

# **Decision Establishing the Directorate for Police Restructuring Implementation**

Pursuant to Articles 17 and 22 paragraph 1 of the Law on the Council of Ministers of Bosnia and Herzegovina (BiH O.G. 30/03, 42/03), and consistent with the *Agreement on Restructuring of Police Structures* of October 2005, the Council of Ministers of Bosnia and Herzegovina, at 100<sup>th</sup> session held on December 8, 2005, has brought the following:

## **DECISION ESTABLISHING THE DIRECTORATE FOR POLICE RESTRUCTURING IMPLEMENTATION**

### **I. Establishment and General Structure**

#### **Article 1**

A Directorate for Police Restructuring Implementation (hereinafter: Directorate) is hereby established, as a joint body of the Parties to the Agreement on Restructuring of Police Structures of October 2005.

#### **Article 2**

(1) The Directorate shall function as a temporary body of the BiH Council of Ministers and shall organizationally be within the BiH Ministry of Security.

(2) The Directorate shall report on its work to the Ministry of Security and the BiH Council of Ministers.

#### **Article 3**

(1) The mandate of the Directorate shall last for a period of twelve (12) months following the entry into force of this Decision.

(2) The Directorate shall be financed from the "Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina".

#### **Article 4**

(1) The Directorate shall be composed of a Steering Board and an Executive and shall have its seat in Sarajevo.

(2) The Executive shall be composed of units.

### **II. Composition**

#### **Article 5**

(1) Persons holding a political or executive position in authorities of Bosnia and Herzegovina, including those of the Institutions of Bosnia and Herzegovina, the Entities, the Cantons and the Brcko District of Bosnia and Herzegovina (hereinafter: Brcko District of BiH), cannot be members or observers of the Directorate. Positions referred to in Paragraph 1 of Article 6 of this Decision shall not be considered as political or executive positions for the purpose of this Paragraph.

(2) The staff of the Executive and the members of the Steering Board are members of the Directorate.

#### **Article 6**

(1) The Steering Board shall be composed of the following twelve (12) members<sup>[1]</sup>:

- a) The Director and Deputy Director of the State Investigation and Protection Agency;
- b) The Director and Deputy Director of the State Border Service of Bosnia and Herzegovina;
- c) The Director of Police of Republika Srpska;
- d) The Director of the Police Administration of the Federal Ministry of the Interior;
- e) Two (2) Cantonal Police Commissioners;
- f) The Chief of Police of Brcko District of BiH;
- g) The Head and Deputy Head of the Executive referred to in Article 9 of this Decision;
- h) A member from within the ranks of EUPM.

(2) The members referred to in item e) of Paragraph 1 of this Article shall be nominated by all FBiH Cantonal Police Commissioners within fifteen (15) days upon the entry into force of this Decision.

(3) The European Union Special Representative shall notify the Council of Ministers of Bosnia and Herzegovina (hereinafter: Council of Ministers of BiH) of the name of the member referred to in item h) of Paragraph 1 of this Article.

(4) The members referred to in item g) of Paragraph 1 of this Article fully take part in all aspects of the discussions of the Steering Board but cannot vote.

(5) The Steering Board shall have observers. The said observers shall consist of one observer appointed by each of the Parties to the Agreement (Parliamentarian Committees of the Parties to the Agreement, requiring equal ethnic representation, that monitor the work of security sector, as well as observers appointed by the Ministry of Security of Bosnia and Herzegovina, OHR, European Commission, EUPM and US Embassy in BiH.

#### **Article 7**

(1) The Steering Board shall be managed by a Chair.

(2) The Chair shall be a member referred to in items a) to f) of Paragraph 1 of Article 6 of this Decision.

(3) The member of the Steering Board referred to in item h) of Paragraph 1, Article 6 of this Decision shall be granted a special status in decision-making, consistent with Article 14 of this Decision.

(4) The Chair shall be selected by decision of the Steering Board and shall rotate every three (3) months from the day of selection from amongst the members eligible to this function pursuant to Paragraph 2 of this Article. The rotations for the remaining time shall each last for a period equivalent to one third (1/3) of the remaining time.

#### **Article 8**

(1) The staff of the Executive shall be composed of experts and support staff. The composition of the Executive shall generally be reflective of the ethnic structure of the population of Bosnia and Herzegovina. The Executive shall have observers.

(2) Experts shall be professionals and experts from the Institutions of Bosnia and Herzegovina, the Entities, the Cantons and the Brcko District of BiH performing tasks in the Executive during the period of the mandate of the Directorate. Experts are, *inter alia*, eligible to head the units of the Executive.

(3) Members of the support staff of the Executive shall be employees of the Institutions of Bosnia and Herzegovina who support the work of the Directorate during the period of the mandate of the Directorate.

(4) The Head of the Executive may call upon persons from agencies at the level of the Institutions of Bosnia and Herzegovina, the Entities, the Cantons and the Brcko District of BiH other than experts referred to in Paragraph 2

of this Article to act as *ad hoc* experts. The said *ad hoc* experts may be entitled to compensation for their services at the discretion and approval of the Head of the Executive referred to in Paragraph 1 of Article 9 of this Decision and in accordance with applicable procedures of the Council of Ministers of BiH. Representatives of the police unions in BiH may be called upon, on the same basis, when the matters under discussion are from the domain of the said unions.

(5) Experts referred to in Paragraph 2 of this Article shall fulfill the cumulative criteria set forth in the terms of reference prepared for each expert position listed by the Council of Ministers of BiH. The said list of expert positions and the respective terms of reference form ANNEX A of this Decision.

(6) The working relations of the experts referred to in Paragraph 2 of this Article shall continue to be regulated by the laws applicable in the jurisdiction of the proposing authority. Said experts may be entitled to additional compensation paid from the budget allocated to the Directorate, with the approval of the Council of Ministers of BiH and in accordance with applicable procedures of the Council of Ministers of BiH.

(7) The election and appointment of experts shall be carried out by the Council of Ministers upon the proposal of and agreed upon by the executive authorities in Bosnia and Herzegovina, in accordance with the following procedure:

- a) The executive authorities shall respectively propose two eligible candidates, first on the list being the main candidate, and the second one being his/her Deputy, for each expert position listed in ANNEX A of this Decision;
- b) A Selection Committee established by the Council of Ministers of BiH in accordance with the terms of ANNEX B of this Decision shall review the said proposals and make recommendations for appointment to the Council of Ministers of BiH;

(8) The observers referred to in Paragraph 1 of this Article shall consist of one (1) observer each appointed by the Parties to the Agreement (Parliamentarian Committees of the Parties to the Agreement that monitor the work of security sector, requiring equal ethnic representation) and observers respectively appointed by the BiH Ministry of Security, OHR, European Commission, EUPM, and the United States of America Embassy in Bosnia and Herzegovina.

### **Article 9**

(1) The Executive shall be managed by a Head and a Deputy Head.

(2) The Head and Deputy Head are experts as referred to in Paragraph 2 of Article 8 of this Decision.

## **III. Responsibilities**

### **Article 10**

(1) The Directorate shall be generally responsible for making a proposal for the plan of implementation of police structures reform in Bosnia and Herzegovina in phases, including proposals for police areas, taking care about maintaining the high level of efficiency of police structures in Bosnia and Herzegovina in order to provide general safety to citizens during the whole implementation period, not later than 30 September 2006 which will, among other, include the following:

- a) Proposals of solutions for each of the three requirements of the European Commission from Article 1 of the Agreement on Restructuring of Police Structures of October 2005, in accordance with the requirements of the European Commission;
- b) A detailed time-table for the overall implementation period;
- c) All other legal acts and rulebooks necessary for the implementation of the reform of police structures in BiH.

(2) In order to achieve proposals of solutions for each of the three requirements of the European Commission, the Directorate shall carry out the following responsibilities:

- a) Analyse the model for the police structure and its internal organization;
- b) Finalize the model of support and administrative services, including procurement, forensics, databases, information technology, communications, training and education, for the police structure;
- c) Finalize the model for a system of human resources and working relations for all police officials and other personnel within the police structure, including recruitment, selection, transfer and working relations for all police officials within the police structure;
- d) Propose all legal acts necessary for all competencies for laws and budget concerning police to be vested at the state level;
- e) Present a timeline for the adoption and implementation of all legal acts necessary for implementation of the reform;
- f) Analyze downsizing issues, including numbers of redundancies and social packages;
- g) Finalize model of political oversight, policy-making and strategic planning functions for the police structure, to ensure that the political level does not interfere in police operational matters;
- h) Finalize model of police operational matters in the police structure, ensuring separation from political oversight, policy-making and strategic planning functions;
- i) Finalize model of accountability mechanisms of the police structure, including the Police Inspectorate, Community Oversight Councils and Public Complaints Bureau, to ensure the political level does not interfere in police operational matters;
- j) Define the role of strategic plans and policing plans in creating an effective police, whose functioning will render political influence impossible;
- k) Determine technical criteria to be used in determining functional local police areas;
- l) Propose the number, size, shape, territorial disposition and organization of local police areas;
- m) Collect and analyze information on assets, equipment, premises, and personnel of current police agencies;
- n) Prepare distribution of staff, premises, equipment, and capital assets within the proposed local police areas.

### **Article 11**

(1) The Steering Board shall be responsible for guiding the development of an implementation plan and ensuring that the Executive produces elements of this plan which fully meets the requirements set forth in Article 10 of this Decision by 30 September 2006. The responsibilities of the Steering Board shall include, *inter alia*:

- a) Providing strategic guidance on policy issues to the Executive through the Head;
- b) Issuing instructions, directions and orders to the Executive, as required, and ensuring that guidance of the Steering Board is effectively communicated to the Executive;
- c) Setting benchmarks for the Executive to ensure that the Directorate meets the September 2006 deadline for producing an implementation plan;
- d) Assessing whether proposals drawn up by the Directorate meet the requirements outlined in the Agreement on Restructuring of Police Structures of October 2005, and sending back inadequate proposals to be re-drafted;

e) Considering and approving reports on the work of the Directorate before forwarding them to the Council of Ministers of BiH, through the responsible Minister in the Council of Ministers of BiH;

f) Acting to resolve any issues that the Executive is unable to move forward on without guidance;

(2) The Steering Board shall report, by means of regular quarterly reports, on the work and progress of the Directorate to the Minister of Security of Bosnia and Herzegovina, and the Council of Ministers of BiH through the Ministry. The Council of Ministers of BiH shall forward, with its comments, the said reports to the executive authorities in Bosnia and Herzegovina, by means of regular quarterly reports.

(3) The Chair of the Steering Board shall be responsible for:

a) Convening meetings of the Steering Board on a regular basis and at least once a month, and decide on the venue of meetings;

b) Ensuring that adequate preparations are made for all Steering Board meetings;

c) Chairing the Steering Board meetings, presenting the agenda, and leading the discussions;

d) Preparing and signing decisions, conclusions, resolutions, analyses, information materials, strategic documents, programmes, protocols and other acts;

e) Issuing instructions, directions and orders to the Head of the Executive, as required, and ensuring that guidance from the Steering Board is effectively communicated to the Head;

f) Ensuring that benchmarks set by the Steering Board are met by the Executive;

g) Ensuring that the timetable for creating an implementation plan is followed;

h) Ensuring, as necessary, that the strategic guidance given to the Executive is in conformity with the Agreement on Restructuring of Police Structures of October 2005.

## **Article 12**

(1) The Executive shall be responsible for carrying out the guidance and directions of the Steering Board in order to produce elements of an implementation plan by 30 September 2006 which fully meets the requirements set forth in Article 10 of this Decision.

(2) The Head of the Executive shall be responsible for ensuring the daily management of the Executive. The responsibilities of the Head shall include, *inter alia*:

a) Managing the staff of the Executive, including assigning and reassigning the said staff to positions within the Executive and ensuring that members of the said staff meet their contractual obligations;

b) Assigning or replacing heads of units of the Executive;

c) Establishing any unit that he/she deems necessary to ensure the fulfillment of the responsibilities of the Executive and otherwise be fully responsible for the internal organisation of the Executive;

d) Receiving and implementing guidance from the Steering Board;

(3) The Deputy Head shall replace the Head during his/her absence and shall perform tasks that are delegated to him/her by the Head.

## **IV. Decision Making in the Steering Board**

### **Article 13**

(1) Decisions of the Steering Board shall be reached by consensus of those members present.

(2) In cases where issues do not reach consensus, they shall be deferred to the next meeting of the Steering

Board.

(3) Issues decided in accordance with the procedure prescribed in this Article shall be considered resolved.

#### **Article 14**

A special procedure in decision-making shall be applied in cases when the Steering Board fails to reach decisions in accordance with Article 13 of this Decision, in the following manner:

- a) The Steering Board shall attempt to reach consensus of those members present;
- b) In cases where issues do not reach consensus, they shall be deferred to the next meeting of the Steering Board and the Steering Board can seek additional expert advice from the Executive;
- c) If all attempts at reaching consensus fail to produce a result, the Steering Board may, at the request of the Chair or three (3) members of the Steering Board present, decide by simple majority to put the issue to a vote.
- d) In cases that the Steering Board decides to put the issue to a vote pursuant to item c) of this Article, the said issue shall be decided by a simple majority of those members present.
- e) The majority required in item c) and d) of this Article must include the vote of the member referred to in item h) of Paragraph 1 of Article 6 of this Decision.
- f) In the case of a tie, the issue shall be put back to a vote until such time as it is decided by the majority applicable pursuant to item c), d) and e) of this Article.
- g) Issues decided in accordance with the procedure prescribed in this Article shall be considered resolved.
- h) Steering Board member who voted against the decision adopted in a manner stipulated in items c) and d) of this Article shall be entitled to a dissenting opinion, with an explanation of reasons for his/her dissent. Along with the decision reached in this manner, the Chairman must specify who amongst the commission members had a dissenting opinion and the explanation of his/her reasons for dissent

#### **Article 15**

Meetings of the Steering Board shall be held and Decisions shall be taken only when a simple majority of its voting members are present.

V. Annexes and Entry into Force

#### **Article 16**

Annexes "A" and "B" attached to this Decision shall form an integral part of this Decision.

#### **Article 17**

Ministry of Security of Bosnia and Herzegovina shall submit the final plan proposal to the Council of Ministers of BiH in order to implement the procedure provided for in the Item 8 of the Agreement on Restructuring of Police Structures of October 2005.

#### **Article 18**

This Decision shall enter into force upon its adoption and shall become applicable as of 01 January 2006, and it shall be published in the "Official Gazette of Bosnia and Herzegovina".

## ANNEX A

List of Expert Positions and Terms of Reference for Expert staff in the Executive of the Directorate for Implementation of Police Restructuring (including Head and Deputy Head)

1.	Head of the Executive .....	1 employee
2.	Deputy Head of the Executive .....	1 employee
3.	Expert - Police Finances, Logistics, Procurement.....	2 employees
4.	Expert - Budget.....	2 employees
5.	Expert - Lawyer.....	3 employees
6.	Expert - Police Operations.....	2 employees
7.	Expert - Personnel.....	1 employee

### I - Basic Responsibilities

#### 1. Head of Executive

The Head of the Executive, in accordance with the Decision Establishing the Directorate for Police Restructuring Implementation, shall be responsible for ensuring the daily management of the Executive. The responsibilities of the Head include, *inter alia*:

- e) Managing the staff of the Executive, including assigning and reassigning appointed staff to positions within the Executive and ensuring that members of the said staff meet their contractual obligations;
- f) Assigning or replacing heads of units of the Executive;
- g) Establishing any unit that he/she deems necessary to ensure the fulfillment of the responsibilities of the Executive and otherwise be fully responsible for the internal organisation of the Executive;
- h) Receiving and implementing guidance from the Steering Board.

#### 2. Deputy Head

The Deputy Head shall replace the Head during his/her absence and shall perform tasks that are delegated to him/her by the Head.

#### 3. Other Experts

Experts shall report to the Head of the Executive (or the Deputy Head, in his absence), and perform tasks assigned to them by the Head of the Executive (or Deputy Head, in his absence) during the period of the mandate of the Directorate. Experts are, *inter alia*, eligible to head the units of the Executive.

### II - General Requirements:

Experts (including the Head and Deputy Head) shall be professionals and experts from the Institutions of Bosnia and Herzegovina, the Entities, the Cantons and the Brcko District.

Persons holding a political or executive position in authorities from Bosnia and Herzegovina, including those of the Institutions of Bosnia and Herzegovina, the Entities, the Cantons and the Brcko District cannot be members of the Executive.

All candidates must fulfill general requirements:

- 1. That they be older than 18 years;

2. That they are citizens of Bosnia and Herzegovina;
3. That they have not been dismissed from state service in the institutions of Bosnia and Herzegovina, the entities, cantons or Brcko District as a result of disciplinary action, for a period of 3 years prior to the announcement of the vacant position;
4. That they have not received disciplinary sanction for serious violation of duty in the last 5 years;
5. That they have not been denied certification or that they have not had temporary authorisation revoked by the IPTF;
6. That they do not fall under Article IX 1 of the Constitution of Bosnia and Herzegovina;
7. That they do not have a criminal procedure pending against them;
8. That they are in good physical condition in order to carry out the listed tasks.

### **III - Special Requirements**

In addition to the general requirements, the candidates must also fulfill the following special requirements, for the positions:

#### **1. Head of the Executive (1 employee)**

- a. Completion of level-VII education;
- b. At least ten (10) years of working experience in the police, out of which at least three (3) must be in management positions within a police body;
- c. Proven knowledge of the organisation of police work and management of human resources;
- d. Knowledge of public administration and legal affairs.

#### **2. Deputy Head of the Executive (1 employee)**

- e. Completion of level-VII education;
- f. At least ten (10) years of working experience in the police, out of which at least three (3) must be in management positions within a police body;
- g. Proven knowledge of the organisation of police work and management of human resources;
- h. Knowledge of public administration and legal affairs;

#### **3. Expert - Finance, Logistics, Procurement (2 employees)**

- i. Completion of level-VII education, university degree in Economics or related field;
- j. Proficiency exam passed;
- k. At least five (5) years of working experience in the profession and two (2) years of work experience in state administrative bodies;
- l. Computer skills and knowledge of a foreign language desired.

#### **4. Expert - Budget (2 employees)**

- m. Completion of level-VII education, university degree in Economics or related field;
- n. Proficiency exam passed;
- o. At least five (5) years of working experience in the profession and two (2) years of work experience in state administrative bodies;
- p. Proven knowledge of budgeting procedures, preferably related to the work of a police body;



q. Computer skills and knowledge of a foreign language desired.

**5. Expert - Lawyer (3 employees)**

r. Completion of level-VII education, university degree in Law

s. Proficiency exam passed;

t. At least five (5) years of working experience in the profession and two (2) years in the state administrative bodies;

u. Computer skills and knowledge of a foreign language desired.

**6. Expert - Police Operations (2 employees)**

v. Completion of level-VI education;

w. At least five (5) years of working experience as an authorized police official, including management experience within a police body;

x. Proven knowledge of police operations and organization;

y. The rank of Inspector or higher;

z. Computer skills and knowledge of a foreign language desired.

**7. Expert - Personnel office (1 employee)**

aa. Completion of level-VII education;

bb. Proficiency exam passed;

cc. At least five (5) years of working experience in a personnel office, preferably within a police body or other administrative body;

- Proven knowledge of the organization of police work and management of human resources;
- Computer skills and knowledge of a foreign language desired.

**Note for all candidates:**

Due to the importance of the expert positions in the Executive of the Directorate for Police Restructuring Implementation, the candidates must meet the highest standards of professional integrity, and all applicants are expected to provide recommendations related to their personal and professional qualifications as well as undergo necessary vetting in order to remove any suspicion that they might be in conflict with the role they would have in case of appointing.

**IV - Necessary Documents:**

In addition to application and complete work resume, the candidates are obliged to deliver notarised copies of:

- Relevant diploma;
- Decision on rank attribution, if needed;
- Evidence of working experience and working experience in management positions;
- Document certifying that no criminal proceedings have been instituted against the candidate /not older than three (3) months/;
- Certificate of citizenship /not older than six (6) months/;
- Document certifying that no disciplinary actions have been taken against the candidate on account of serious violation of work duties in the past five (5) years.

## ANNEX B

### **Appointment of Commission for selection of Experts, including Head and Deputy Head, of the Executive of the Directorate for Police Restructuring Implementation**

I

Commission for selection of Experts, including Head and Deputy Head, of the Executive of the Directorate for Police Restructuring Implementation is appointed (hereinafter: the Commission), further to the invitation that shall be addressed by the Council of Ministers of Bosnia and Herzegovina to the executive authority bodies in Bosnia and Herzegovina, inviting them to propose two candidates for each vacancy. The Commission is comprised of:

a) From the Council of Ministers

1. DRAGAN MEKTIC
2. MEHMED ZILIC
3. JADRANKA MATIC

b) Independent Experts

4. RAMO MASLESA
5. UROS PENA

II

Appointed as Commission secretary is **[BRANKO MARKIC]**

III

Members of Commission are entitled to a fee of 500,00 KM, and Commission secretary 250,00 KM for their work.

IV

The Commission shall adopt the Rules of procedure and select a chairman from among their members, by a majority vote, and shall propose, after the completion of the work, the list of successful candidates to the Council of Ministers.

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[1] At the moment of adoption of this Decision, the members referred to in item a) to f) equally represent each constituent people of Bosnia and Herzegovina.