Gazette, 1/96, 3/96, 5/98, 7/99, 3/00 and 5/00;
2. Law on Internal Affairs of Posavina Canton - Official Gazette 4/96, 2/02, 4/02, 5/02, 8/02;
3. Law on Cantonal Ministries and Other Cantonal Administrative Bodies – Official Gazette 1/96, 3/96, 1/97, 8/00, 1/03 and 2/03;
4. Law on Administration – Official Gazette 3/98;
5. Law on Minor Offences - Official Gazette 1/97, 5/97 and 3/98;



6. Law on Offences against Public Peace and Order - Official Gazette 5/00;
7. Law on Acquisition, Possession and Bearing of Weapons and Ammunition - Official Gazette 5/00, 9/01 and 2/03);
8. Law on Insurance of Property and Persons - Official Gazette 2/02;
9. Law on Traffic Safety - Official Gazette 1/99.

CANTON TUZLA:

1. Constitution of Tuzla Canton - Official Gazette 7/97, 3/99, 13/99, 10/00, 14/02 and 6/04;
2. Law on Internal Affairs of Tuzla Canton - Official Gazette 6/97, 1/98, 2/98, 5/02, 9/02, 16/02, 5/03 and 12/03;
3. Law on Ministries and Other Administrative Bodies of the Tuzla Canton – Official Gazette 17/00, 3/01 and 12/03;
4. Law on Minor Offences - Official Gazette 4/98 and 13/01;
5. Law on Public Peace and Order - Official Gazette 9/01 and 11/01.

ZENICA - DOBOJ CANTON:

1. Constitution of Zenica-Doboj Canton - Official Gazette FBiH 7/96 and Official Gazette ZDC 1/96 and 10/00;
2. Law on Internal Affairs of Zenica-Doboj Canton - Official Gazette 1/97, 2/98, 8/02, 10/02, 12/02, 13/02, 4/03, 8/03, 4/04 and 7/04;
3. Law on Cantonal Ministries and other administrative bodies – Official Gazette 16/00, 7/01, 8/01, 13/02 and 14/02;
4. Law on Cantonal Administration – Official Gazette 9/00;
5. Law on Minor Offences - Official Gazette 9/03;
6. Law on Public Peace and Order - Official Gazette 8/00 and 15/03.



BOSNIAN PODRINJE CANTON GORAZDE:

1. Constitution of Bosnian Podrinje Canton - Gorazde - Official Gazette, 3/97, 6/97, 6/98, 8/98 (consolidated text), 10/00, 5/03 and 8/04;
2. Law on Internal Affairs of Bosnian Podrinje Canton - Gorazde - Official Gazette 2/02, 8/02, 10/02, 1/03;
3. Law on Ministries and Other Administrative Bodies of the Cantonal Administration – Official Gazette 5/03 and 8/04;
4. Law on Administration – Official Gazette 5/03;
5. Law on Minor Offences - Official Gazette 4/97 and 10/97;
6. Law on Public Peace and Order - Official Gazette 10/00;
7. Law on Acquisition, Possession and Bearing of Weapons and Ammunition - Official Gazette 5/00;
8. Law on Public Gathering - Official Gazette 5/03.

CANTON SREDNJA BOSNA:

1. Constitution of Central Bosnia Canton - Official Gazette 1/97, 5/97, 6/97, 2/98, 8/98, 10/00, 8/03, 2/04 and 14/04;
2. Law on Internal Affairs of Central Bosnia Canton - Official Gazette 3/97, 8/02, 10/02, 17/02, 2/03;
3. Law on Cantonal Ministries and Other Administrative Bodies – Official Gazette 8/03;
4. Law on Cantonal Administration– Official Gazette 5/98, 10/01 and 15/01;
5. Law on Minor Offences - Official Gazette 6/97, 7/00, 10/02 and 10/04;
6. Law on Public Peace and Order - Official Gazette 7/00;
7. Law on Acquisition, Possession and Bearing of Weapons and Ammunition - Official Gazette 11/02;



8. Law on Public Gathering - Official Gazette 15/00;
9. Law on Traffic Safety - Official Gazette 6/99, 10/02.

HERCEGOVINA-NERETVA CANTON:

1. Constitution of Herzegovina-Neretva Canton - Official Gazette 2/98, 3/98, 4/00 and 1/04;
2. Law on Internal Affairs of Herzegovina–Neretva Canton - Official Gazette 2/98, 3/98 4/01, 2/02, 3/02, 4/02, 1/03);
3. Law on Cantonal Ministries – Official Gazette 4/98 and ;
4. Law on Minor Offences - Official Gazette 8/99 and 1/03;
5. Law on Public Peace and Order - Official Gazette 8/00;
6. Law on Acquisition, Possession and Bearing of Weapons and Ammunition - Official Gazette 3/00;
7. Law on Public Gathering - Official Gazette 4/00.

WEST HERZEGOVINA CANTON:

1. Constitution of West Herzegovina Canton - Official Gazette 1/96, 2/99, 14/00, 17/00 and 1/03;
2. Law on Internal Affairs of West Herzegovina Canton - Official Gazette 12/03, 1/04;
3. Law on Ministries and Other Administrative Bodies of the Cantonal Administration – Official Gazette 9/04;
4. Law on Minor Offences - Official Gazette 6/96, 5/97, 10/99 and 8/02;
5. Law on Public Peace and Order - Official Gazette 16/99;
6. Law on Public Gathering - Official Gazette 13/98;
7. Law on Weapons – Official Gazette 4/01;



8. Law on Traffic Safety - Official Gazette 9/99, 2/02 and 4/04.

CANTON SARAJEVO:

1. Constitution of Sarajevo Canton - Official Gazette 1/96, 2/96, 3/96, 16/97 and 14/00;
2. Law on Internal Affairs of Sarajevo Canton - Official Gazette 22/00, 15/02, 18/02, 28/02;
3. Law on Ministries of Canton Sarajevo – Official Gazette 4/01, 13/02 and 16/03;
4. Law on Cantonal Administration – Official Gazette 20/01;
5. Law on Minor Offences - Official Gazette 16/01, 27/01 and 4/02;
6. Law on Public Peace and Order - Official Gazette 9/99 and 16/02;
7. Law on Public Gathering - Official Gazette 17/01;
8. Law on Acquisition, Possession and Bearing of Weapons and Ammunition - Official Gazette 29/01, 16/02.

CANTON 10:

1. Constitution of Herzeg-Bosna Canton - Official Gazette 3/96 and 9/00;
2. Law on Internal Affairs of Herzeg-Bosna Canton 10 - Official Gazette 3/02, 5/02, 11/02, 6/03, 11/03;
3. Law on Administration – Official Gazette 4/98;
4. Law on Minor Offences - Official Gazette 2/97;
5. Law on Public Peace and Order - Official Gazette 13/98;
6. Law on Traffic Safety - Official Gazette 11/99.



BRCKO DISTRICT:

1. Statute of the Brcko District of Bosnia and Herzegovina (Official Gazette BiH 09/00, 23/00, Official Gazette RS 08/00, Official Gazette Brcko District 07/04);
2. Law on Police of Brcko District (Official Gazette Brcko District 2/00, 5/01, 2/02, 17/02, 6/03, 15/04);
3. Criminal Procedure Code of Brcko District (Official Gazette Brcko District 10/03);
4. Law on Public Peace and Order of Brcko District (Official Gazette Brcko District 2/02);
5. Law on Minor Offences - Official Gazette 8/00, 1/01 and 6/02;
6. Law on Traffic Safety of Brcko District (Official Gazette Brcko District: 3/02, 5/02, 15/04);
7. Law on Public Gathering of Brcko District (Official Gazette Brcko District No: 26/04);
8. Law on Executive Authority of the Brcko District (Official Gazette Brcko District 2/00, 5/01, 9/01, 12/01, 16/01, 17/02, 8/03, 14/03, 16/03)
Law on Weapons and Ammunition - Official Gazette Brcko District 17/02.



Appendices



Appendix 1

Decision Establishing the Police Restructuring Commission

05 July 2004

In the exercise of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on Civilian Implementation of the Peace Settlement; and considering in particular Article II.1(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under subparagraph (c) thereof) “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Recalling the Declaration of the Ministerial Meeting of the Steering Board of the Peace Implementation Council of 09 June 1998, in which the Steering Board stated, *inter alia*, that a multi-ethnic police is vital for providing a secure environment for returnees, displaced persons and all citizens;

Recalling further the Declaration of the Peace Implementation Council made at its main meeting in Madrid on 16 December 1998, in which the Peace Implementation Council, considered the establishment of the rule of law in Bosnia and Herzegovina, in which all citizens have confidence, as a prerequisite for a lasting peace and for a self-sustaining economy capable of attracting and retaining international and domestic investors;

Noting the Declaration in which the Peace Implementation Council of 24 May 2000, stated that “a democratically accountable police and independent judiciary are prerequisites for the Rule of Law and the full protection of human rights” and insisted that “the authorities complete the police restructuring process [...]”;

Noting further the Statement by the President of the Security Council made at the 4661st meeting of the Security Council, held on 12 December 2002, welcoming the decision of



the European Union to send a Police Mission to Bosnia and Herzegovina and inviting the European Union to keep it regularly informed as appropriate of the activities of such Mission, whilst reiterating that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves;

Recalling the European Union and Western Balkans Summit Declaration of Thessalonica made on 21 June 2003 whereby Bosnia and Herzegovina pledged full and unequivocal cooperation with the International Criminal Tribunal for the former Yugoslavia and recognized that providing justice for war crimes is a legal, political and moral imperative to which it was committed. Recalling further that Bosnia and Herzegovina also recognized in said declaration that organized crime constituted an obstacle to democratic stability, the rule of law, economic development and the development of civil society and that combating organized crime was a major priority;

Having regard to the Communiqué by which the Steering Board of the Peace Implementation Council of 11 December 2003, *inter alia*, expressed support for the OHR's priorities in 2004 and welcomed the High Representative's intention to focus on assisting the BiH authorities in ensuring the effective operation of State level institutions and welcomed the intention of the High Representative to focus on improving the effectiveness of the police in BiH, in close co-operation with EUPM.

Conscious that eventual visa free access for the citizens of Bosnia and Herzegovina to countries of the European Union is contingent upon, *inter alia*, the implementation of reforms in areas such as the strengthening of the rule of law, combating organized crime, corruption and illegal migration and strengthening administrative capacity in border control and security of documents;

Having regard further to the Report of the Commission of the European Communities of 18 November 2003 on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation and Association Agreement with the European Union in which it is stressed that, in order to fight crime, further reform and enhanced State-level enforcement capacity are needed in Bosnia and Herzegovina.

Taking into account the Communiqué by the Steering Board of the Peace Implementation Council of 1 April 2004, in which the Steering Board expressed its support for a restructuring of the BiH police, guided by the highest European standards and the need to ensure the financial sustainability of the police sector, welcoming the implementation of a functional review of the BiH police forces, and supporting the establishment of a Police Restructuring Commission.

Conscious that there is a need for depoliticized police forces that operate in accordance with the highest European standards;



Recalling the statement of the Chairman of the Council of Ministers of Bosnia and Herzegovina, made on 20 May 2004 by which he indicated that a serious restructuring of police forces in Bosnia and Herzegovina is necessary and urgent;

Further noting the Istanbul Summit Communiqué issued on 28 June 2004 by which the Heads of State and Government participating in the meeting of the North Atlantic Council expressed their concerns that Bosnia and Herzegovina has failed to live up to its obligation to cooperate fully with ICTY which constitutes a fundamental requirement for the country to join Partnership for Peace and look for systemic changes necessary to develop effective security and law enforcement structures.

Having considered, noted and borne in mind all the matters aforesaid, the High Representative hereby issues the following:

DECISION

Establishing the Police Restructuring Commission

Article 1

1. The Police Restructuring Commission of Bosnia and Herzegovina (hereinafter “the Commission”), which is hereby established, shall be responsible, as directed by the Chairman of the said Commission, for proposing a single structure of policing for Bosnia and Herzegovina under the overall political oversight of a ministry or ministries in the Council of Ministers.

2. The Commission shall, *inter alia*, undertake a review of policing in BiH and prepare, as appropriate, policies, legislation, amendments to constitutions, amendments to legislation and other legal acts as may hereafter be required to be enacted by the Parliamentary Assembly of Bosnia and Herzegovina, by the legislatures of the Federation of Bosnia and Herzegovina, Republika Srpska, the Brcko District and the Cantons respectively, as well as the BiH Council of Ministers, the governments of the Federation of Bosnia and Herzegovina, the Cantons, the Brcko District Government, and of Republika Srpska, in the fields hereinafter identified.

3. The Commission shall also be responsible for drafting such other regulations and administrative acts as it deems necessary in order to provide for implementation of such legislation.

Article 2

The Commission shall fulfil its mandate in accordance with the following principles:

1. Ensuring that policing in Bosnia and Herzegovina is structured in an efficient and effective manner;



2. Ensuring that the Institutions of Bosnia and Herzegovina are able to carry out fully and effectively their law enforcement responsibilities;
3. Ensuring that policing in Bosnia and Herzegovina is cost-effective and financially sustainable;
4. Ensuring that policing staffing levels and conditions in Bosnia and Herzegovina are in line with European best practice and cognizant of prevailing social factors;
5. Ensuring that policing in Bosnia and Herzegovina generally reflects the ethnic structure of the population of Bosnia and Herzegovina ;
6. Ensuring that policing in Bosnia and Herzegovina is adequately protected from improper political interference;
7. Ensuring that policing will be discharged in accordance with democratic values, international human rights standards and best European practices.
8. Ensuring that policing will be delivered through inclusive partnership with the community and civil society;
9. Ensuring that policing will be discharged within a clear framework of accountability to the law and the community;
10. Ensuring that the effective capacity to investigate war crimes is guaranteed throughout the entire territory of Bosnia and Herzegovina;
11. Ensuring the examinations of necessary linkages to broader justice system matters.
12. Ensuring that Bosnia and Herzegovina as a state can effectively participate as a partner with other EU states in common actions, planning and operations on internal affairs matters.

Article 3

1. The Commission shall be composed of twelve (12) members and seven (7) associate members.
2. There shall be a Chairman of the Commission and a Deputy Chairman of the Commission appointed by the High Representative.
3. In addition to the members referred to in Paragraph 2 of this Article, the Commission shall include the following members:



- a) The Minister of Security of BiH;
 - b) The Minister of Interior of the Federation of Bosnia and Herzegovina who shall also serve as representative of the FBiH Prime Minister;
 - c) The Minister of Interior of the Republika Srpska who shall also serve as the representative of the Prime Minister of the Republika Srpska;
 - d) Two (2) Ministers of Interior of Cantons of the Federation of Bosnia and Herzegovina;
 - e) A Mayor from the Federation of Bosnia and Herzegovina;
 - f) A Mayor from the Republika Srpska;
 - g) The Mayor of the Brcko District;
 - h) A representative of the Chairman of the Council of Ministers of Bosnia and Herzegovina;
 - i) The EUPM Commissioner.
4. The members referred to in item d) of Paragraph 3 of this Article shall be nominated by the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina within fifteen (15) days following the entry into force of this Decision and shall represent all cantonal Ministries of Interior.
5. The members referred to in item e) and f) of Paragraph 3 of this Article shall be nominated respectively by the Association of municipalities and cities of the Federation of Bosnia and Herzegovina and the Association of municipalities and cities of the Republika Srpska within fifteen (15) days following the entry into force of this Decision.
6. In addition to the members of the Commission referred to in this Article, the Commission shall be composed of the following associate members:
- a) The Chief Prosecutor of Bosnia and Herzegovina ;
 - b) The Director of the State Investigation and Protection Agency of Bosnia and Herzegovina;
 - c) The Director of the State Border Service of Bosnia and Herzegovina;
 - d) The Director of the Office for Co-operation with Interpol;
 - e) The Director of the Federation Administration of Police;
 - f) The Director of Police of the Republika Srpska;
 - g) A Cantonal Police Commissioner.
7. The associate member referred to in item g) of Paragraph 6 of this Article shall be nominated by all the FBiH Cantonal Police Commissioners within fifteen (15) days following the entry into force of this Decision.
8. Members other than those referred to in Paragraph 2 and item i) Paragraph 3 of this Article or Associate Members of the Commission or any person participating in the work of the Commission or working groups referred to in Article 6 of this Decision shall participate *ex officio* in the work of said Commission or working groups.



9. Members of the Commission or Associate Members of the Commission shall, at all times, ensure that they are present or represented by a representative entrusted with full powers of representation including the power to take decisions on their behalf at the Commission's sessions or at the sessions of the working groups referred to in Article 6 of this Decision.

10. The High Representative shall confirm the nominations to the Commission referred to in items d), e), f) and h) of Paragraph 3 and item g) of Paragraph 6 of this Article.

Article 4

The High Representative, after consultations with the Chairman, may appoint observers to the Commission, as he deems necessary for the fulfilment of the mandate of the Commission as provided for in this Decision.

Article 5

1. The Chairman shall be responsible for directing the work of the Commission. S/he shall prepare a schedule of work and working procedures, as well as call meetings of the Commission, which will usually be held in Sarajevo but may also be held as required at locations throughout Bosnia and Herzegovina .

2. The Chairman may call for experts to attend meetings of the Commission in order to provide relevant information, as s/he deems necessary for the fulfilment of the mandate of the Commission as provided for in this Decision.

3. The Chairman may request police agencies or other government bodies to provide information on operational, financial and administrative policies and resources deemed necessary to further the work of the Commission.

4. The Deputy Chairman will act as the Chairman in her/his absence.

Article 6

1. The Chairman may establish working groups as s/he deems necessary for the fulfilment of the mandate of the Commission as provided for in this Decision.

2. The Chairman shall appoint the Chairmen of said working groups.

Article 7

No quorum shall be required in order to hold a meeting of the Commission or the working groups established pursuant to Article 6 of this Decision.



Article 8

The Commission shall have such support staff and technical assistance as may hereinafter be determined.

Article 9

1. The Commission shall, by 31 December 2004, prepare a final report for the Chair of the Council of Ministers and the High Representative detailing the work of the Commission with recommendations on how to fulfil the mandate of the Commission in accordance with the principles referred to in Article 2 of this Decision. The High Representative may extend said deadline at the request of the Chairman.

2. The final report of the Commission shall include, as appropriate, proposals of amendments to the constitutions of Bosnia and Herzegovina and the Entities, the Statute of the Brcko District, proposals of State-level, Entity-level and Cantonal-level legislation as well as legislation of the Brcko District, proposals of amendments to legislation, proposals of agreements and memoranda of understanding and policy documents addressing all matters within the remit of the Commission.

Article 10

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina.

Sarajevo, 2 July 2004
Paddy Ashdown
High Representative



Appendix 2

THE RIGHT HONOURABLE
CHRISTOPHER PATTEN, CH
MEMBER OF THE EUROPEAN COMMISSION

B-1049 BRUSSELS
TEL. 02/298 12 00

D/2004/10181

16. x 12 2004

Jim Patten

I very much enjoyed meeting the BiH Police Restructuring Commission in Brussels on 28 October. I thought it might be helpful if I set out for the record some of what I said at that meeting, which may assist the Commission as it continues its deliberations.

The European Commission is, as I indicated at that meeting, taking a close interest in and strongly supporting the work of the Police Restructuring Commission (PRC). It is very important that the PRC should adopt recommendations which will rectify some of the serious systemic deficiencies that undermine policing in BiH today. The EU has a direct stake in this matter, because if BiH is not able to tackle crime effectively, that has a bearing on crime elsewhere in Europe, including within the EU. The studies of policing in BiH indicate that the current policing structure is not effective in combating those sorts of crime which are most prone to cross borders and spread throughout Europe. The EU also has an interest in making sure it has effective law enforcement partners in BiH with which it can deal – police counterparts at the state level, with broadly the same competences as their opposite numbers elsewhere in Europe. The current policing structure does not provide for this.

Mr Adnan Terzic, Prime Minister of Bosnia & Herzegovina



The BiH Police Restructuring Commission has been asked to propose a single structure for policing in BiH. This means that political oversight should be exercised by the Ministry of Security at the State level – not by a raft of intermediate bodies. It also means that all competences for law enforcement will need to be transferred to the State of BiH. It will be for the Police Restructuring Commission to advise what competencies should then be devolved to a sub-state level, on the basis of what works best from a law-enforcement perspective.

Competence for police legislation, and for police funding will, however, need to remain at the State level if this reform is to be effective.

In deciding on the size, shape and number of local policing areas within the new BiH Police Service, my strong advice, not least drawing on my own experience in chairing a police reform commission in Northern Ireland, is that you should do all you can to be guided by what makes most sense for effective policing, not by political considerations.

Let me make a more general political point; the PRC offers BiH a crucial opportunity to break out of political constraints and establish what will deliver the most effective policing for the community. In my experience, policing and politics mix badly. The more you can use this chance to get politics out of policing, the better. That, I am sure, is what citizens in BiH, like citizens everywhere, want to see.

So I very much hope that all those in the Police Restructuring Commission, and those to whom the Commission will report, will make the most of this opportunity for the sake of BiH: not just to make quantum leap forward in policing in BiH, but also to demonstrate that BiH really is determined to make the fundamental, systemic reforms needed for a steadily closer relationship with the European Union. The conclusions of the PRC will offer you a great chance to do that.

I am copying this letter to Messrs Barisa Colak, Minister of Security, Mladen Ivanic, Foreign Minister, Ahmet Hadzipasic, Prime Minister of the Federation of Bosnia & Herzegovina and Dragan Mikeravic, Prime Minister of Republica Srpska, Bosnia & Herzegovina.

Best wishes



Appendix 3



EUROPEAN UNION

Delegation of the European Commission to Bosnia and Herzegovina
Head of Delegation

Sarajevo, 13th December 2004
AHu/is(2004).6286

Note to Mr. Martens, President of the Police Restructuring Commission

The European Commission would like to reiterate that its position has been reflected in Commissioner's Patten's letter dated 16th November 2004. This letter clearly outlines the European Commission's prerequisites to ensure that some of the serious systemic deficiencies that undermine policing in BiH today be rectified.

The European Commission has set certain minimum requirements for the establishment of a single structure for policing in BiH, including all competence for police legislation and for police funding as well as political oversight exercised by the Ministry of Security. The European Commission has also stated that decisions regarding the size, shape and number of local police area's should be guided by what makes most sense for effective policing and not by political considerations.

The statement of certain members of the Commission that these requirements have not been defined does therefore not constitute an accurate presentation of the European Commission's position.

Michael B. HUMPHREYS
Ambassador



Appendix 4

Excerpt of Istanbul Summit Communiqué

**Issued by the Heads of State and Government
participating in the meeting of the North Atlantic Council
28 June 2004**

3. Today, we have...:

- agreed to conclude the Alliance's successful SFOR operation in Bosnia and Herzegovina, and welcomed the readiness of the European Union to deploy a new and distinct UN-mandated Chapter VII mission in the country, based on the Berlin+ arrangements agreed between our two organisations;

7. The security environment in the strategically important region of the Balkans is stable but remains fragile. The Alliance remains committed to peace and stability in the Balkans, and the territorial integrity and sovereignty of all the countries in the region. We will remain committed until peace and security are firmly established and the progressive integration of all Balkan countries into Euro-Atlantic structures is achieved. All the countries of the region must assume ownership of, and implement, pressing reforms. Closer cooperation in their own region will help to promote stability and prosperity. While welcoming improvement in cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), where it has occurred, we stress that all countries concerned must cooperate fully with the ICTY, in particular bringing to justice all those who are indicted by the Tribunal, notably Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina, in accordance with United Nations Security Council Resolutions 1503 and 1534.

8. As the security situation in Bosnia and Herzegovina has evolved positively, we have decided to conclude the Alliance's successful SFOR operation by the end of this year. We welcome the readiness of the European Union to deploy a new and distinct UN-mandated robust Chapter VII mission in the country, based on the Berlin+ arrangements agreed between our two organisations, and look forward to continued close cooperation. NATO's long-term political commitment to Bosnia and Herzegovina remains unchanged and the establishment of a NATO headquarters will constitute NATO's residual military presence in the country. NATO HQ Sarajevo, which has the principal task of providing advice on defence reform, will also undertake certain operational supporting tasks, such as counter-terrorism whilst ensuring force protection; supporting the ICTY, within means and capabilities, with regard to the detention of persons indicted for war crimes; and



intelligence sharing with the EU. The Dayton/Paris Accords remain in force as the basis for peace and stability in Bosnia and Herzegovina.

33. We look forward to welcoming Bosnia and Herzegovina and Serbia and Montenegro into the Partnership for Peace once they have met the established NATO conditions. We want them to succeed in joining the Euro-Atlantic partnership and will assist them in this endeavour. We are prepared to assist the countries by including them in selected PfP activities. Each country will be judged on its own merits on the road to PfP.

34. We welcome Bosnia and Herzegovina's significant progress in defence reform, a key condition for PfP membership. We urge continued progress towards achieving a single military force. We have agreed to designate a Contact Point Embassy in Sarajevo to increase understanding of NATO. We are concerned that Bosnia and Herzegovina, particularly obstructionist elements in the Republika Srpska entity, has failed to live up to its obligation to cooperate fully with ICTY, including the arrest and transfer to the jurisdiction of the Tribunal of war crimes indictees, a fundamental requirement for the country to join PfP. We also look for systemic changes necessary to develop effective security and law enforcement structures.



Appendix 5.1

PIC Main Meeting

Declaration of the Peace Implementation Council 24 May 2000

We, the members of the Peace Implementation Council (PIC) and the leaders of Bosnia and Herzegovina (BiH), met in Brussels on 23/24 May 2000, to review progress in the implementation of the General Framework Agreement for Peace (GFAP) in BiH and to set priorities for a new accelerated phase of peace implementation. We reconfirm our strong commitment to the GFAP as the basis of freedom and democracy in BiH. The Council underscores that much has been accomplished and the building of the State of BiH has begun:

- The security situation has stabilised
- Major reconstruction is completed
- The return of refugees and displaced persons is accelerating
- The Brcko District is established
- Political pluralism as reflected in successive elections is gaining strength

These achievements are largely the result of intensive international efforts. The Council expresses its dissatisfaction with the slow pace of domestic peace implementation since its Madrid meeting in 1998. The responsibility for this insufficient progress lies squarely with obstructionist political parties and their allies, both within and outside of BiH. Narrow nationalistic and sectarian political interests have impeded everything from refugee returns to economic reform to the functioning of government institutions. The Council urges the High Representative to use his authority in accordance with his mandate to ensure full and accelerated implementation in all sectors of civilian implementation, including removing obstacles that stand in the way of economic reform. We agreed on future steps to accelerate implementation of the GFAP in the period up to the next scheduled BiH presidential elections in 2002. We will focus on three key strategic areas:

- Deepening economic reform and creating the conditions for self-sustaining market-driven economic growth to avoid an economic crisis as BiH makes the transition from a donor dependent economy.
- Accelerating return of displaced persons and refugees with a particular emphasis on enabling citizens to exercise their property rights.
- Fostering functional and democratically accountable common institutions supported by an effective, merit-based civil service and a sound financial basis, based on the Rule of Law.



Since we last met, the Stability Pact and the EU's Stabilisation and Association Process have been established. The Council reaffirms its commitment to BiH integration into European structures and expects the officials and citizens of BiH to show the same commitment. As such the Council expects the authorities in BiH to meet the conditions set by the Council of Europe and by the EU for the Stabilisation and Association Process in its Road-map, including the adoption of an Election Law, and to play an active role in the Stability Pact. In this respect, the Council notes the importance of BiH's place within Euro-Atlantic structures.

The Council states its readiness to continue to assist BiH in this period through both a civilian and military presence. We welcome the continuing contribution of SFOR, including the Multinational Specialised Unit, to security and stability in BiH through, in particular, support for the return of displaced persons and refugees, support in combating corruption and organised crime and support to ICTY. The Council believes that SFOR's current degree of active engagement is essential to successful peace implementation.

We expect all authorities in BiH and relevant countries to co-operate with the ICTY fully and unambiguously in order to bring to justice all political or military leaders indicted for war crimes be they still holding office or not as well as all other indictees.

The Council notes the encouraging regional developments, in particular the election of a new government in Croatia committed to full implementation of the GFAP and regional co-operation. We expect the citizens of BiH to build on this, to continue to vote and work for changes, and step by step assume full ownership of their country's future. BiH must now do more for itself by itself.

1. Economic Reform

This year marks the end of the large-scale, post-war reconstruction period. BiH has been one of the most highly assisted countries in the world. The people of BiH are now in a decisive phase for accomplishing the reforms essential to long term self-sustaining stability. Major internationally financed reconstruction has taken place in the infrastructure sector, and has driven economic growth. As this assistance will decline significantly over the coming years, the economy of BiH faces the challenge of realising self-sustaining growth. In order to achieve this objective, the BiH authorities must accelerate substantially the pace of structural economic reforms in support of private sector led development. The Council urges donors to continue to condition their assistance upon the implementation of concrete and specific reforms.

The following economic reforms are critical:

- **Creating a single economic space:** BiH cannot afford a divided economic landscape. We call on the BiH authorities to enforce the constitutional provisions



for an internal market and to maximise economic coordination between the State and the Entities and between the Entities. To increase efficiency and economies of scale, there should be a harmonised, country-wide approach in a number of areas, including: taxes, competition, public procurement, financial services, standards and regulations, banking, public utilities, electric power, telecommunications and transport/railways. The reform of the customs system must continue. These steps are preconditions for BiH's integration into Europe. These reforms should become building blocks for a single economic space; all international community policies should support these reforms.

- The Council accordingly calls on the High Representative to ensure rapid development of State-level regulatory mechanisms for telecommunications, energy, transport, and media and to ensure that there are no duplicative or conflicting regulatory competences at any level of government. Establishment of a functioning State Treasury during this year is essential to strengthen the financial basis of the State institutions. The Council calls on the State authorities, in consultation with the High Representative, to identify and establish adequate domestic funding sources for the State budget.

- **Enabling private sector growth:** To succeed economically and attract private capital to sustain growth, BiH needs an attractive business environment. Barriers to investment such as discriminatory utility fees, lack of clarity on land titles and cumbersome tax systems must be rapidly removed and the basic legal structures of a modern market economy instituted. The Council urges BiH authorities to remove promptly the barriers obstructing the development of the private sector and to establish simplified procedures for foreign and domestic investors. The Council urges the authorities to proceed with broad-based reform of the taxation and customs systems, labour legislation, the social security system, the banking system, the unaffordable military structures and the unsustainable governmental bureaucracy at all levels. The Council calls for adherence to the current timetable to dismantle the payment bureaux system completely by December 2000. The Council strongly supports immediate reform in the area of public utilities, with an emphasis on telecommunications and energy. It urges BiH to develop its digital and Internet technology capacities crucial for economic growth. It calls for the separation of economic and political powers through liberalisation and privatisation.

- **Privatisation:** A substantial number of publicly owned enterprises must be privatised expeditiously, and the process of privatisation must be seen to be transparent and in the interest of the citizens of BiH. The Council encourages greater emphasis be placed on tender privatisation that encourages the injection of new management and capital. Direct intervention by the High Representative may be necessary in strategic industries and in cases where the privatisation process is suspect. The Council welcomes the involvement of international experts, as necessary, to ensure that the privatisation process moves forward quickly and in the interest of the people of BiH. The OHR, via the Economic Task Force, will ensure co-ordination and monitoring of the privatisation process, in particular,



through the International Advisory Group on Privatisation, and report to the Steering Board.

- **Fight against corruption:** The Council remains deeply concerned over ingrained corruption in BiH which undermines democratic governance, wastes public resources and hinders the development of the market economy. The OHR comprehensive Anti-corruption Strategy is the solid basis for the fight against corruption. All public officials are expected to give their active and unreserved support to this Strategy and to the institutions which are implementing it. The Council urges measures for improved transparency in public budgets and institutional capacity-building required to end the systemic nature of corruption. The Council endorses the joint initiative of all parties represented in the BiH House of Representatives aimed at introducing a draft law on party financing without delay. We urge competent BiH authorities to regulate party financing and conflict of interests through legislation.

A self-sustainable market-orientated economy cannot be built in an environment where the principles of economic logic are overruled by the objectives of maintaining political control. Vestiges of the old economic system exemplified by the payment bureaux and the politically motivated allocation of real estate and other economic resources, must be eliminated.

During this crucial period of economic reform, co-ordination among the various international donors and agencies is especially important. The Council urges the BiH authorities to closely collaborate with the International Financial Institutions and other donors in the design and implementation of economic reforms. International Financial Institutions are encouraged to unequivocally apply conditionality. The Council recognises the crucial role that the High Representative plays in co-ordinating the international donor community's efforts for BiH and it supports the High Representative in the use of his mandate to remove obstacles that choke economic growth and deprive the citizens of jobs and a fruitful economic life.

2. The Return of Displaced Persons and Refugees

The return of refugees and displaced persons remains a real test of commitment to the peace process. The Council notes that significant progress has been made recently, particularly in rural areas. However, the clear will of citizens to return to their pre-war homes has not been matched by authorities at all levels, many of whom continue to lack the necessary political will and even obstruct returns because of their personal vested interest. The slow progress in urban return reflects unwillingness by all sides to implement property legislation and to enforce the legal rights of all citizens. Those continuing cases of occupation of contested properties by Bosnians prominent in public life are totally unacceptable; the Council urges the High Representative to take appropriate action against such individuals.



The Council endorses the four pillars of the Reconstruction and Return Task Force (RRTF) program to accelerate the pace of return and welcomes the proactive engagement of the High Representative in support of it.

- Combining the Property Legislation Implementation Plan (PLIP), which began with the harmonisation of property legislation in the two Entities with a vigorous drive by OHR, OSCE, UNHCR and UNMIBH to ensure respect for and understanding of individual rights to return and the establishment of the Rule of Law.
- Targeting increased efforts on housing reconstruction and infrastructure assistance, including low-cost self-help schemes, to breakthrough areas in support of both spontaneous and organised return movements.
- Increasing returns between BiH and Croatia using all appropriate mechanisms, including the Stability Pact.
- Facilitating sustainable return through the careful targeting of appropriate donor activities, inter alia in fostering economic, educational and labour market opportunities for returnees and renewing efforts in demining.

In addition, the Council insists that the BiH authorities accept their personal responsibilities for accelerating the return process and welcomes the progress made by the RRTF in this regard.

The Council also welcomes the work done by OHR, UNHCR, CRPC and others on the reform of the property market in BiH. It urges all concerned to develop a detailed implementation plan for a real estate market, in the interest of all citizens of BiH and as a core requirement of a market economy.

3. Fostering and Consolidating Institutions

Effectively functioning State institutions are a prerequisite for a modern European State and for progress towards BiH's entry into European and Euro-Atlantic structures. Ensuring that BiH has such institutions remains a key strategic priority for the Council. Many public institutions at all levels, but in particular State institutions, continue to fail the citizens of BiH, due to lack of political will on the part of the ruling political parties and the continued existence of parallel institutions. The Council supports the High Representative's efforts to ensure that State institutions are empowered, efficient and adequately financed through dedicated revenue sources. State institutions need their own independent funding. The Council requests the donor community to funnel its assistance to BiH directly through State institutions. The Presidency and the Parliamentary Assembly must re-establish the Council of Ministers and assure adequate funding for State-level ministries.



We expect State institutions to adopt and implement the State Laws included in the work program for 1999-2000 approved by the Council of Ministers. We welcome the self-committing decision by the Presidency supported by the House of Representatives on the "Program of Measures and Activities for the Implementation of Reforms in BiH". For the implementation of both programs substantial progress on the establishment of a professional civil service is urgently needed.

A democratically accountable police and independent judiciary are prerequisites for the Rule of Law and the full protection of human rights. The Council notes with displeasure the limited progress in judicial reform. Officials have sought to sustain their power bases rather than empowering citizens. The Rule of Law, not the rule of men, must govern citizens' relations with the State.

We call for a truly independent and impartial judiciary that will ensure the Rule of Law in all criminal, civil and commercial matters. In this context the Council considers the strengthening of the Constitutional Court and the establishment of a State court to be major priorities. The Council notes the continued need for an international oversight institution for judicial reform pending OHR's solution of the Judicial Reform programme and supports the continuing efforts of the High Representative to lead the Judicial Reform effort and co-ordinate the efforts of the international community on this issue.

We expect Entity institutions to implement legislation to remove all political influence from the judicial branch and ensure merit based appointments to the judiciary, to establish judicial training institutes and ensure adequate funding, and greater budgetary independence, of the judiciary.

The Council notes its dissatisfaction with the failure of the BiH Parliamentary Assembly to adopt the Law on the Border Service, which had to be brought into force by the High Representative. We expect the Law to be adopted and the State Border Service established in full. The Council requests the authorities in co-ordination with UNMIBH to accelerate deployment of the State Border Service. The Council insists that the authorities complete the police restructuring process with the assistance of the UN IPTF without delay. The Council expresses its appreciation for the work done by UN IPTF.

The Council reaffirms its support for the Annex 6 and 7 institutions of the GFAP and expects the authorities in BiH to provide increased support for these institutions and implement in full their decisions and recommendations. We support the continued operation of these institutions, following the expiry of the transitional period in December 2000. The Council endorses the April 2000 Venice Commission recommendations on the merger of the Human Rights Chamber with the Constitutional Court of BiH in due course. This merger should take place following both BiH ratification of the European Convention on Human Rights and the adoption of BiH legislation on the merger. The Council calls upon the High Representative to co-ordinate implementation of these recommendations with BiH authorities.



Effectively functioning institutions alone are not enough. The citizens and officials of BiH must begin to take ownership of their future. The citizens of BiH themselves must insist on transparency and the accountability of their elected officials. Limited progress has been made in reducing the climate of fear which citizens have felt in their relations with government. Civil society built on an active citizenry lies at the heart of BiH's future as a democratic and prosperous State.

The Council endorses the decision to hold general elections in BiH on 11 November 2000. The Council notes its dissatisfaction with the failure of the BiH authorities to adopt an Election Law. Owing to this failure, these elections will be conducted and supervised by the OSCE. We request the High Representative and the OSCE Head of Mission to ensure that all parties, candidates and officials are in full conformity with provisions of the Peace Agreement and OSCE rules and regulations. No candidate will be permitted to stand for office who is not in full compliance with the GFAP and all OSCE rules and regulations. In this regard, the Council requests OSCE to incorporate the provisions of the draft Election Law, including open lists, multi-member constituencies and preferential voting, in the "provisional rules and regulations" as the basis for the conduct of the general elections. BiH authorities must adopt and implement an Election Law consistent with the standards laid out in previous PIC declarations.

Citizens must be well informed to be active participants in shaping their country. A public service broadcasting sector with strong and viable private competitors will help to ensure the public's right to know and stimulate vigorous public debate and a culture where public opinion serves as a check and balance on institutions. The regulatory role of an evolving Independent Media Commission under international supervision remains an essential tool to check the continued attempts by political elements to control the broadcast media. The Council deplors any and all attempts to intimidate representatives of the independent media and insists that they be given the ability to operate freely throughout BiH.

BiH now must think about its place in wider European security. If the BiH authorities are to make progress towards their objective of Euro-Atlantic integration, there must be fundamental changes, the current high levels of defence spending cannot be sustained. BiH needs to have armed forces with a unified command and control capable of joint deployment and action under international and regional security organisations. The Council urges BiH authorities to put intelligence services under democratic control and to consolidate them.

We urge the authorities of BiH to develop the Standing Committee on Military Matters (SCMM) into a State defence structure. The SCMM should develop and oversee a common security policy for BiH. It should co-operate with the international community in implementing fundamental force restructuring by both Entities with the aim of creating transparent defence budgets, and sustainable and affordable force structures consistent



with the long term security needs of BiH. SFOR, in co-ordination with the international community, will provide advice and guidance on the restructuring of the Entity armed forces. We welcome the commitment of the authorities to further reduce military expenditure by 15% in 2000, to include budget, personnel, equipment and structure. Further steps thereafter should be co-ordinated by the SCMM consistent with regional needs. The Council applauds the recent agreement between Croatia and the Federation to channel reduced military assistance through the SCMM. The Council expects the SCMM and all external donors to ensure transparency of external military assistance to the Entity armed forces. In the framework of providing overall security the Council expresses particular appreciation for the work accomplished by the Multinational Specialised Unit (MSU).

We commend the High Representative for his continued efforts to streamline co-ordination of the international community in BiH and accelerate peace implementation for the good of the citizens of BiH. The Council calls on its members to meet their financial and human resource commitments as agreed.

The State authorities of BiH shall report to the Steering Board every six months on the implementation of the programme set out in this Declaration and Annex. The first report will be made to the Steering Board on 1 October 2000.

We welcome the Parties' affirmation of their commitment fully to implement the programme set out in this Declaration and Annex.



Appendix 5.2

Communiqué by the PIC Steering Board Political Directors 11 December 2003

1. The Political Directors of the Peace Implementation Council (PIC) met in Brussels on 11 December under the chairmanship of the High Representative, Paddy Ashdown. Representatives of the BiH authorities, led by Chairman of the Council of Ministers Adnan Terzic, Treasury Minister Ljerka Maric, and Entity Prime Ministers Ahmed Hadzipasic, and Dragan Mikerevic, attended part of the meeting.

Euro-Atlantic Integration

2. The PIC Steering Board noted the outcome of the EC's Feasibility Study and the 4 December NATO Ministerial meeting, which set out clearly the steps BiH needs to take in order to be in a position to meet both its aims of starting negotiations on a Stabilisation and Association Agreement and joining the Alliance's Partnership for Peace. The PIC Steering Board underlined that it was for the BiH authorities themselves to take the actions required, and that this should commence without delay and should form the major part of their core reform efforts in 2004. The Steering Board emphasised that a positive final decision by the Commission is by no means a foregone conclusion. It underlined the scale of the task at hand, and urged the BiH authorities to tackle this with vigour and determination. It pledged its full support to them in doing so. The responsibility for a successful outcome in both processes lies completely in Bosnia and Herzegovina's hands.

3. The Steering Board welcomed the commitments of Prime Minister Terzic and the BiH authorities to make significant and rapid progress on the 16 areas identified as priorities for action in the EC's Feasibility Study by summer 2004. It reminded the BiH authorities to be fully aware of the necessity of implementing these commitments in a satisfactory way and on time, in order to favour a positive assessment of the study.

The Economy

4. Principal Deputy High Representative Donald Hays briefed the Political Directors on the consensus reached during discussions on Wednesday among PIC economic experts, the international financial institutions and aid agencies, the OHR and the BiH authorities on the current state of the BiH economy and the reforms that are needed to kick-start self-sustaining economic growth.

BiH Authorities' Work Plan

5. Prime Minister Terzic briefed the Steering Board on progress that has been made in implementing the agenda for reforming BiH's public administration. The three prime



ministers agreed on a public-administration reform agenda on 28 March 2003. Secretary-General of the Standing Committee on Military Matters Enes Becirbasic briefed the Steering Board on the BiH authorities' strategy for implementing Defence reform.

6. The PIC commended the BiH authorities on the progress made in implementing the Mrakovica Action Plan approved in July.. The PIC noted that the successful process of drafting and approving the medium-term Development Strategy (PRSP) reflects a pragmatic approach by the BiH authorities on which further progress can be built. The PIC urged the BiH authorities to implement the PRSP measures and reforms without delay, concentrating particularly on key priorities needed to meet the requirements identified in the EC Feasibility Study and the structural reform process.

7. A new capacity for consensus has also been evident in other priority policy areas during 2003. The Steering Board welcomed the progress to date on defence and, up to a certain point, indirect tax reform. It regretted the delays in implementing intelligence reform, however, and stressed the need to press ahead with this urgently. It also expressed concern about delays in indirect tax reform.

8. The PIC welcomed the fact that the reform agenda was increasingly being carried out through the domestic legislative process, rather than through impositions by the High Representative and often by means of innovative constitutional change, which has, for the first time, used Dayton to transfer new competencies to the State level.

ITA

9. The Steering Board expressed concern that the Indirect Tax reform, hitherto an example of progress, was now considerably behind schedule, and urged the BiH authorities to make progress by the end of December in harmonizing the Law on the Indirect Taxation System, which has been passed by both assemblies of the BiH parliament in different versions, and to ensure that it is finally passed and gazetted in a form that meets the requirement for EC funding. Once this is done the respective governments should urgently appoint members of the Governing Board, and take necessary steps including reorganizing the customs administrations and making the necessary preparations for the earliest possible introduction of VAT.

Defence Reform

10. The Steering Board warmly welcomed the passage of almost all of the Defence Reform Commission's legislative recommendations, opening up the prospect for BiH to be considered for membership of NATO's Partnership for Peace. It noted that NATO had urged BiH to regard the Istanbul Summit in June 2004 as a realistic target for the country to join PfP, subject to BiH meeting the established conditions for membership by then. The Steering Board urged the BiH authorities to make rapid progress on all outstanding membership conditions. In addition to full cooperation with the ICTY, the Steering Board



emphasised in particular the passage of the remaining defence-related legislation, transferring competencies from the Standing Committee on Military Matters Secretariat to the new Ministry of Defence, and the earliest appointment of the Minister of Defence and the two deputy Ministers of Defence, the Chief of the Joint Staff and the two deputy Chiefs, and the Commander, Operational Command and two deputy Commanders.

11. In order to oversee the implementation of the DRC's recommendations in time for the Istanbul Summit and to further enhance the coordination of the IC's support for Defence reform, the Steering Board welcomed and expressed its broad support for the proposal put forward by DRC Chairman James Locher to expand and refocus the DRC's mandate. The Steering Board acknowledged with gratitude the essential support provided by a number of bodies, especially the OSCE, in defence reform, including the OSCE's refocused and strengthened role in the next phase, as outlined by the DRC Chairman. The Steering Board asked Mr Locher to continue discussions with the BiH authorities with a view to the High Representative extending and adjusting the DRC's mandate accordingly.

Intelligence Reform

12. In sharp contrast to the progress cited above, the Steering Board noted the CoM's dilatory approach to the Law on the Intelligence and Security Agency. This is of particular concern. BiH needs a modern and professional intelligence service. This is urgent in the face of the global threat from terrorism. It matters too in the context of BiH's aspirations to develop much closer relations with, and one day to join, NATO and the European Union. The Steering Board gave its full support to the High Representative's announcement of a 15-December deadline by which the CoM must adopt the Law and send it to Parliament, for enactment by the end of February, and make the Intelligence Agency operational by 1 March 2004. To make technical preparations ahead of the Law's adoption the Steering Board supported the idea of the CoM appointing an ad hoc Intelligence Reform Working Group, to assist Ambassador Kalman Kocsis.

Mostar

13. Senior Deputy High Representative Werner Wnendt briefed the Steering Board on the progress that has been made by the Mostar Commission since it was launched by the High Representative on 17 September. Agreement has been reached on a broad range of fundamental issues, making it possible for Commission Chairman Norbert Winterstein to make clear recommendations for an administrative solution that will provide the citizens of Mostar with a permanent framework in which to rebuild their city and secure their livelihoods. Mr Winterstein's report will be published on 15 December.

14. The Steering Board commended Mr Winterstein and the members of the Commission for the substantial progress they have made in formulating a viable and



equitable solution in order finally to resolve a problem that has cast a major political and economic shadow over the postwar recovery of BiH as a whole. The Steering Board will give its full support to the implementation of a solution to the issue of Mostar based on a single coherent city administration with effective guaranteed power-sharing mechanisms which prevent any one people having majority control of the City Council. The Steering Board will act to ensure that implementation of the plan in the coming months has the necessary political and economic support.

Rule of Law

15. Senior Deputy High Representative Bernard Fassier briefed the Steering Board on the development of the war crimes project implementation. Steering Board and other EU member states, EU accession countries and Switzerland and Norway were invited to a donors' conference organised by OHR and hosted by ICTY in The Hague on 30 October. At this conference 16.1 million Euros was pledged for the first two years of the project. The inaugural session of the Joint-Executive Board of the multi-agency implementation task force (established by OHR at the request of the Steering Board) was held on 5 December. The 10 multi-agency working groups started their work at the same time. The next round of working-group and JEB meetings is scheduled for mid-January 2004.

16. Ambassador Fassier also briefed the meeting on the process of establishing a single High Judicial and Prosecutorial Council, supported by the PIC members, OSCE and CoE. A draft agreement has been prepared. This has been approved by the FBiH House of Representatives and is expected to be approved by the House of Peoples soon. It has yet to be debated by the RSNA. This is an EC Feasibility Study requirement, and must be enacted in time for the BiH Parliament to adopt the Law on a Single HJPC early next year, so that a single HJPC can be established by 1 April 2004. This is essential, since the mandate of the IJC and the current three HJPCs expires at the end of March 2004.

17. The Steering Board agreed to continue to explore possible options to establish a civil asset forfeiture procedure. It was agreed to assess the practicalities of such a regime as part of establishing the State Court and State Prosecutor's Office.

18. The Steering Board endorsed the Rule of Law Pillar's strategy on implementing the project on war-crimes trials and on establishing a single High Judicial and Prosecutorial Council at the BiH State-level.

19. The Steering Board called for progress by the end of December on the State Information and Protection Agency (including identification of permanent viable premises for the agency, and adoption by the CoM of the new package of legislation regulating a strengthened agency with police powers).



20. The Steering Board expressed support for the OHR's priorities in 2004, and agreed in principle to its revised Mission Implementation Plan. The Steering Board welcomed the High Representative's intention to focus on assisting the BiH authorities in ensuring the effective operation of State level institutions, including SIPA, and the new Ministries established under the Council of Ministers Law. It also welcomed the intention to focus on improving the effectiveness of the police in BiH, in close co-operation with EUPM.

21. The PIC Steering Board welcomed the High Representative's agreement to extend his term of office until May 2005, and warmly endorsed this. The PIC Steering Board noted and strongly supported the High Representative's determination to support the reform agenda, with the aim of steadily drawing down the OHR's activities and moving resolutely towards the point at which BiH is a fully viable state, irreversibly on course for Euro-Atlantic integration.

22. The next meeting of the PIC Steering Board will take place on Thursday 1 April 2004 in Brussels



Appendix 5.3

Communiqué by the PIC Steering Board Political Directors April 01 2004

Executive Summary

The Steering Board of the PIC reached four key conclusions at their meeting in Sarajevo on 31 March – 1 April:

While progress has been made, including the successful passage of ITA and Intelligence legislation, the establishment of a State-level Ministry of Defence the assumption of competencies by the State to create a single BiH High Judicial and Prosecutorial Council, and some progress shown by the authorities in fulfilling the recommendations set out in the EC Feasibility Study, the BiH authorities will have to accelerate significantly the pace of reform if they are not to undermine this country's ambitions to join Euro-Atlantic structures.

Establishing the Indirect Taxation Authority is the most important economic reform currently underway in BiH because of its importance for European integration, tackling organised crime and the proper financing of services for citizens. Yet implementation is behind schedule, and without a significant change of approach, BiH will miss the opportunity of introducing VAT in mid 2005.

The current inability to finance effectively BiH's growing responsibilities at the State level threatens BiH's future as a functional and viable state. Further elimination of duplication of functions at lower levels of government will be necessary.

The BiH authorities are putting this country's future at risk if they fail to cooperate fully with the ICTY. BiH will not have fulfilled its international obligations until it has taken all possible measures to transfer indictees, including Radovan Karadzic, to The Hague. The Steering Board viewed the SFOR action which took place on the morning of 1 April in this context. The Steering Board expressed sincere regret that civilians were injured in last night's operation.

Communiqué by the PIC Steering Board

The Political Directors of the Peace Implementation Council met in Sarajevo on 31 March and 1 April under the chairmanship of the High Representative, Paddy Ashdown. Representatives of the BiH authorities, led by Chairman of the Council of Ministers Adnan Terzic, participated in part of the meeting.



The Steering Board noted with satisfaction that progress has been made on a number of key reforms. The Law on the Indirect Taxation Authority and the Intelligence Law have been adopted by the BiH Parliament, creating major new State-level institutions with significant competencies. A State-level-Ministry of Defence is in the process of being established. In addition, competencies have been assumed by the State enabling the creation of a single BiH-wide High Judicial and Prosecutorial Council, and the process of establishing a unified and efficient Mostar city administration is now underway and, so far, on track.

However, despite these successes, implementation of core reforms is being delayed and in some cases jeopardized by the politics of the governing parties. This may undermine BiH's chances of gaining membership in Partnership for Peace (PfP), and could limit the ability of the European Commission to recommend in 2004 the opening of negotiations on a Stabilisation and Association Agreement. It also threatens to lose BiH more than 100 million KM in assistance from international financial institutions.

The Steering Board underlined that if the governing parties are to prevent unnecessary skepticism among the International Community and the citizens of BiH about their ability to deliver reforms on schedule they will need to demonstrate, with deeds, that they can radically improve their performance.

Prime Minister Terzic assured the Steering Board that he and his Entity counterparts will do everything possible to ensure that lost ground is made up. The Steering Board welcomed the clear undertaking given by Prime Minister Terzic that he will drive forward the State Government Strengthening Plan, which is an essential element in the present effort to make State institutions – such as the Indirect Taxation Authority, the HJPC, SIPA, the SBS and the relevant state ministries – operate with administrative efficiency and financial security. The Steering Board expressed the International Community's commitment to support BiH's self-help effort. Prime Minister Terzic also mapped out the way in which he is going to address outstanding Feasibility Study issues as well as the ongoing ITA reform process. The Steering Board urged the BiH authorities to address the pressing need to downsize public administration at Entity level and below, appropriate to the strengthening of State institutions. Recalling the importance attached by the Feasibility Study to the reform of public administration, the Steering Board emphasized the need for BiH Governments at all levels to assume full ownership of the ongoing functional review of BiH public administration.

The Steering Board thanked Prime Minister Terzic for his commitment and noted that, in view of the crucial role to be played by the Indirect Taxation Authority it is imperative that the ITA becomes fully operational as soon as possible, with decisions on the regional structure and the revenue allocation mechanism, and the submission of VAT legislation to Parliament by the end of July 2004. It is important that the ITA continue to strive for a mid 2005 target date for the introduction of VAT. The introduction of VAT is essential if



BiH is to finance its growing obligations at the State level. Further elimination of duplication of resources at all levels of government will also be necessary.

The Steering Board also urged the Prime Minister to bring the draft public broadcasting legislation into line with the Agreement signed by the State and Entity Prime Ministers on 6 November 2003, and ensure its adoption in the Council of Ministers at the earliest possible opportunity.

While recognizing some successes of privatisation, such as the recent privatization of the Holiday Inn and progress with G1 companies, the Steering Board particularly identified the decidedly unsatisfactory pace of privatization as a policy failure on the part of the Entity governments, which have not rid the privatisation process of endemic administrative and legal shortcomings. Lack of political will is seen as a main obstacle to progress in this area. As a result, while privatization, improved corporate governance and corporate restructuring have proved an effective means of restructuring industry in other Transition Countries, privatisation has failed to serve this purpose in BiH. The Steering Board supports the donor community's expression of frustration with the slowness of the process. We urge the authorities to renew their commitment, redouble their efforts, and engage politically to sustain privatization in BiH.

The Steering Board noted the publication of the European Commission's annual Stabilisation and Association Report on BiH, and its European Partnership with BiH. Acknowledging the progress the country has made in addressing the 16 areas for priority action set out in the EC's Feasibility Study in November 2003, the Steering Board stressed that much still needs to be done, and much more quickly if the BiH authorities' own targets are not to be missed. It urged the BiH authorities to address without delay the areas of concern listed by the European Commission, and to act expeditiously on the European Partnership document.

The Steering Board applauded the adoption of the Law on the Intelligence and Security Agency and thanked Ambassador Kalman Kocsis for his contribution towards forming a modern and professional intelligence service which is regarded as a basic requirement of a modern European state. The Steering Board underlined the importance of implementing the Law, including establishing the Agency itself, the parliamentary oversight committee and the Council of Ministers' oversight office. In particular, the Steering Board reaffirmed its full support for, and its willingness to provide assistance to, Prime Minister Terzic in his task of establishing a single European-standard State Intelligence Service, and expressed its hope for the early appointment of the Agency's new management and the allocation of sufficient funds. It warned the BiH authorities that politicisation of operations or recruitment during the transitional period would not be tolerated and that the size of the Agency's staff would need to correspond to its tasks and needs.

The Steering Board welcomed the recent appointment of Nikola Radovanovic as the Minister of Defence, and noted with approval the early steps taken by Minister



Radovanovic. It underlined that the steps taken to implement the Defence Reform Commission's recommendations between now and June will be of fundamental importance to NATO's decision on whether to accept BiH's application to join PfP. In this context, the Steering Board warned that the impetus behind reform had to be strengthened and the issues that are hampering progress had to be overcome. Full cooperation with the ICTY is also a core requirement and the BiH authorities, in particular the RS, will have to show results in this field. So far they have not done so.

The Steering Board was briefed by SFOR Command about the action undertaken against a war crimes indictee in Pale early on the morning of 1 April. The Steering Board expressed sincere regret that civilians were injured in this operation.

The Steering Board recalled that full cooperation with the ICTY, including action to detain Karadzic, Mladic and Gotovina, is binding on all states, most recently set out in UN Security Council Resolutions 1503 and 1534 under Chapter VII of the Charter. The Steering Board viewed the SFOR action in support of the ICTY in this context. The Steering Board also noted the importance of this in connection with BiH's application to take part in PfP and called on all BiH leaders to take the necessary steps to achieve this. The Steering Board noted with concern continuing delay in the passage of the BiH Framework Law on Higher Education, which has belatedly entered parliamentary procedure after extended delay in the Council of Ministers. In this connection, it commends Prime Minister Terzic for his leadership in moving the law to Parliament for debate. The Steering Board recalls that 42 million dollars in World Bank funds will leave BiH unless the law is promptly passed, and that failure to do so threatens the viability and European vocation of all the universities in BiH. Finally, the Steering Board reaffirms its members' determination to provide tangible and adequate support for a reunited and inclusive Old Gymnasium in Mostar.

Following a presentation by EUPM Commissioner Kevin Carty, and with a view to strengthening the capacity to fight crime, the Steering Board expressed its support for a restructuring of the BiH police, guided by the highest European standards and the need to ensure the financial sustainability of the police sector. The Steering Board welcomes the implementation of a functional review of the BiH police forces, and supports the establishment of a Police Restructuring Commission.

The Steering Board congratulates the BiH Government for adopting a realistic plan to eliminate the country's internal debt and on their progress to date in implementing this strategy. This will remove a great financial burden from BiH, and it clears the way for stimulating greater domestic and foreign investment.

The Steering Board tasked the High Representative to engage with the BiH authorities in discussion to decide on the legal process aiming at establishing a Domestic War Crimes Registry, and fully to associate the donors with these discussions. The Registry should



manage and administer war crimes trials in BiH, with a view to having the first war crimes cases processed in January 2005.

The Steering Board tasked the OHR to analyze, in close cooperation with the local authorities and interested international organizations, the feasibility and organizational and financial implications of possible legislation at State and Entity level which would create a procedure whereby prosecutors could institute civil actions to seize, on behalf of the Governments, assets acquired as a result of criminal activities. These potential laws would not create new institutions in order to take such actions but would give the prosecutors at State and Entity level another tool to attack the network of organized crime and corruption in BiH and deprive criminals of the fruits of their wrongdoing.

The next meeting of the PIC Steering Board will take place in Sarajevo on 24/25 June.



Appendix 5.4

Communiqué by the PIC Steering Board Political Directors 3 December 2004

The Political Directors of the Peace Implementation Council Steering Board met in Sarajevo on 2 and 3 December under the Chairmanship of the High Representative, Paddy Ashdown. The BiH authorities, led by the Chairman of the Council of Ministers, Adnan Terzic, briefed the Political Directors on progress made since their last meeting, in September, in implementing BiH's broad reform agenda. The Chief Prosecutor of the International Criminal Tribunal for Former Yugoslavia, Carla del Ponte, briefed the Political Directors and the BiH authorities on BiH's cooperation with the ICTY and on the steps that must be taken in order to establish a domestic war crimes trial capability.

ICTY Cooperation & the Fight Against Crime

The Steering Board repeated its unequivocal position that continued unsatisfactory compliance by the BiH authorities, especially those in Republika Srpska, with the ICTY will bring progress on Euro-Atlantic integration to a halt. If a small group of individuals continues to hold the people of BiH back from their European future, further steps will be necessary.

The Steering Board called for urgent implementation of the systemic changes in security and law enforcement structures that were called for at the Istanbul Summit. The Steering Board reminded the BiH authorities that a positive outcome in police restructuring will require the establishment of a single policing structure in BiH and noted the European Commission view that this would require all legislative and budgetary competency vested at the State level and applied in functional areas based on technical policing criteria.

The Steering Board reiterated its full support for the work of national and international judges and prosecutors in BiH and called on the BiH authorities to show toughness and resolve in their efforts to tackle endemic corruption.

The Steering Board called on all countries to assist in the Rule of Law effort by deploying international judges and prosecutors. It also urged the authorities without further delay to adopt concrete measures consistent with the Council of the European Union's decision to freeze the funds and economic resources of people indicted by the ICTY for war crimes.

The efficient administration of justice, a core plank of BiH's postwar rehabilitation, depends on a properly functioning and appropriately remunerated judiciary. The Steering Board fully supports the urgent need to review judicial salaries in order to ensure the proper allocation of funds to enable the judicial system to work effectively.



The Steering Board welcomed the conclusion of the Srebrenica Commission's work and called upon the BiH authorities to build on the work of the Commission by establishing a national commission under BiH auspices to establish the truth about wartime events. The Steering Board expressed its appreciation for the contribution made by SDHR Bernard Fassier to the work of the Rule of Law Pillar and singled out his role in fostering the work of the Srebrenica Commission.

Defence Reform & Security

Defence Minister Nikola Radovanovic briefed the Steering Board on the progress that has been made in implementing reforms required before BiH can secure membership of NATO's Partnership for Peace programme.

The Steering Board supported the extension of the mandate of the Defence Reform Commission to the end of 2005, under the co-chairmanship of Minister Radovanovic and Dr Raffi Gregorian, and under the operational responsibility of NATO HQ in Sarajevo. This extension should take place in the context of a systematic transfer of responsibilities from the DRC to the BiH Ministry of Defence, as the ministry becomes fully operational. In this regard, the Steering Board urged Minister Radovanovic to complete the staffing of the Defence Ministry as a matter of priority. The Steering Board further emphasized the need to build on the progress that has already been made, and called on the BiH authorities to enhance their efforts in providing the necessary tools for the State of BiH to exercise full and effective Command and Control of the Armed Forces of BiH through the operational and the administrative Chains of Command.

The Steering Board expressed its thanks to the outgoing DRC Chairman, Jim Locher for his indispensable contribution to BiH's defence reform programme. The substantial and sustained progress that has been made would not have been possible without his commitment and skillful advocacy.

The Steering Board noted with satisfaction that the High Representative's Military Advisor and Head of the OSCE's Department for Security Cooperation, General John Drewienkiewicz, will continue to be involved in assisting in the transition of the Defence Reform Commission to NATO leadership and supporting NATO's HQ in Sarajevo in the area of defence reform.

Meeting in the same week that SFOR transferred responsibility for the maintenance of a stable security environment in BiH to EUFOR on the basis of the UN Security Council resolution, the Steering Board thanked SFOR members past and present for their contribution to peace in BiH, which has resulted in a consistent improvement in BiH's overall security situation, allowing a reduction of international troop strength by almost 90 percent over a period of nine years. The Steering Board also viewed with satisfaction the robust operational capability afforded by the EUFOR mandate, a capability that will



inter alia allow EUFOR to maintain the safe and secure environment which prevails today and to support the BiH police authorities, in congruence with the EUPM, in tackling organized crime. The Steering Board expressed its confidence in a cooperative relationship between the BiH authorities, EUFOR and NATO HQ, and it welcomed the inaugural appearance of the BiH Ceremonial Unit and paid tribute to those contributing to it.

Economy

The Steering Board addressed – and urged the BiH authorities to address – the nature and severity of the fiscal challenge facing BiH. The responsibilities discharged by the BiH Government have expanded in line with the European integration process, which requires BiH to develop structures consistent with those in the rest of Europe. With this expansion of responsibility has come an expansion in budgetary requirements. It is imperative, against the backdrop of anticipated improvements in revenue gathering as a result of the customs merger process and the introduction of VAT, scheduled for 1 January 2006, that the authorities at all levels take steps to allocate funds more efficiently and more rationally, so that wasteful overlap of a sort that BiH simply cannot afford is finally eliminated. Consequently, the Steering Board urged all concerned to ensure the enactment of the VAT Law as proposed by the BiH Council of Ministers. The Steering Board welcomed the Prime Ministers' statement in Banja Luka this week committing themselves to introduce a single-rate VAT with zero rates limited to exports. This should be rapidly implemented for the benefit of economic and social development in BiH.

Prime Minister Terzic and Treasury Minister Ljerka Maric briefed the Steering Board on preparations for the introduction of VAT, on the process now underway, following parliamentary approval, to resolve BiH's internal debt crisis and begin repaying money the authorities owe to citizens, and on efforts to consolidate the budget structure.

Feasibility Study

Prime Minister Terzic also briefed the meeting on the progress that has been made by the BiH authorities in meeting the requirements laid down in the EC's Feasibility Study and especially on the steps taken by the government to implement the State Government Strengthening Plan.

The Steering Board welcomed the considerable achievements made by the BiH Council of Ministers in addressing the Feasibility Study priorities, and paid tribute to the Prime Minister's personal engagement. However, it also urged all concerned to resolve rapidly all outstanding Feasibility Study issues and in particular to ensure full implementation of reforms. Among the core causes of the government's inability to carry through the full range of its legislative commitments on time is the irregularity of meetings of the BiH Council of Ministers.



Mostar

The Steering Board reiterated the importance of further progress in the implementation of the new Statute of the City of Mostar.

The next meeting of the PIC Steering Board Political Directors will be in Brussels on 3 February 2005.



Appendix 5.5

Excerpt from the Address by Carla Del Ponte, Prosecutor of the International Criminal Tribunal For the Former Yugoslavia, to the United Nations Security Council

23 November 2004

(...)

Whereas most fugitives have found a safe haven in Serbia, there are still some residing in Bosnia and Herzegovina, or who travel regularly to that country. They continue to enjoy there the protection of powerful networks. The High Representative has taken energetic measures against these networks. These measures include the beginning of structural reform at the State and Entity level. But it remains the case that, nine years after Dayton, the authorities of Republika Srpska have not apprehended a single individual indicted by the ICTY. This raises fundamental questions both about the willingness of RS leaders to match their pledges to co-operate with the ICTY with firm action. It also now confirms, I believe, that there are fundamental systemic weaknesses built into the law enforcement and security structures in Bosnia and Herzegovina, and in particular the Republika Srpska. They must be tackled so that these structures finally help, not hinder the country in co-operating with the Tribunal. The Ministries of Defence and of the Interior of Republika Srpska cannot, by any reasonable standards, be judged to have helped in this regard. The report of the Srebrenica Commission imposed upon the Republika Srpska by the international community, once published, should help raise awareness about the genocide and the necessity to punish those responsible.

(...)



Appendix 5.6



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.11.2003
COM(2003) 692 final

REPORT FROM THE COMMISSION TO THE COUNCIL

**on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation
and Association Agreement with the European Union**



(...)

3.6 Justice and Home Affairs

With significant international input and support, BiH has begun to address the weaknesses of its various system(s) of justice and home affairs. For too long, ethnicity, geography and personal contacts were the major determinants of justice in a fractured legal system. Crime, both opportunist and organised, became widespread, and corruption put deep roots into the social, economic and political fabric of society. The full implementation of the **legal and judicial reforms** currently underway will determine whether BiH can establish rule of law and due process. The guarantee of a reliable and predictable legal space is a pre-condition for the operation of an effective SAA.

3.6.1 Reinforcement of institutions and rule of law

Under a SAA the contracting parties would attach particular importance to the consolidation of the rule of law and the reinforcement of institutions at all levels in the areas of administration in general and law enforcement and the machinery of justice in particular.

3.6.1.1 Police

Police forces in BiH are organised on a number of levels: there are 10 FBiH cantonal police forces, one Brcko, one FBiH and one RS police force, the SBS, the State Information and Protection Agency (SIPA), judicial police and financial police. Thus, in a country of under four million inhabitants, **police forces** consist of around 17,000 staff, costing around €180 million per year. Obviously, the complexity of the existing multiple police forces increases costs and complicates co-ordination and effectiveness. Police co-operation has improved (e.g. RS police co-operation in bringing an important trafficking case to the State Court was good), but numerous operational difficulties persist: police forces in one Entity have no right of "hot pursuit" into another; there is no central data base, different Entity forces use different information systems. Costs are high because of duplication in areas such as training and equipment. Financial and technical constraints limit crime fighting abilities.

In both Entities and Brcko District, police **reform is ongoing**. Since January 2003 an EU Police Mission (EUPM) has worked to establish and consolidate sustainable policing arrangements under BiH ownership in accordance with best European and international practice. The EUPM mentors, monitors and inspects with the aim of enhancing police managerial and operational capacities. The exercise of appropriate political control over the police is monitored. In operational terms, EUPM priorities are to develop an intelligence-led approach to fighting organised crime and to reinforce returnee security. As a result, BiH policing has improved: professionalism has increased, management capacity has grown and co-operation between police services and other enforcement



agencies (e.g. SBS and customs authorities) has developed. The creation in 2003 of a new State-level Ministry of Security is also welcome. Though still in its infancy, the ministry will have responsibility for State-level concerns such as border control and counter-terrorism (i.e. SBS, SIPA and Interpol). The ministry should facilitate inter-Entity co-operation; its full operational capacity must be quickly ensured.

However, to fight crime, **further reform and enhanced State-level enforcement capacity are needed.** Intelligence gathering needs to be improved, for example by quickly making SIPA fully operational. Also, BiH must now consider further restructuring and rationalising police services in order to enhance efficiency and improve crime fighting capabilities.

A reform leading to the creation of a State-level intelligence and security service is underway.

(...)

3.6.4 Preventing and combating crime, combating illegal trafficking and illicit drugs

BiH should develop a framework for co-operation aimed at fighting and preventing criminal and illegal activities, notably organised crime. BiH should devote particular attention to issues such as trafficking in human beings, illegal economic activities (i.a. corruption, illegal transactions, illicit arms trafficking and terrorism. BiH would also need to be able to cope with the health and social consequences of different forms of drug abuse, preventing the diversion of chemical precursors and introducing and / or reinforcing structures for combating illicit drug trafficking

BiH has begun to address crime in general and corruption in particular. Parliament passed a Law on Conflict of Interest within the institutions of government; the Civil Service Law details actions that could pose conflicts of interest and within the new Ministry of Security work has begun on drafting an anti-corruption strategy. The State Prosecutor's Office has begun work on a number of **high-level criminal cases**, bringing several to successful conviction. Also, the Special Panels in the State Court are about to begin work, including a trial of the biggest case in human trafficking BiH has yet seen.

The fight against crime will, however, be long because of a symbiotic relationship between crime, business and politics. **Corruption** has both seriously affected BiH's economic performance and brought its politics into disrepute. Recent examples include Hercegovacka Banka in FBiH which reportedly embezzled millions, and the electricity generating companies (Elektroprivreda) where audits revealed, particularly in RS, misappropriation, conflicts of interest and mismanagement on a grand scale.

Organised crime is a major problem. Smuggling of high-tariff goods such as cigarettes, alcohol, petroleum products is widespread. BiH figures put losses due to customs fraud



and smuggling at €150 - €300 million per year, roughly equivalent to the annual state budget. Drug traffickers have exploited BiH's (now less) porous borders, divided legal jurisdictions and weak customs controls. They have used BiH mainly as a country of transit to western Europe. Drug smuggling persists. The smuggling of migrants through BiH has diminished thanks to the work of the SBS. However, sophisticated **people trafficking** networks, dealing also in women for sexual exploitation, continue to push victims both to and through the country. In this connection, the 2003 US "Trafficking Persons Report" bracketed BiH among the worst offenders. Nevertheless, BiH subsequently avoided sanctions because, the US noted, it had taken "quick action to address problems". Symptomatically, however, as follow-up to the November 2002 London conference on organised crime, BiH presented two separate and apparently uncoordinated records of achievement by two different State ministries. The Ministry of Security co-ordinated the drafting of an action plan to deal with organised crime; the latter was adopted in October 2003.

Within BiH, **terrorism** has mostly been targeted at returnees or politically undesired minorities in particular regions. Probably, attacks on individuals or families are the result of localized grievances rather than co-ordinated actions. Also, the number of localised attacks has been declining. In terms of "international terrorism", there is evidence that some "charities" operating in BiH have had connections with terrorist organisations, but when identified they have been closed down. To date no attacks on international interests in BiH have been registered. Following the events of 11 September 2001 an anti-terrorism co-ordination team was established. It worked efficiently, but was not immediately re-established under the current Council of Ministers. BiH, like others, is challenged to see that the rights of terrorist suspects are respected.

In all areas related to justice and rule of law BiH is challenged to **improve inter-agency and inter-Entity co-ordination and co-operation**. Within BiH there is still no common information system either for the police or the judicial and prosecutorial systems. Since SIPA is not yet operational there is no formal agency at State level to process criminal information; intelligence sharing depends on the good will of the agencies involved. In issues of justice and home affairs, as in others, improved co-ordination within BiH is needed to act effectively and to make co-operation in a SAA context meaningful.

(...)

The European Commission has identified the following priorities for action in the course of 2004:

- *Comply with existing conditionality and international obligations* – Fully co-operate with ICTY, particularly on the part of RS, notably in bringing indicted war criminals to justice before the international tribunal. (The April 1997 EU General Affairs Council identified this as a specific condition for proceeding to contractual relations.) Complete outstanding Road Map steps. Comply with the Dayton-Paris Peace Accords. Take steps



to implement BiH's Council of Europe post-accession criteria, especially in areas of democracy and human rights.

- *More effective governance* – Implement the Law on the Council of Ministers and the Law on Ministries. Convene meetings of the Council of Ministers and of Parliament with sufficient regularity to tackle government business expeditiously. Ensure that new State ministries and institutions created by the 2002 Law on the Council of Ministers become properly operational. Implement fully the 2003 – 2004 “Action Plan for Priority Reforms” and establish for 2004 (and following years) a consolidated State-level government work plan matching policy priorities with budgetary resources.

- *More effective public administration* – Make further effort towards creating an effective public administration, including developing a comprehensive and cost estimated Action Plan for public administration reform with a clear distribution of competences (for example in the areas of police and health). Fund and co-operate with the Civil Service Agencies at State and Entity levels.

- *European integration* – Ensure the proper and full functioning of the Directorate for European Integration, including its aid co-ordination capacities.

- *Effective human rights provisions* – Adopt and bring into force outstanding legislation supporting refugee returns. In particular, introduce, adopt and implement legislation on the BiH Refugee Return Fund. Complete the transfer of the human rights bodies to BiH control. Ensure that unresolved cases of the Human Rights Chamber are dealt with and that the Chamber's responsibilities are transferred to the Constitutional Court. Provide adequate funding for the Court. Assume full national responsibility for the State Ombudsman and make progress on the merger of the State and Entity Ombudsmen.

- *Effective judiciary* – Adopt legislation establishing a single High Judicial and Prosecutorial Council for BiH with the aim of consolidating appointment authority over the Entity judiciaries and strengthening the independence of the judiciary throughout BiH. Provide appropriate staff and funding for the State Court.

- *Tackling crime, especially organised crime* – Build up a State-level law enforcement capacity by allocating the necessary resources and facilities to ensure the full functioning of the State Information and Protection Agency and the BiH Ministry of Security. Proceed with structural police reform with a view to rationalising police services.

- *Managing asylum and migration* - Ensure the establishment and operation of proper structures dealing with asylum and migration

(...)



Recommendations

The European Commission considers that BiH should be able to address these priorities in the course of 2004, provided that further sustained efforts are made. The European Commission will decide on a recommendation for a Council decision to open negotiations for a SAA with BiH as soon as it ascertains that significant progress has been made in meeting the priorities set out above. The Commission hopes that this will be possible in the latter part of 2004, but this will depend on BiH's own efforts and progress achieved. If progress is insufficient, the Commission will not be in a position to recommend proceeding with negotiations on a SAA.

While the pace of progress towards a SAA is largely in BiH hands and will be determined by BiH success in addressing the priorities identified in this Study, the European Commission will continue to support BiH reform efforts. The Commission proposes to intensify policy dialogue with BiH, in particular through reinforced meetings of the Consultative Task Force. In addition, Annual Reports, accompanied by the European Partnership, will indicate progress and identify overall priorities for action. Other new instruments identified at the Thessalonica European Council will be employed. The CARDS programme will continue to provide targeted support. In addition, BiH will continue to be considered for financing under other Community instruments such as loans from the EIB and, on an exceptional basis, macrofinancial assistance.



Appendix 6

Members, Associate Members and Observers of the Police Restructuring Commission

Mr. Wilfried Martens
Chairman of the Commission

Mr. David Blakey
Deputy Chairman of the Commission

MEMBERS

Mr. Barisa Colak
BiH Minister of Security

Mr. Mevludin Halilovic
FBiH Minister of the Interior

Dr. Dragan Mikerevic
RS Prime Minister
(sitting in place of the RS Minister of Interior at the first and second meetings)

Mr. Darko Matijasevic
RS Minister of the Interior
(assuming the place of Dr. Mikerevic from the 3rd meeting on)

Mr. Muhidin Alic
Minister of the Interior, Zenica-Doboj Canton

Mr. Mato Jozic
Minister of the Interior, Posavina Canton

Mr. Damir Hadzic
Head of the Novi Grad Municipality, Sarajevo

Mr. Ranko Karapetrovic
Head of the Laktasi Municipality



Mr. Dragomir Stupar

Head of the Vlasenica Municipality
(replacing Mr. Karapetrovic at the 7th meeting)

Mr. Branko Damjanac

Mayor of the Brcko District

Mr. Mirsad Djapo

Mayor of the Brcko District
(replacing Mr. Damjanac at the 7th meeting)

Mr. Mehmed Zilic

Representative of the Chairman of the Council of Ministers of Bosnia and Herzegovina

Mr Kevin B. Carty

EUPM Commissioner

ASSOCIATE MEMBERS

Mr Marinko Jurcevic

Chief Prosecutor of Bosnia and Herzegovina

Mr Sredoje Novic

Director of the State Investigation and Protection Agency of Bosnia and Herzegovina

Mr Nijaz Spahic

Director of the State Border Service of Bosnia and Herzegovina

Mr Brane Pecanac

Director of the Office for Co-operation with Interpol

Mr. Zlatko Miletic

Director of the Federation Administration of Police

Mr. Radomir Njegus

Director of Police of the Republika Srpska

Mr. Nijaz Smajlovic

Acting Director of Police of the Republika Srpska
(replacing Mr. Njegus at the 7th meeting)

Mr. Samir Dzebo

Police Commissioner, Bosna-Podrinje Canton



Mr. Milenko Milicevic
Head of the Brcko District Police

OBSERVERS

Brigadier Matthew Sykes
SFOR

Brigadier General Giuseppino Vaccino
EUFOR
(replacing Brigadier Sykes at the seventh meeting)

Mr. James Tilman
US Government



Appendix 7

Police Restructuring Commission Working Methodology

1. There will be no voting in the PRC. The Chair will lead discussion and debate designed to reach consensus. The Chair will determine when the Commission has reached an acceptable level of consensus on an issue.
2. The Chair will prepare CONCLUSIONS of each PRC meeting that will summarize the main points of discussion and distribute them to the PRC participants prior to the next meeting.
3. At the beginning of each PRC meeting, the PRC participants will have an opportunity to suggest amendments or make clarifications to the conclusions from the previous meeting(s).
4. The PRC will adopt the conclusions by consensus and the adopted conclusions will form the record of proceedings and serve as the basis for recommendations made in the final report.
5. Agenda items achieving consensus will be taken from the agenda and recorded into the conclusions; agenda items requiring more discussion will remain on the agenda for the next meeting(s).
6. The PRC recognizes and will not infringe on the role of the legal institutions – governments and parliaments – as the appropriate decision-making bodies for implementing police restructuring recommendations.



Appendix 8

Appendix 8.1 : Agenda and Conclusions 1st PRC meeting

Proposed agenda

Police Restructuring Commission
22 July 2004

1. Introductory remarks
2. Presentation of the full report of the Financial and Administrative Assessment of the BiH Police Forces and State Border Service
3. Discussion on the Commission's *modus operandi*:
 - b.* Proposed Police Restructuring Commission meeting schedule (attached);
 - c.* Number of working groups (attached);
 - d.* Composition of working group;
 - e.* Method of deliberation and reporting
4. Other business



CONCLUSIONS
1st Meeting of the
Police Restructuring Commission
22 July 2004

1. Introductory remarks

- BiH Minister of Security Barisa Colak welcomed the members of the Police Restructuring Commission (PRC) and the media; HE Chris Patten, EU Commissioner for External Relations, expressed support for the work of the PRC and stressed its importance to the EU accession process;
- PRC Chair Wilfried Martens opened the meeting and introduced the Deputy Chair of the PRC, Mr. David Blakey and observers appointed by the High Representative from Brcko District, the US Government, and SFOR;
- The Chair stated his intention to forge consensus through discussion and equal participation; the goal of the PRC is to bring policing in BiH into line with the best European practices and to foster economic activity and investment; the desire for quick outcome must be balanced against the need for local ownership and responsibility;
- The Chair requested the PRC participants to refrain from discussing the proceedings of the PRC with the media.

2. Presentation of the report of the Financial and Administrative Assessment of the BiH Police Forces and State Border Service (the “Assessment Report”)

Presentation of Dr. Bernhard Prestel

- Dr. Bernhard Prestel stated that the Assessment Report was a qualitative comparison between BiH and best practices elsewhere, the results of which are summarized in a ‘police score card’;
- Basic police services in BiH are good. However, those skills and systems which require coordination, cooperation and common standards throughout BiH are poor. As a result, BiH is unable to effectively deal with organized crime, terrorism, drugs, juvenile crimes and domestic violence nor can it provide adequate victim care;
- The management processes of BiH policing do not exhibit a clear separation of political and operational supervision;
- BiH does not have a single, common nationwide information system in accordance with the best European practices; BiH policing does not have common procurement, which would confer the advantage of better pricing for expensive capital investments in vehicles, weapons, and uniforms;
- The European best practice for rapid intervention is built around a few, well trained and equipped operations centres, covering larger regions;
- BiH policing has at least one too many layers and is too expensive;



- BiH should learn from the experience of other small European countries that have restructured their police, such as Belgium, Netherlands, Austria, and Switzerland; some common features emerge from these different restructuring efforts: legislative steering at the state level; the status of police is the same throughout the country and falls under one law; common service uniforms and salaries; state leadership on the budgetary process; and common support functions, a common training system and common procurement;
- The police forces of BiH are overstaffed by 3000 officers and 2000 civilian workers;
- Basic training for police in BiH is good but specialist training is a weak point;
- There is wide variation in salaries for police in BiH; BiH needs a common salary system that provides a sufficient livelihood for police officers to lead decent lives;
- Financial sustainability is a key consideration: policing in BiH costs on average 9% of public expenditures and in some Cantons exceeds 20%, while in Slovenia the cost is 3% and in Hungary 4.5%; overstaffing represents an investment in the past and the value of these financial resources is lost.
- The Chair requested the PRC participants to submit written comments before 20 August 2004.

Questions and Comments by Participants

- Radomir Njegus, Director of Police RS, asked what the difference is between full Members and Associate Members; he said that the PRC should continue discussing the Assessment Report at its next meeting and noted that the report does not include analysis of SIPA and Interpol; the report does not include data from the RS MUP; Mr. Njegus said that he could provide such data upon request; the Chair agreed to provide an explanation of the difference between PRC Members and Associate Members;
- Branko Damjanac, Mayor of Brcko, agreed with Mr. Njegus' proposal that the PRC should continue discussion of the Assessment Report at its next meeting; the figure in the Assessment Report regarding the salary of Brcko police officers should be 820 KM; the employment conditions of police officers needs to be consistent across BiH; the PRC must commit itself to finding an organizational system that is economically sustainable; multiethnic police will be important under a system in which the police will be serving the citizens and not the state;
- Mehmed Zilic, representative of the Chairman of the BiH Council of Ministers, said that BiH needs a unified police system as the current structure is inefficient and not cost effective; a legal basis for a unified system can be found in Section 3 articles 9 to 11 of the Constitution; there is an opportunity to create a rational policing system giving equal security to the citizens of BiH;
- Dragan Mikerevic, Acting Minister of Interior RS, said that the RS is aware of the need for reform the police forces and has informed the High Representative of its intention to exert maximum influence, make suggestions and participate in discussions to reach the best model that fits BiH, as it is; among other things, the PRC



should think about how this reform can be used to reduce the number of traffic accidents; Mr. Mikerevic expressed hope that the RS will soon be able to appoint a Minister of the Interior;

- Mevludin Halilovic, Minister of Interior FBiH, suggested the Chair ask all police agencies to submit additional information that might not be included in the Assessment Report before August 20; he expressed satisfaction that the need to reorganize the criminal police is given priority in the Assessment Report;
- Sredoje Novic, Director of SIPA, cautioned that the PRC's work will be a lengthy and difficult process and warned against giving citizens and the police false hopes that all will be finished by May 2005; the PRC needs to realize that this is a road that must be taken step by step.

3. Discussion on the PRC's *modus operandi*:

a) Proposed Police Restructuring Commission meeting schedule (attached);

- The Chair presented a proposed meeting schedule and the participants accepted without comment.

b) Number of working groups (attached);

- The Chair presented a proposal for establishing four working groups – police products, processes and organization, personnel, and finances – and the participants accepted without comment.

c) Composition of working groups;

- The Chair proposed that BiH PRC Members each submit the name of one senior civil servant or police official and one lawyer for the working groups by August 13; the Chair informed the PRC participants that he will undertake consultations with BiH and IC officials, name additional persons to the working groups, and designate the chair of each working group;

d) Method of deliberation and reporting

- The Chair proposed a working methodology and the participants accepted without comment; the Chair said that he would provide the members with a written version of the working methodology.

4. Other business

• The Chair made a general statement to the PRC participants recognizing the efforts of the United Nations International Police Task Force (IPTF) under Annex 11 of the Dayton Peace Agreement, and the efforts of the EUPM, in assisting in the development of a modern, democratic policing in BiH; he pointed out that these efforts, programs, and policies remain valid and in effect;

• The Chair indicated that the activities of the BiH Rule of Law Task Force, which is chaired by BiH Minister of Security Colak and which worked on SIPA and State Border Service legislative packages, should continue without interruption; the Chair explained that a package of Support Measures (details of which were distributed during the PRC meeting), while not part of the PRC proceedings, do not appear to be inconsistent with the work of the PRC; the Chair asked Minister Colak to keep him informed



- The Chair closed the 1st meeting of the PRC at 19:05.



Appendix 8.2 : Agenda and Conclusions 2nd PRC meeting

Proposed agenda
Police Restructuring Commission
31 August 2004- 1 September 2004

31 August (beginning at 10:00 hrs)

1. Introductory remarks
2. The review of:
 - a. Conclusions from the first meeting of the Police Restructuring Commission;
 - b. Explanatory note of OHR Legal Department;
 - c. Police Restructuring Commission working methodology
 - d. Revised schedule of meetings
3. The review of the Working Groups' rosters

Lunch

4. The review of the comments of the PRC participants on the Financial, Organisational and Administrative Assessment of the BiH Police Forces and the State Border Service

01 September (beginning at 09:00 hrs)

5. Presentation of European examples of policing structures
 - Lunch
6. Other business as necessary



CONCLUSIONS

2nd Meeting of the Police Restructuring Commission August 31 and September 1 2004

- 1. Introductory remarks**
- 2. The review of the Conclusions from the first meeting of the Police Restructuring Commission; the Explanatory note of OHR Legal Department; the Police Restructuring Commission working methodology; and, the revised schedule of meetings**
 - PRC Chair Wilfried Martens accepted the endorsement of the participants of the above documents.
- 3. Review of the Working Groups' rosters**
 - The Chair accepted the proposal that Mr. Miskic be moved from Products Working Group to the Personnel Working Group.
- 4. Review of the comments of the PRC participants on the Financial, Organisational and Administrative Assessment of the BiH Police Forces and the State Border Service**
 - Dr. Prestel summarized and responded to the written comments submitted by members to the Chair on the Financial and Administrative Assessment of the BiH Police forces and State Border Services (the "Assessment Report");
 - The Chair opened the meeting to comments from the members, many of whom reiterated their written comments of the Assessment Report. In the case of inaccurate data, Dr. Prestel suggested holding bi-lateral meetings to make necessary corrections to the report.

Points of Consensus

The Chair noted consensus on the main points of discussion related to the Assessment report and drew conclusions applicable to the work of the PRC, as hereby recorded:

- BiH is a single common public security space;
- The PRC will proceed by first finding the model that provides for an efficient, sustainable, citizen-oriented organisation. The PRC will then consider the legal implications;
- BiH's future concept of policing must start with the citizen and focus on delivering quality products to the citizen. **In order to achieve citizen-oriented policing**, the police restructuring process is to transform the police force into a police service;
- The PRC should set a realistic benchmark for reducing the percentage of the BiH's budgetary expenditures to overall public expenditures spent on policing



- in the next 5 to 10 years; BiH police restructuring will have to maintain the balance in relation to EU standards and relations to budgetary means;
- BiH policing must be less complicated, less expensive, and more efficient. BiH policing must be in particular more efficient in fighting complex crime, terrorism, war crimes, organized crime, drugs and trafficking.
 - Common police support functions at the state level should include:
 - **A single, inter-operative information system and communication system,**
 - **A common system of police ranks and salaries,**
 - **A common process of recruitment, selection and training,**
 - The overall number of police needs to be reduced, **based on a valid plan, established through a multidimensional analysis, and taking appropriate measures so that individuals who lose their jobs will receive adequate compensation.**

Discussion on Public Consultation

- Vice-Chair David Blakey suggested that the Commission should consult the public on the restructuring process and the Chair and members accepted the proposal; Dr. Prestel asked the members to consider how the public would react to public forums and to advise; the Chair noted that he would submit a proposal for an organised dialogue with the public to the members of the PRC at the next meeting or earlier;
- The Chair also noted that some of the working groups might separately contact representatives of civil society in the course of their work. The Chair noted that it would also be necessary for the PRC itself or its working groups to have contacts with police officials, perhaps through contacts with the police unions.

5. Presentation of European Examples of Policing Structures

- Dr. Prestel gave a presentation on organisational aspects of the police in Belgium, the Netherlands, the United Kingdom, Hungary and Slovenia, and Germany and Switzerland;
- The members of the PRC broke up into small informal discussion groups to review the interesting and less interesting elements of the presented examples for BiH and then reported back to the PRC;
- The discussion group on Belgium noted that some of the Federal level competencies of the Belgian model might be interesting for BiH, as well as the fact that the police are not organized according to the same logic as the administration; in the Netherlands regional police commissions are appointed by the state and a single budget is compiled at state level; in the UK, 42 local police forces are ultimately responsible to a State-level body; also UK police managers are selected by local independent boards; **the discussion group on Slovenia and Hungary said that BiH needs a single database/information system, compatible communications systems, uniform rank and salary**



systems, and centralised forensics at the state level; it was further noted that specialised training and management training could be at the level of the state, that the state must establish uniform standards, and that basic training could remain at the local level; the discussion group felt that the single uniform should have the symbol of BiH and the insignia of the police organ or agency; the group reported that regarding the method of procurement, further discussions were needed; the German model includes a single information system, pay system and common uniforms; the Swiss model is interesting since it is undergoing it's own reform and restructuring.

6. Other Business

- The Chair distributed a draft letter to the members requesting a report on all ongoing and planned capital investments, including procurement of equipment, vehicles, information technology, communication systems, weapons, uniforms, as well as the construction or expansion of facilities, etc. by 15 September;
- The Chair asked participants to each indicate two of the presented countries to visit for further examination of European policing structures; Belgium and Switzerland received the strongest preference;
- The Chair informed the PRC participants that the earlier request to submit written proposals on the organization of policing in BiH by 5 October, as discussed under point 4 on the Agenda, was no longer required. The Chair favoured waiting until completing the analysis of European examples of policing and until after evaluating the valuable contributions of the public. The Chair will notify the participants when the PRC will benefit from written proposals on police organization in BiH.



Appendix 8.3 : Agenda and Conclusions 3rd PRC meeting

Agenda
3rd Police Restructuring Commission Meeting
Mostar
23-24 September 2004

23 September

- 10:00 Introduction
- 10:15 Review of the draft Conclusions from 2nd PRC meeting held in Banja Luka
- 11:15 Preparation of PRC visit to Switzerland, Belgium and European Union Institutions
- LUNCH
- 14:00 Summary and analysis of security challenges in BiH and Europe
- 15:30 Report on the work of informal working groups on security challenges in BiH

24 September

- 08:00 Police support process and security challenges in BiH
- 10:30 Other Business
- a. Working Group Rosters
 - b. Proposal for public participation in police restructuring process
 - c. Review of capital investment reports from law enforcement agencies
 - d. Details of the 4th PRC meeting scheduled for 13 October 2004, in Sarajevo



CONCLUSIONS

3rd Meeting of the Police Restructuring Commission 23rd and 24th of September 2004

1. Introductory remarks

- PRC Chair Wilfried Martens summarised the current inputs to the PRC's deliberations on developing a single structure of policing in BiH: the High Representative's Decision calling for a single structure of policing under the overall political oversight of the Council of Ministers; the Assessment Report; public consultations; the analysis of police structures in European countries; visit to European countries; and the PRC members' survey of major BiH security concerns.

2. Review of the Conclusions from the second meeting of the Police Restructuring Commission

- The Chair distributed copies of written comments from the RS Ministry of Interior on the Conclusions from the 2nd PRC meeting; The PRC Secretariat presented amendments to the Conclusions and Mr. Njegus and Mr. Novic also made verbal comments on these conclusions; Dr. Prestel noted that he had scheduled a bi-lateral meeting with RS members to discuss corrections to the Assessment Report. The Chair informed the PRC that revised Conclusions will be sent out for review and they will be reconsidered at the 4th PRC meeting.

3. Discussion of the proposed visit to Switzerland and Belgium

- The chair outlined a tentative itinerary for the visit, from 25-29 October, including meetings with senior European Commission officials; the PRC will travel only to Belgium, but will meet with Swiss officials there to discuss policing in their country; the Chair reminded members that the 5th meeting of the PRC will take place during the visit, in Brussels.

4. Summary of Security Challenges in BiH

- Dr. Bernard Prestel summarised the security concerns identified by PRC members, and surveyed the security challenges facing police services in Switzerland and Germany; the concerns most frequently cited by the members were Organised Crime, Civil Unrest, War Crimes, Terrorism, Corruption, General Criminality and organizational and administrative weaknesses within existing police structures; David Blakey presented the process of priority setting within the police services in the United Kingdom; the members of the PRC expanded verbally on their written comments regarding security concerns.
- Dr. Prestel emphasized that the structures of the police should reflect security challenges and policing priorities.



- The Chair asked the members to divide into small informal discussion groups and discuss how reforms to police support services (a single information system and interoperable communications, common rank and salary, common recruitment, selection and training, single uniform, central forensics and centralized procurement) might assist in tackling the prioritised security challenges.

5. Overview of Comments from Informal Discussion Groups on Security Challenges and Support Processes

GROUP	SECURITY CHALLENGES	MEASURES
Group 1	Organised crime, drugs, terrorism, war crimes, property crimes- local security	Common salaries, training and forensics; uniforms – state and local police agency symbols, state level intelligence, procurement- two levels; state level drug strategy
Group 2	Organised crime, civil unrest, terrorism, general crime	Single information/communication system at state level; single salary and ranking system, one common selection and training institute, single uniform, one forensics laboratory for all police, centralized procurement for big ticket items
Group 3	Terrorism, war crimes, drugs, human trafficking, economic crime	Unified information/communications system, unified selection and training, common uniforms, better coordination and control
Group 4	Terrorism, organised crime, war crimes	Common database and mutual exchange of information, including among customs, tax authorities, other countries etc.; forensics integrated at two levels, national security strategy
Group 5	Organised crime, terrorism, war crimes	Single communication and information system, single uniform, single Ministry of Security centre for training

6. Other Business

a) Distribution of Revised Working Group Rosters



- The Chair distributed a revised roster of working Group Members.
- b) Proposal for Public Participation in Police restructuring Process**
- The Chair presented a proposal for public participation via a PRC roundtable discussion with civil and professional society representatives; PRC members accepted the proposal.
- c) Review of Capital Investment Reports from Law Enforcement Agencies**
- The PRC Secretariat Staff made a short presentation summarizing the results of the capital expenditure survey; Mr. Njegus suggested that the question of common procurement needs further debate.
 - The Chair tasked the Processes and Organisation Working Group to analyse the question of creating a common, state level procurement mechanism and to provide advice and recommendations to the PRC.
- d) Details of the 4th PRC Meeting in Sarajevo scheduled for 13 October**
- The Chair reviewed the main agenda items for the upcoming meeting and noted that the next meeting would mark the beginning of crucial debate on the essential elements of the future policing structure.



Appendix 8.4 : Agenda and Conclusions 4th PRC meeting

Agenda
4th Police Restructuring Commission
Sarajevo
13 October 2004

- 9:00 Introduction
- 9:15 Review of Conclusions from 2nd and 3rd PRC meetings
- 9:30 Preparation of PRC Visit to Belgium and European Union Institutions
- 9:45 Presentation of the Northern Ireland police restructuring process and of UK local police councils by Sir Ronnie Flanagan and David Blakey
- LUNCH
- 14:00 Chair's Presentation of Concept Paper on the Single Structure of Policing in BiH
- 16:00 Other Business
- a. Working Group Rosters and Working Group Report handout
 - b. Report on Roundtable Discussion on the "Police as a Service to the Community" and the Police Restructuring Process



CONCLUSIONS

4th Meeting of the Police Restructuring Commission 13 October 2004

1. Introductory remarks

- PRC Chair Martens said that the work of the PRC had progressed to a crucial stage. He alerted the PRC participants that the work will have to intensify in order to meet the goals set out in the High Representative's Decision;
- Mr. Matijasevic requested that members be provided with documents to be discussed at PRC meetings well in advance; he asked that the Chair's Presentation of the Concept Paper be removed from the meeting agenda; since the Concept Paper was to be presented for the members for further consideration and not to decide upon at the meeting, the Chair decided that the Concept Paper would be presented as planned.

2. Review of the Conclusions from the 2nd and 3rd meetings of the Police Restructuring Commission

- The Chair noted the letter from the RS Minister of the Interior on the Conclusions of the 2nd and 3rd meetings; the Chair advised the PRC participants that the High Representative's Decision explicitly contemplates the possibility of changes to the existing constitutional and legislative framework;
- The Chair presented the members with a revised version of the Conclusions from the 2nd PRC meeting, which were accepted;
- The amended Conclusions from the 3rd meeting were also accepted in the afternoon.

3. Preparation of PRC visit to Belgium and European Union institutions

- The Chair reviewed the preparations that have been made for the visit to Belgium from 25-29 October and presented the members with a detailed schedule of events for the visit.

4. Other Business

a) Working Group rosters and Working Group Reports

- The Chair distributed the letter officially nominating the working group chairs, revised working group rosters and a report detailing the progress of the PRC Working Groups.

b) Report on the Roundtable Discussion on the "Police as a Service to the Community" and the Police Restructuring process

- PRC Secretariat presented a summary of the results of the roundtable discussion held on 12 October in Sarajevo. PRC participants were asked to consider holding a public meeting coinciding with the PRC meeting in November in Brcko.



5. Presentation of the Northern Ireland Police Restructuring Process and of the UK Local Police by Sir Ronnie Flanagan and David Blakey

- Sir Ronnie Flanagan presented a summary of the police reform process in Northern Ireland;
- The goals of reform included a new oath and culture for police officers focused on integrity rather than loyalty to the crown, a reduction in the layers of management, and greater openness and transparency;
- He emphasised the need to balance political inclusiveness and economies of scale in creating local police areas; Northern Ireland made the mistake of using primarily political criteria and later found they needed to reduce the number of police areas and create larger, more efficient geographical units;
- He reminded members that police reform is an ongoing process that will not be achieved overnight;
- In response to a question from the PRC, Sir Ronnie explained that while the number of police in Northern Ireland at the outset of the reform process was 12,500 regular police and 3,000 full time reserve police, the Patten Report determined that the optimal number of police for Northern Ireland was 7,500. To date, Northern Ireland has reduced the number of its police to 8,250 plus 1,000 full time reserve.
- He pointed out that Northern Ireland had established a Police Rehabilitation and Retraining Trust to help redundant police officers make the transition to new employment.
- Sir Ronnie also emphasised the importance of national standards in recruitment, training and professional development.
- In response to a question on how the restructured police in Northern Ireland were able to overcome the deep mistrust and hostility between communities, Sir Ronnie explained that the new force was able to earn the trust of all citizens by focussing on values of professionalism and community service and by striving to strike the right balance between individual freedom and the rights of other citizens.
- Sir Ronnie stressed the importance of the implementation phase following the publication of the report and the need for strong and independent oversight of the implementation process.

6. Chair's Presentation of Concept Paper on the Single Structure of Policing in BiH

- The Chair and Vice-Chair David Blakey jointly presented a Concept Paper outlining concepts to steer the Commission in its elaboration of “a single structure of policing”;
- The Concept Paper presented a vision of BiH's restructured system of policing, organised on two policing levels;



- The Concept paper included items of emerging consensus within the PRC, such as legislative steering at state level and the exercise of political oversight by the BiH Ministry of Security or other BiH Ministries;
- The concept paper also identified items to be discussed, including the composition and role of a BiH Police Administration Agency, the idea of creating Local Police Areas with municipalities as the territorial building blocks and technical criteria to determine their size and shape, the linkages between the local and State level police authorities, and the desirability of establishing an inspector general of police;
- Both the Chair and Vice-Chair emphasized that the proposed Concept Paper was still in the discussion phase.
- The Chair advised members that they would be expected to discuss the substantive terms of the Concept Paper during the 5th meeting of the PRC in Brussels.

7. Initial reactions of PRC members to the Concept Paper

Following the presentation of the Concept Paper, the Chair invited the members of the PRC to make initial comments;

- Mr. Colak characterised the proposal as one of true, all-encompassing reform and a good starting point. He welcomed the working method of presenting the PRC with a Concept Paper and giving the members time to consider it and prepare comments;
- EUPM Commissioner Carty pledged EUPM's full support for the proposal; he called on the PRC to first determine the professional criteria which will create the most effective and cost-effective police service; he strongly supported the idea of using municipal territories as the "building blocks" to create sufficiently sized, cost-effective, and effective policing areas based on policing needs; he informed the PRC that EUPM would present papers on criteria and optimal policing areas;
- Mr. Damjanac noted that the proposed model would allow the police to operate effectively over the whole territory of BiH in fighting organized crime and addressing the sometimes unequal treatment of citizens before the law;
- Mr. Zilic indicated that the proposal would provide an economically sustainable model to guarantee security to all citizens of BiH, but that it needed to be correctly explained to the citizens;
- Mr. Karapetrovic expressed skepticism over the possibility of implementing such a proposal, since the reform goes deeper than previous reforms and opens BiH to constitutional change;
- Mr. Jurcevic pledged his absolute support for the proposal, since it would create an effective single security space; he felt that the BiH, RS, and Federation prosecutors would also support such a proposal;
- Mr. Halilovic expressed the view that the proposal appears completely in line with the principles established in the PRC so far, including aspects of state-level policing, clear lines of communication within the policing structure, and financing at state level;



- Mr. Hadzic expressed his particular support for the paper's proposed mechanism for involving the public and the citizens in the work of the police;
- Mr. Prosen expressed full US Government support for the proposal;
- Mr. Mektic stressed how much of the Concept Paper represents institutional change to match legal reform which has already happened; he referred to rising crime rates and problems the current system does not address;
- Mr. Novic praised several elements of the paper and called on the members to create a tolerant atmosphere and find the patience to create the most rational system for the benefit of the citizens;
- Mr. Miletic supported the overall proposal; he asked that the concept paper examine the need for ongoing links between the police and international security institutions like the EUPM;
- Mr. Dzebo characterised the concept as realistic;
- Mr. Jozic pledged his professional support to the concept paper, calling on the PRC to look beyond the past and ensure that BiH creates the basic foundations to join Europe;
- Mr. Alic welcomed the proposal's organization of police on two levels and characterized its principles as good for ensuring a secure environment in BiH;
- Mr. Spahic encouraged the PRC to press ahead, reminding the members that the doubts four years ago that the State Border Service concept could be implemented were proven untrue;
- Mr. Milicevic praised the concept paper and called on the members to remain rational to the end in formulating non-political criteria for Local Police Areas.
- **The Chair reiterated to the members that serious discussions on the Concept Paper would begin in the Brussels meetings.**



Appendix 8.5 : Agenda and Conclusions 5th PRC meeting

Draft Agenda
5th Police Restructuring Commission
Brussels
25-29 October

25 October 2004

- 15:00 Introduction
- 15:15 Review of Conclusions from 4th PRC meeting
- 15:30 The review of the comments on the draft Concept Paper
- 16:30 COFFEE BREAK
- 16:45 Continued review and discussion of comments on the draft Concept Paper
- 17:30 Other business

28 October 2004

- 16:00 Introduction
- 16:15 Continued review and discussion of comments on the draft Concept Paper
- 17:45 Other business

29 October 2004

- 10:30 Continuation of discussions and other business, as appropriate
- 12:00 Adjournment of 5th PRC meeting



CONCLUSIONS

5th Meeting of the Police Restructuring Commission 25-28 October 2004

1. Introductory remarks

- PRC Chair Wilfried Martens opened the meeting by reminding the members that the discussion and refinement of the Concept Paper would be the main task of the PRC in Brussels; tangible progress would have to be achieved in time for upcoming meetings with the European Commission on 28 October;
- Mr. Colak presented a draft Declaration in which the members of the PRC expressed their commitment to propose a single structure of policing under the overall oversight of a ministry or ministries in the Council of Ministers; he invited the members to make corrections and amendments before 28 October, when the PRC would present the document to Mr. Patten and Mr. Solana; Mr. Matijasevic raised the issue of whether the PRC was within its mandate to present such a Declaration; the authority of the PRC to make a joint Declaration was affirmed by an Explanatory Note of the OHR Legal Department on 26 October; the final PRC Brussels Declaration was presented on 28 October 2004;
- The Chair presented the Conclusions from the 4th PRC meeting in Sarajevo for discussion, noting that the members had received the Conclusions in advance of the meeting and had made no written comments; the Conclusions were accepted.

2. Review of the Comments of the Members on the Concept Paper

- Bernhard Prestel opened the discussion with a presentation of the benefits of the model set out in the Concept Paper to the following stakeholders: the citizens, the local community, police officers, local governments, the international community, and the Rule of Law;
- Mr. Colak, Mr. Miletic, Mr. Karapetrovic, Mr. Dzebo, Mr. Damjanac, Mr. Pecanac, Mr. Zilic, Mr. Spahic, and Mr. Halilovic presented their respective comments on the Concept Paper, which were submitted in written form and distributed to all members;
- EUPM framed its comments in the form of a presentation of a proposal on the 2nd level of policing; the presentation employed technical policing criteria to arrive at five proposed Local Police Areas;
- Mr. Matijasevic presented his comments, which were distributed to the members in written form at the meeting.

3. Meetings with Swiss Federal and Cantonal Police Representatives

- Swiss officials presented aspects of the Cantonal and Federal policing systems as well as ongoing efforts to reform the Swiss system;
- The presentation was followed by a question and answer session.

4. Continuation of Comments on the Concept Paper



- Following presentations and discussion of the Swiss system, Chair Martens noted that Switzerland is a confederation and the Swiss system of policing does not represent a single structure; he then invited the members to continue presenting their comments on the Concept Paper;
- Mr. Alic, Mr. Novic, Mr. Jurcevic, Mr. Jozic, Mr. Milicevic, Mr. Mektic and Mr. Njegus presented their comments on the Concept Paper;

5. Discussion on Exclusive Constitutional Competency of the BiH State for all Law Enforcement Matters

- The Chair reiterated that the Concept Paper would form the basis of future discussions and that all written contributions from the members would be considered as comments to the Concept Paper; he asked the members if they could accept exclusive constitutional competency at state level for all policing at state level; the Chair explained that the “single structure” mandated in the High Representative’s Decision is defined on page one of the Concept Paper; the Chair further advised that the issue of exclusive constitutional competency at the state does not exclude flexibility on elements at the second level;
- The PRC engaged in discussion of exclusive constitutional competency at the state for policing and on average expressed incontrovertible support; the Chair noted that continued discussion would not be conclusive.

6. Meetings with the Belgian Federal Police and the Police Chief of Brugge

- The Belgian Federal Police hosted the PRC at their headquarters in Brussels and made presentations on the reform of the Belgian police, the organization and functioning of the Administrative Police, cooperation of the Judicial police within the Belgian legal framework, and the organization and functioning of operational support, human resources and equipment in the Belgian Federal police; the presentations were followed by a question and answer session;
- In the afternoon, the Brugge police chief presented and discussed aspects of the local police in Belgium.

7. Meetings with European Commission representatives

- EU External Relations Commissioner Chris Patten addressed the PRC, explaining that police restructuring in BiH matters enormously to the EU and is vital to the accession process, since crime knows no borders and BiH needs effective state level interlocutors with Europe; Commissioner Patten expressed his support for the Concept Paper, stressing the need for a single structure of policing in BiH, which means:
 1. Legislation on all police matters is exclusively at state level
 2. The existence of a Single Budget at state level
 3. A single Ministry with overall responsibility for policing in BiH;
- He stressed that a proposal which includes constitutional changes is entirely within the terms of reference of the PRC and urged the members of the PRC that



- getting police restructuring right the first time was an essential step in the EU accession process;
- Mr. Reinhard Priebe, the Director for Western Balkans, DG RELEX, spoke in more detail regarding the EU accession criteria and the need to move quickly towards the EU vision; he urged the PRC to minimize political discussions as much as possible and determine technically which model is most efficient and effective; he explained that the EU expects members and potential members to conform to EU standards, and doesn't care if this requires constitutional change; he said that what is the best and most effective and efficient police structure should be the PRC's only consideration;
 - Mr. Javier Solana, Secretary General of the EU and High Representative for the Common Foreign and Security Policy of the EU, addressed the Commission briefly; he reminded the members of the EU's longstanding engagement in BiH; he confirmed that it was possible for BiH to enter into negotiations on an EU Stabilization and Association Agreement, but said that in order to do so BiH would need to adopt an appropriate policing structure; while some authority can be delegated to local police authorities, ultimate authority for policing must be vested in the State level; he emphasized the importance of the implementation of any agreement on policing;
 - Mr. Peter Feith spoke regarding the need for BiH to create a simple and affordable system that will meet the need for BiH to position itself as a partner for the EU in the region; he stressed the need for the police in BiH to be built around a central "core" with which the EU states and other states in the region can work; he encouraged members not to use Dayton as an excuse to avoid beneficial reforms, but to press ahead with reform wherever it was needed;
 - Mr. Joaquim Nunes de Almeida, Head of the Unit for Law Enforcement Cooperation in the Directorate General for Justice and Home Affairs spoke briefly on the development and operation of EU police co-operation and counter-terrorism programs.

8.) Continued discussion of exclusive constitutional competency in the light of meetings with the European Commission

- The Chair asked the members to deliver the message to their institutions and constituencies in Bosnia and Herzegovina that the European Union Institutions gave a strong show of support and commitment to police restructuring;
- The Chair examined the issue of exclusive competency in relation to the statements of the EU officials;
- The Chair opened discussion for comments from the members on the morning's meetings with the European Union;
- The members discussed the EU's message and the need to find the space to reach agreement in order to implement a system of policing that will not be an obstacle EU accession; several members asked that the PRC avoid overly politicized discussions; the members also discussed the need to avoid misunderstandings and fear of reform among the public; it was noted that the relative advantages of the



final concept will have to be explained to the public; several members noted that the current police system is ineffective and called on the members to take advantage of the EU's support to create real change.

9.) Conclusion of Discussion on First Level and Other Business

- The Chair concluded that, as professionals, the members of the PRC could accept the Concept Paper as coherent and good and in complete conformity with the task set for the PRC by the High Representative and the fundamental criteria of the European Union;
- At the same time, the Chair noted the existence of political obstacles to the Concept Paper and the need for political contacts to eliminate these; future progress would be ensured by gaining political and public support for the restructuring project;
- Thus, he concluded, the PRC accepts the Concept Paper's approach on the first level from a technical point of view, but takes into account political obstacles;
- Since the Commission did not have an opportunity to discuss the second level of policing in Brussels as planned, the Chair accepted EUPM Commissioner Carty's earlier offer to host a working meeting before the meeting in Brcko;
- The Chair proposed to meet the leadership of the BiH Parliament and the parliaments of both entities and Brcko;
- The Chair adjourned the meeting of the PRC.



Appendix 8.6 : Agenda and Conclusions 5th Special Continuation meeting

Agenda
Police Restructuring Commission
Special Meeting (Continuation of 5th Meeting)
Sarajevo
9 November 2004

9:30	Introduction
10:00	Discussion of technical criteria, number and size of Local Police Areas (Plenary)
10:45	COFFEE BREAK
11:00	Continue Discussion of technical criteria
12:00	LUNCH
13:00	Working discussions in groups on institutional features of policing at the second level
14:15	COFFEE BREAK
14:30	Reports of discussion groups to the full PRC and discussion of reports
17:00	Conclusion of Meeting



CONCLUSIONS
Police Restructuring Commission
Special Meeting (Continuation of 5th Meeting)
9 November 2004

Discussion Group 1: CRITERIA FOR DESIGNING POLICE AREAS

Discussion Group 1 agreed to and presented the following conclusions, and the members of the PRC accepted them by consensus:

1. Technical criteria should be the determining factor used in designing Local Police Areas in BiH:
 - Geographic Factors
 - Large enough to avoid excessive levels of bureaucracy
 - Similar sized policing areas
 - Take into account rural and urban areas
 - Level of development of road links and intercity connections
 - Distribution of significant installations of special interest for BiH (critical infrastructure)
 - Population
 - Total population
 - Density of settlement
 - Ratio of rural to urban population
 - Diverse nature of population (national structure, employment and other social factors)
 - Cooperation with Partners
 - Many varied partners with differing boundaries.
 - SIPA, SBS, OSA, Agency for Indirect Taxation, INTERPOL BiH, judiciary, such as courts and prosecutors.
 - Local Authorities based in municipalities.
 - Organs of government at entity and cantonal level and the Brcko District
 - Interaction of police structures with court and prosecutor authorities according to the current or future organisation of these organs
 - International Partners such as Interpol, Europol, EUOM, SECI, EUPM, EUFOR
 - Fight against crime
 - General and commercial crime
 - General serious crime
 - Organised forms of crime
 - War Crimes
 - Intelligence on criminal activity



- Traffic
 - Number of traffic accidents
 - Number of registered vehicles
 - Traffic infrastructure with categorised roads
 - Intelligence gathering and intelligence led policing
- Intelligence-led Policing
 - National Intelligence Model
 - EUPM project (accepted by steering board now implemented)
 - A flexible multi layered intelligence system
- Public Order
 - Local Police Areas need to be organised to allow rapid response to a crisis or outbreak of civil disorder.
 - They should not be too small to make such units uneconomical and inefficient.
 - Not so big that travelling times are too long for emergency intervention.
- Emergency Intervention
 - Too many small operation centres would be inefficient and not cost effective
 - Each Local Police Area should be allocated the appropriate number of operation centres to answer emergency calls (European practice is 1-2 operational centres at the level of Local Police Area or 700,000 population)
 - Citizens should receive timely and quality emergency service

NOTE: Mr. Matijasevic accepted these technical criteria for organizing police areas, but noted his reservation that that does not mean that he accepts the second level of organization, but rather only the use of these criteria as the basis for ensuring a regional organization of policing in Bosnia and Hercegovina.

2. Coordination must take place within a given Local Police Area, between Local Police Areas, and between the state and lower levels of police organisation; coordination means timely and effective exchange of information; coordination also must take place within a horizontal and vertical system and be regulated by a single law.
3. The group acknowledged that the most commonly proposed number of local police areas was 4,5 or 7—9, but concluded that it was still early to precisely determine the number of Local Police Areas;

Discussion Group 2: LOCAL POLICE COUNCILS

Discussion Group 2 presented its conclusions to the PRC. It was agreed that these conclusions would be the framework for further discussions on Local Police Councils:

1. Discussion Group 2 identified the challenge of determining how independent councils could be from political structures and groups, while ensuring a link



between the police, citizens, NGOs and other organisations, in order to develop the police into a service of the citizens.

2. Local Police Councils should be organised on the level of the municipality and on the level of newly formed Local Police Areas.
3. Local Police Councils on the municipal level would be made up of representatives of the following institutions, selected by the local council:
 - local mayors, as well as the most responsible members of the local community
 - representatives of the prosecutor's office
 - judicial representatives
 - representatives of the local community
 - police representatives
 - others representatives
4. At the regional level, the Local Police Council (LPC) would be comprised of members selected by and from the municipal police councils, and would be mayors or other appointees.
5. The basic tasks of the regional LPC would be to consider and to participate in the creation of a security plan of the local community, proposed by the Local Police Area Commissioner and to consider and participate in making the budget necessary for the implementation of the security plan and other local police activities.
6. The LPC would be presented a report from the Local Police Area Commissioner at least once every three months and could suggest certain activities, corrections to the security plan, corrections to the budget, and other measures related to the development of the police, the resolution of exceptional situations, etc.
7. The LPC would form a special body for complaints and suggestions of the citizens, which would consider complaints and initiatives regarding the work of the police, improving cooperation between police, citizens, municipal structures, and NGOs and the improvement of security of citizens and their property.
8. The Local Police Commissioner would be nominated by the Head of Police at the state level, based on a proposal of the LPC.
9. Hiring of police and realisation of their working rights would be carried out in line with the Law on Police at the state level and other legal acts regulating this area, with no special involvement or competency of the LPC.

NOTE: Mr. Matijasevic supported the conclusions of Discussion Group 2, but noted his reservations regarding the following: In his view, the Local Police Councils should not



have executive authority to adopt or carry out the local security plan and the budget, although some participatory role of the Local Police Council in making the security plan and budget is open to discussion. Likewise, the Local Police Council can have a say in appointments, but should not have a decisive role. He also noted that in regard to hiring, the state should be responsible within its competency and the entities within their competencies.

Discussion Group 3: LOCAL POLICE AREA COMMISSIONERS

Discussion Group 3 presented its conclusions to the PRC. It was agreed that these conclusions would be the framework for further discussions on Local Police Area Commissioners:

1. Regarding the competencies of the Local Police Area Commissioner:
 - The Commissioner should be a professional, appointed through a non-political process;
 - The Law on Police should regulate the manner of selecting the Commissioner and the conditions for selection, via public advertisement;
 - The Commissioner should direct all operations during a crisis situation and be responsible for the security situation in his region.

2. Specifically regarding operational competencies:
 - A state law should regulate the division of competencies between the state and the regional level;
 - The operational competencies of the Local Police Area Commissioner are:
 - Planning
 - Direction
 - Management and supervision of the work of the police
 - Responsibility for security in the Local Police Area
 - Watching and directing the work of the police and administration in his region, in line with the priorities set for him by the Local Council and his superior, the state Director of Police (or Commissioner).
 - Direct management of the police, including the organising, harmonising and enhancement of their work
 - Commanding the use of the police
 - Cooperation with Public Prosecutor Offices, Courts and bodies responsible for enforcing the law, within the competencies of the regional police
 - Establishing cooperation with all Law Implementation Agencies operating outside the police area authority (vertical and horizontal cooperation).

3. The administrative authority of the Local Police Area Commissioner within his police area includes the following:
 - Gives opinion on selection;



- Proposes the selection and dismissal of all police officers at the higher level for the region in which he is competent.
 - Prepares information and analyses within the scope of work of the region, in line with the Law on Police.
 - Regularly submits reports to the state Director of Police and to the Local Councils.
 - The Commissioner establishes the police board as a second instance body, as provided by law.
4. The Local Police Area Commissioner adopts the work plan and strategic plan for the upcoming year, based on the recommendations of the local communities, with the agreement of the regional Local Police Council and the Director of Police. He reports to the Local Police Council and his superior Director of Police every three months or, as needed, more often.
 5. In consultation with the Local Police Council, the Local Police Area Commissioner proposes the adoption of the budget for the region. He is concerned with the execution of the regional budget for operational purposes and public procurement not on the first level.
 6. The Law on Police regulates the conditions for selecting and nominating the Local Police Area Commissioner, which will be carried out by the regional Council along with the assent of the state Director (Commissioner) or Police. The Minister of Security, as well as other bodies at the state level; cannot influence the appointment, rather it is authorised by the Police Commissioner.
 7. The members of the Local Police Council work on a voluntary basis. In each municipality, municipal representatives should delegate one member to the Local Police Council.
 8. Effective operational police cooperation between local police forces shall be achieved by establishing a vertical and horizontal link, including management from the state down to the region and down to the lowest police unit.

NOTE: All the members of the group supported these conclusions, but Mr. Njeguš noted that the role of the entity level had not yet been defined.



Appendix 8.7 : Agenda and Conclusions 6th PRC meeting Agenda

6th Meeting
Police Restructuring Commission
Brcko
17-18 November

17 November 2004

- | | |
|-------|---|
| 10:00 | Introduction |
| 10:30 | Review of Conclusions from 5 th PRC meeting in Brussels |
| 11:00 | Review of Conclusions from 5 th PRC meeting continuation at EUPM offices in Sarajevo |
| 12:30 | LUNCH |
| 14:00 | Informal Discussion Groups on institutional features of the single structure |
| 15:30 | COFFEE BREAK |
| 15:45 | Reports of Informal Discussion Groups and comments |

18 November 2004

- | | |
|-------|--|
| 10:00 | Informal Discussion Groups on Institutional Features of the Single Structure |
| 12:30 | LUNCH |
| 14:00 | Reports of Informal Discussion Groups and comments |
| 15:30 | Other business |



CONCLUSIONS

6th Meeting of the Police Restructuring Commission Brcko, 17-18 November 2004

1. Introductory remarks

- PRC Chair Wilfried Martens opened the meeting by reminding the participants of the PRC of the commitment they made in the Brussels Declaration, to propose an efficient and effective single structure of policing in BiH;
- The Chair presented the PRC with a copy of a letter from Christopher Patten to the governments in BiH, regarding his meeting with the PRC in Brussels; Mr. Patten expressed the EU's strong support for police restructuring and reiterated the EU's position that all competencies for law enforcement need to be transferred to the state of BiH, under the political oversight of the BiH Ministry of Security; while some competencies could be subsequently devolved to the second level, the EU position is that exclusive legislative competency and a single budget must remain at state level for the restructuring effort to be effective; in designing local police areas, Mr. Patten recommended that the PRC follow what makes sense from a professional policing perspective; finally, he called on the PRC to put politics aside and recommend fundamental, systemic reforms to repair BiH's broken and fragmented police forces, and to demonstrate to the EU that BiH has the determination to enact reforms necessary for EU accession;
- The Chair informed the PRC on his reports to the leaderships of the BiH and Federation Parliaments on PRC activities, and indicated that he would hold similar meetings with the leaderships of the Brcko Assembly and the RS National Assembly.

2. Review and Amendment of Conclusions from 5th PRC meeting and Special Meeting at the EUPM offices in Sarajevo

- The Chair presented the Conclusions from the 5th PRC meeting in Brussels and the follow-on working-level meeting held at the EUPM offices in Sarajevo (5th PRC meeting continuation); the Conclusions from the working-level meeting contained a list of technical criteria agreed to by the PRC as the determining method for designing local police areas; Mr. Matijasevic requested changes to both sets of conclusions, which were discussed and agreed by the PRC; the conclusions from both meetings were accepted.

3. Presentation of Materials by PRC members, discussion groups and reports

- Mr. Milicevic presented a proposal (Presentation 1) broadly in line with the Concept Paper, which he also distributed to the members; the proposal envisioned exclusive state-level competence for policing under a new Ministry of Police, 8 Local Police Areas, municipal and regional Police Councils, and a Directorate for implementing police restructuring, among other recommendations;



- Mr. Matijasevic presented a proposal (Presentation 2) largely in disagreement with the Concept Paper, foreseeing a continuation of existing state and entity level police competencies and institutions, with a limited coordinating role for the state level; the proposal did not demonstrate a single structure of policing under the overall political oversight of a ministry or ministries in the Council of Ministers;
- Mr. Miletic presented a proposal (Presentation 3) with exclusive competence for police matters at state level, 5 Local Police Regions (similar to EUPM's proposal with modifications) and a minimum of two Rapid Reaction Centres for each region;
- The PRC members then broke up into informal discussion groups to discuss the common and different elements of the three presentations, whether they met the EU's requirements for a single structure of policing as expressed in the Brussels Declaration agreed to by all PRC participants and how the three presentations could be brought closer together to reach a consensus;
- The groups reported their conclusions to the PRC, regarding the three presentations; all groups described Presentations 1 and 3 as containing mostly common elements and agreeing broadly with the elements of the Concept Paper, while Presentation 2 lacked significant common elements with the other presentations and the Concept Paper; all groups reported that Presentations 1 and 3 respected the prerequisites of the EU, while Presentation 2 did so minimally or not at all; Presentation 2 did not demonstrate a single structure of policing under the overall political oversight of the a ministry or ministries in the Council of Ministers; Mr. Matijasevic expressed the reservation that the EU prerequisites are not firmly set and could be described as warm recommendations rather than obligatory conditions; in terms of how to bring presentations closer together, Group 1 considered this to be very difficult, unless Mr. Matijasevic were to accept the EU's prerequisites; Group 2 suggested that consensus would only be reached if all participants based their proposals on professional, operational judgements of the most effective and rational police structure, setting constitutional, political and other obstacles aside; Group 3 suggested that a new concept could be introduced to bridge the gap between the presentations;

4. Clarification from the Chair

- In response to Mr. Matijasevic's proposal that he call a meeting on police restructuring, the Chair reminded the participants that under Article 5 of the High Representative's Decision, the Chair directs the work of the PRC, including deciding to schedule meetings and on the work to be done.
- In reference to some participants' questioning the nature of the conditions contained in Mr. Patten's letter, the Chair reminded the participants that if BiH political authorities support the goal of accession to the EU they are responsible for meeting the conditions set by the EU in their entirety, and that they cannot pick and choose which requirements they want to meet;
- The Chair also reminded the participants of their obligation to refrain from detailed statements in the media;



5. Discussion Group meetings and presentations on Institutional Features of the Single Structure

The PRC participants broke up into informal discussion groups to discuss a number of issues relating to the institutional features of the future single structure of policing in BiH, which were then presented to the full PRC;

Discussion Group 1

Conference of Directors and Commissioners

Group 1 agreed that the Conference should be an expert, operational body to coordinate all operational policing matters in BiH, which would resolve differences in the work of police agencies, develop common strategies, propose amendments to certain regulations to the Minister of Security, and fulfil other tasks related to the operational coordination of all policing agencies; the Conference should not only play a coordinating role, but should have operational oversight and management to ensure the implementation of its decisions; the Conference should have an administrative Secretariat in the Ministry of Security; the Conference would meet once a month, or at the request of one of the members, with the approval of the Chair; the Conference would have permanent and associate members; permanent members would be the heads of police agencies in BiH and associate members could be representatives of judicial bodies, heads of similar institutions (intelligence services, customs offices etc.) and a representative of the Minister of Security. The position of Chair of the Conference would rotate among the permanent members, and the Chair would be accountable to the Minister of Security; the Conference should pass Rules of Procedure about its work;

General Inspectorate

According to the PRC participants in Group 1, the General Inspectorate would carry out investigations, audits and inspections on the functioning of all police agencies in BiH; the Inspectorate has to be an instrument to convince the public of police accountability, to address the relationship between police and prosecutors, perform certain analyses and propose disciplinary procedures against police officers to internal control units in police agencies; organisationally, the General Inspectorate would be part of the Ministry of Security, accountable to the Minister and assigned specific duties by the Minister; additionally, the Inspectorate would propose amendments to regulations to ensure the more efficient work of police agencies; it would work to harmonise the functioning of police agencies and their procedures with laws, directives, orders, regulations, security plans and policies of the Ministry of Security; powers of sanction would include the ability to revoke decisions and orders of police agencies and institute certain procedures; the powers of the Inspectorate, procedures and measures taken by them have to be precisely defined.

Discussion Group 2



Police Administration Agency

The Group accepted the description of the Police Administration Agency set out in Concept Paper as a guideline; the PAA should be an independent agency connected to both the first and second levels of policing; it should undertake its own planning and budgeting, subject to the oversight of the Ministry of Security; it should manage forensic laboratories in both Sarajevo and Banja Luka; it should operate a police academy for basic training and a separate academy for advanced and managerial training; PAA personnel should be co-located with the law enforcement agencies they serve in order to facilitate coordination, planning and compliance.

Public Complaints Bureau

In the opinion of Group 2, citizens should have broad and easy access to the Citizen Complaints Bureau; the Citizen Complaints Bureau should be an established and regulated state level institution, with bureaus distributed at the central and regional level; existing Bureaus should be better defined, while more liberal criteria for the membership should be introduced; Local Police Councils could propose members, or positions could be filled through vacancy announcement and selection by parliamentary committee; Police Commissioners should not be allowed to be members; police officials employed in the Internal Control Unit could only be associated members in specific cases; the Bureaus would be made up of legal experts, respected citizens and members of human rights associations;

Discussion Group 3

National Police Area Coordinator

Group 3 proposes that a General Director of the Police be instituted in place of a National Police Area Coordinator to plan, oversee, manage and control the work of Local Police Area Commissioners; the Local Police Area Commissioner is responsible for his region except for cases that are of interest for the security policy of BiH; the General Director would manage and command the heads of all police agencies in BiH through a College, which would meet at least once every 15 days, to ensure effective cooperation within the single structure;

Implementation Mechanism for PRC Recommendations

The group proposes extending the mandate of the PRC by six months and creating a programme of implementation for the establishment of the BiH police, whose recommendations would be compulsory for all police structures; a smaller operational body, the Commission for Implementation of BiH Police Restructuring, would be composed of representatives of the larger PRC and others; this body would be autonomous and independent, verified by the BiH Council of Ministers, and located in Sarajevo, with up to nine members; the Commission would have 60 days to make an implementation plan; it would have the possibility to oversee implementation in accordance with the plan and make regular progress reports to the Ministry of Security



and the parliaments; implementation will require additional funding; to facilitate the creation of this implementation mechanism, the PRC must make the following decisions: form the Commission for Implementation of BiH Police Restructuring (also adopted by the BiH Council of Ministers); appoint the members (also approved by the BiH Council of Ministers); make arrangements for the temporary financing of the Commission (also adopted by the Council of Ministers); adopt rules of procedure on the work of the Commission; make an implementation plan.

6. Other Business

- The Chair distributed in written form his earlier clarification about his authority under Article 5 of the High Representative's Decision, about the need to take the EU's requirements seriously and about the rule against discussing PRC deliberations with the press;
- The Chair concluded the meeting.



Appendix 8.8 : Agenda and Conclusions 7th PRC meeting

Draft Agenda
7th Meeting
Police Restructuring Commission
12-15 December

12 December 2004

- 10:00 Introduction
- 11:00 Review of Conclusions from 6th PRC meeting in Brcko
- 12:00 LUNCH
- 14:00 Discussion Groups
- 16:00 Discussion Group Presentations and Plenary Discussion
- 18:00 DINNER

13 December 2004

- 9:00 Concept Paper Finalization
- 12:00 LUNCH
- 14:00 Concept Paper Finalization

14 December 2004

- 9:00 Discussion of Personnel Issues
- 12:00 LUNCH
- 14:00 Discussion of Implementation Issues
- 16:00 Discussion of Financing Issues
- 18:00 DINNER

15 December 2004

- 9:00 Other Business
- 10:00 Concluding Procedure



CONCLUSIONS

7th Meeting of the Police Restructuring Commission Sarajevo, 12-15 December 2004

1. Introductory Remarks

- High Representative Paddy Ashdown addressed the PRC, emphasising the importance of police restructuring to the citizens of BiH and reminding the members of the role of police restructuring in the European Union accession process; he stressed the importance of technical and professional considerations over political ones in making decisions regarding restructuring; he encouraged the members to find a way to overcome political obstacles;
- PRC Chair Wilfried Martens reminded the members of the key criteria that they had been asked to satisfy: to recommend a police system with exclusive state level legislative and budgetary competence, functional areas based on technical criteria, and police operations free from improper political interference; he pointed out that the existing police system is not functioning effectively; he reminded members of their commitment made in the Brussels Declaration to proposing a single structure in accordance with the High Representative's Decision and the prerequisites set by the European Union;
- The Chair explained that police restructuring cannot follow the model of defense reform for several reasons:
 - The PRC is mandated to propose a "single structure", however the defense reform process resulted in two chains of command;
 - Applying the defense reform process to the PRC would lead to police areas not in line with the technical, policing criteria already agreed to in the PRC;
 - Simply harmonizing budgets and other aspects of the existing agencies would not constitute a single structure;
 - The Council of Ministers could not exercise overall political oversight, as mandated in the High Representative's Decision, if significant legislative authority were to remain at entity level, as was the case in defense reform;
 - The Chair reminded the members that the Concept Paper would continue to form the basis of discussions within the PRC.

2. Review and Amendment of Conclusions from 6th PRC Meeting in Brcko

- The Chair presented the Conclusions from the 6th PRC meeting in Brcko; the PRC accepted the conclusions with several amendments requested by Mr. Matijasevic.

3. Introduction of New PRC Members

- The Chair introduced Mr. Mirsad Djapo who replaced Mr. Damjanac as Mayor of Brcko and, therefore, as a member of the PRC;
- The Chair introduced Mr. Nijaz Smajlovic, who as Acting Director of Police in Republika Srpska replaced Mr. Njegus;



- Regarding Mr. Karapetrovic, whose mandate as mayor of Laktasi municipality had expired, the chair indicated that he would contact the Association of Republika Srpska Municipalities to request the Association to nominate a new representative; on the second day of the meeting, Mr. Dragomir Stupar, mayor of Vlasenica, joined the PRC;
- The Chair also introduced EUFOR Brigadier General Giuseppino Vaccino, who replaced Brigadier Matthew Sykes from SFOR.

4. Presentation on the Preparation of Draft Legislative Materials

- The OHR Legal Department summarized the work of the PRC Secretariat in preparing draft legislative materials in support of the work of the PRC, including:
 - Draft BiH Law on Single Structure of Policing and BiH Law on Police Officials;
 - Draft amendments to the constitutions of BiH, the Republika Srpska and the Federation;
 - Draft amendments to other legislation in line with the proposal in the Concept Paper;
- The OHR Legal Department emphasized that the draft legislation will accurately reflect the principles set out in the concept paper.

5. Chair's Note on the EU Accession and Constitutional Changes

- The Chair reminded the members of the advice given to them by senior EU officials in Brussels that “getting police restructuring right the first time was an essential step in the EU accession process”, that the EU does not care whether a country’s constitution is an obstacle to meeting EU standards, but only whether those standards are met, and that proposing constitutional changes is entirely within the terms of reference of the PRC.

6. Discussion of the Role of the National Police Area Coordinator/Director

- Mr. Blakey presented descriptions of the official who would ensure coordination and cooperation between Local Police Areas; he proposed three possible models for the role of the National Police Area Coordinator/Director:
 1. A Coordinator only, limited to facilitating and arranging cooperation between Local Police Areas;
 2. A director who, in addition to playing the role of coordinator has operational authority in certain circumstances defined by law with the agreement of the local commissioners; or
 3. A director with full operational authority;
- The commission then broke into three discussion groups to consider which of the three options was preferable; all three discussion groups chose option 2, a director with operational authority in certain circumstances;
- Commissioner Carty suggested the director should be a civilian during the implementation phase and some of the members agreed; after further discussions,



Mr. Blakey concluded that the Commission had reached a high degree of consensus in favour of option #2.

7. Presentation of Public Opinion Survey Results

- Mr. Borna Krempler presented the results of a recent public opinion survey commissioned by the BBC World Service Trust; he pointed out that the survey appeared to have been carried out according to high professional standards and could be considered to be relatively accurate; the results of the survey showed that a large majority of those surveyed:
 - Regard police corruption and performance as important issues;
 - Are in favour of reforms designed to improve the rule of law;
 - Are in favour of the creation of a unified police at the State level;
- Dr. Prestel observed that the survey shows that the ideas in the Concept Paper have a sound basis in public opinion;
- In response to a question by Mr. Matijasevic as to whether the survey adequately addressed differences of opinion among ethnic groups, Dr. Prestel pointed out that the survey results were relatively consistent across all ethnic groups;
- The Chair observed that majorities exist not only within Parliaments but also within the public itself and that, in this case, a majority seemed to favour the approach set out in the Concept Paper.

8. Review and Comments on the Concept Paper

- The Chair led a discussion in which the Commission reviewed the text of the Concept paper section by section; he recognized the dissent from some members from the Republika Srpska regarding fundamental aspects of the Concept Paper but asked members to restrict their comments to constructive improvements of the Concept Paper;
- Members discussed the text and proposed a number of changes, most of which were incorporated into the revised text;
- Mr. Matijasevic reminded members that he had submitted an alternate proposal for police restructuring; he proposed a number of amendments to the Concept Paper based on his alternate proposal; the chair did not allow most of Mr. Matijasevic's proposed changes on the grounds that they were not consistent with the concept of a single structure, as required by the Decision of the High Representative.

9. Presentation on Implementation Issues

- PRC Staff member Serge Rumin made a short presentation on the implementation of police restructuring; he spoke of the complexity, political sensitivity, and *ad hoc* nature of the implementation process and the fact that implementation will exist in addition to and along side the normal operation of the police; he illustrated the likely evolution of costs through the restructuring process; he proposed *ad hoc* mechanisms to be established to drive the implementation process, including an implementation plan and regular progress reports; finally, he



- identified a number of critical implementation issues that will require particular attention, including the downsizing of officers through a process of re-appointment and the possibility of a “rolling”, or region by region, implementation;
- Several members emphasized the importance of a sound public information campaign to help build public understanding of and support for the implementation of police restructuring;
 - Mr. Novic said that implementation was a complex process that would require cooperation and support from many sources, including the international community, BiH politicians and the public; he also agreed with the suggestion of phased implementation on the ground that success in one region would help build support for restructuring in others; he advised that implementation should include the development of new legal criteria to screen potential police officers and that such screening should occur not only once but continuously;
 - In response to a question from the chair, Dr. Prestel said that implementation should begin as soon as possible; based on past experience, including this experience in Hungary, he estimated that complete implementation would take 3-5 years;
 - Mr. Zilic said that the process would be painful and that adequate social measures would have to be taken with regard to redundant police officers;
 - Mr. Halilovic said that, while phased implementation might make sense, it should only occur as part of an overall implementation process; he also emphasised the importance of the social plan dealing with the impact of downsizing;
 - Mr. Miletic said that restructuring in BiH could serve as a pilot project for the region; he emphasized the importance of the international community’s role in implementation;
 - The Chair noted that there seemed to be broad consensus on the question of implementation based on the concept presented by Mr. Rumin.

10. Presentation on Financial Issues

- PRC Staff member David Ennis made a short presentation on financial issues related to police restructuring; he identified the key features of the proposed restructuring, especially the exclusive budgetary competence of the State and the importance of independent budgeting by the various law enforcement agencies; he analysed some of the potential savings to be gained through restructuring; he discussed the kinds of transition costs likely to be associated with implementation of a restructuring plan; finally he discussed the sources of funds both for the transitional costs and the ordinary operation of the restructured police;
- In response to a question from the Chair, Mr. Ennis emphasized the importance of separate budgets for each police service to ensure the efficiency, accountability and financial transparency;
- In response to a question from the Chair, Mr. Ennis agreed that a long-term (5-10 years) spending target for police was a good idea, but that at present there was no technical data upon which to base such a target.



11. Discussion of the Local Police Areas

- The Chair led a discussion relating to the number, size and location of local police areas. Each member gave his opinion and the Chair determined that the PRC would forward three options to the High Representative for consideration:
 - 5 Local Police Areas based on the proposal of the EUPM;
 - 9 Local Police Areas plus a Sarajevo Metropolitan Police Force;
 - 10 Local Police Areas plus a Sarajevo Metropolitan Police Force.

12. Chair's Summary and Conclusion

- The Chair informed the members that the final report would be a Chair's Report reflecting the best professional consensus and taking into account the views of the participants in the PRC; he thanked all the members for participating in the work of the PRC in a professional manner.
- The Chair concluded the meeting by encouraging all the members to remain true to the goal of building a modern police service to serve the citizens of BiH.



Appendix 9

EUHR Solana encourages reform efforts by Police Restructuring Commission in BiH

October 28, 2004: Javier SOLANA, EU High Representative for the CFSP, encourages reform efforts by Police Restructuring Commission of Bosnia and Herzegovina (Brussels)

Javier SOLANA, European Union High Representative for the Common Foreign and Security Policy, met today with Bosnia and Herzegovina's (BiH) Police Restructuring Commission (PRC), chaired by Wilfred MARTENS.

The High Representative noted that the PRC had a historical opportunity to show the EU that BiH was serious about its European reform agenda – and its commitment to effective policing.

A review of police functionality in BiH conducted by the EU and presented in July this year, found BiH's police forces to be divided, over staffed, under-resourced, and unable to operate between BiH's two entities. BiH's law enforcement agencies cannot at the moment effectively tackle crime within BiH's own borders.

"Your task is an exceptionally important one", HR Solana told the PRC, "the EU has highlighted the importance of the Justice and Home Affairs agenda for BiH as a key condition for closer EU association. Crime is a key concern for both the citizens of BiH, and of the EU", he added.

The PRC has been asked to design a single state level structure for BiH's police. *"This means that political oversight should be exercised by the Ministry of Security at the State level, which must maintain full responsibility for all legislation relating to police, and for funding the police",* said Javier Solana. *"The State could devolve other functions to the lower levels of government, and that is for the PRC to decide upon - based on what works best from a law-enforcement perspective",* he said adding *"You must be guided by what is needed for effective law enforcement, not by politics - in the modern world we cannot afford anything less".*

"The PRC has the opportunity to show to the EU, that BiH is really serious about its European reform agenda – not just in terms of the Feasibility Study, which of course refers to policing, but also in terms of BiH's European ambitions and credibility as a State more generally" the EU High Representative for the CFSP, told PRC members.

The International Community's High Representative and European Union's Special Representative (HR/EUSR) in BiH, Paddy Ashdown, mandated the PRC in July 2004, to



identify the operational, financial, constitutional and legislative issues that may at present stand in the way of creating a state-wide single effective police structure and propose solutions to them. The HR/EUSR gave the PRC until December 2004 to produce its report and recommendations.



Appendix 10

The Bosnia and Herzegovina Police Restructuring Commission met in Brussels on 28 October 2004 at the Institutions of the European Union and presented this Declaration to the European Commissioner for External Relations H.E. Chris Patten and the Secretary-General of the Council of the EU and High Representative for the Common Foreign and Security Policy, H.E. Javier Solana.

DECLARATION

“The Police Restructuring Commission reaffirms its commitment to fulfil its mandate to propose a single structure of policing for Bosnia and Herzegovina under the overall political oversight of a ministry or ministries in the Council of Ministers as referred to in the Decision of the High Representative establishing the Police Restructuring Commission of 2 July 2004 and in accordance with the principles outlined in said Decision.

Recognizing the importance of a safe and secure environment for the citizens of Bosnia and Herzegovina as an essential condition for joining the family of democratic European countries, the Police Restructuring Commission acknowledges the importance of its work in the context of the Report of the Commission of the European Communities of 18 November 2003 on the Preparedness of Bosnia and Herzegovina to Negotiate a Stabilisation and Association Agreement with the European Union.

The Police Restructuring Commission is further guided, in its work, by the Decision on the Principles, Priorities and Conditions Contained in the European Partnership with Bosnia and Herzegovina adopted by the Council of the European Union in June 2004 and understands its implications for police restructuring in Bosnia and Herzegovina.

Of all governmental functions, the police are one of the most visible and closely connected services to the citizens. The Police Restructuring Commission believes it essential that policing in Bosnia and Herzegovina is professional, effective, efficient, fair, apolitical, and impartial. Policing must be accountable to the law and to the community, and must be representative of the society it serves. We are determined to ensure that it is.

The Police Restructuring Commission further believes that policing in Bosnia and Herzegovina must be capable of maintaining law and order including responding effectively to crime and to public order problems. Police should deliver a policing service, in constructive and inclusive partnerships with the community at all levels and strive to win public trust and acceptance. This is our aim.”

Issued in Brussels on 28 October 2004