

OHR Brcko Arbitration, Order on Multi-Ethnic Police in the RS Municipality of Brcko

Brcko Arbitral Tribunal for Dispute Over the Inter-Entity Boundary in Brcko Area

Order on Multi-Ethnic Police in the RS Municipality of Brcko

As the Supervisor for Brcko, I herein issue the following Order in accordance with my authority under the Award on the Interim International Supervision in the Brcko Area of 14 February 1997:

Article VII.I.B(3) of the Award stipulates that the Supervisor should coordinate with UN/IPTF to provide services with the objective to ensure that the relevant authorities will undertake normal democratic policing functions and services for the protection of all citizens of Bosnia and Herzegovina within the relevant area. Article VII.I.B(5) of the Award stipulates that the Supervisor should issue such regulations and orders as may be appropriate to enhance democratic government and a multi-ethnic administration in Brcko. The Chairman's Conclusions of the Brcko Implementation Conference of 7 March 1997 and the Sintra Political Declaration of the Steering Board Ministerial Conference of 30 May 1997 specify that the installation in the area of a new multi-ethnic administration, including the police, shall be based on the municipal elections scheduled for 13 and 14 September 1997, including the composition of the voters' registry.

In accordance with these decisions, a multi-ethnic police shall be established in the RS Municipality of Brcko by 31 December 1997. The establishment of this police force will be guided by the following principles and provisions:

1. Welcoming the proposal of the Republika Srpska authorities, the police force within the Supervision area shall commence restructuring on 23-24 October 1997, in accordance with the "Principles of Police Restructuring in the Republika Srpska, dated 16 September 1997." The arrangements described in paragraphs 2, 3 and 4 below, however, recognize the special circumstances pertaining to the Supervision area.
2. The Supervisor, in consultation with UN/IPTF, shall specify the total number of police that may operate within the Supervision area, bearing in mind that this Order and the restructuring process shall apply to all personnel operating within the Supervision area who carry out police functions, or who have law enforcement powers, irrespective of whether they are called police, in accordance with paragraph 4 of the "Principles of Police Restructuring in the Republika Srpska" of 16 September 1997. Special Police forces, subject to controls imposed by SFOR in accordance with Annex 1A of the GFAP and COMSFOR supplemental instructions to Special Police, dated 15 August 1997, shall cease to be based within the Supervision area, and to operate therein, as of 31 December 1997, unless authorized to do so on a case-by-case basis by SFOR. Furthermore, Reservist Police shall cease to function in the Supervision area as of the date of issuance of this Order.
3. The Police Chief of the Brcko Municipality shall have two Deputy Police Chiefs. All three police officials shall be of different nationalities. The Police Chief shall be chosen from among the nationality which has the greatest number of citizens physically residing within the Supervision area. The Police Chief and his/her Deputies shall be elected by a two-thirds majority of the total number of councillors in the Municipal Assembly, in its constituent session no later than 30 days after the technical certification of the municipal elections of 13 and 14 September 1997. If the Municipal Assembly fails to elect the Police Chief and his/her Deputies within the given time frame, the Supervisor shall, after consultation with UN/IPTF, make the appointments.
4. The composition of the police force, as defined in paragraph 2 above, shall reflect the

composition of the population based on the voters' registry and as reflected in the results of the municipal elections of 13 and 14 September 1997. The Supervisor shall inform the parties of the exact proportion which is to form the basis for the composition of the multi-ethnic police in Brcko in due course. For this purpose, the Police Chief and his/her Deputies, shall elaborate, in cooperation with and the consent of UN/IPTF, a staffing plan for the Brcko police force, including detailed job descriptions for the Police Chief and his/her Deputies, and submit it to the Supervisor no later than 30 days after their appointment. If the Police Chief and his/her Deputies are unable to elaborate a staffing plan, then the Supervisor, after consultation with UN/IPTF, shall do so.

5. UN/IPTF shall complete the certification of police personnel in the Supervision area no later than 31 December 1997. All police personnel, as defined in paragraph 2 above, who have not been certified shall be considered as unauthorized police and shall be dealt with by SFOR according to its mandate. The Supervisor, in consultation with UN/IPTF, shall monitor and evaluate the restructuring of the police in the Supervision area and report accordingly to the Brcko Arbitral Tribunal on its effectiveness and progress.
6. With immediate effect, the Brcko police should undertake the necessary measures to accommodate UN/IPTF in the Brcko police stations. By 23 October, the Brcko police shall accommodate UN/IPTF in the Brcko police stations in accordance with the UN/IPTF co-location plan.

Noncompliance with this Order shall constitute a major breach of the Parties' obligations under the Arbitral Award.

Robert W. Farrand
Supervisor for Brcko