Decision On Appointment of the Director of the State Border Service

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 the 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 sub-paragraph (c) thereof) "measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities";

Recalling further the December 1998 Declaration of the Peace Implementation Council in which the Council expressed its intention to strengthen the 'outer ring' of the country by, *inter alia*, establishing a Bosnia and Herzegovina Border

Service at the state level with the appropriate legal foundation to control the frontiers of the country, as envisaged in the Peace Agreement;

Considering the Annex to the December 1998 Declaration of the Peace Implementation Council in which the Council regarded the control of BiH borders as a matter of vital importance to the sovereignty of BiH, and to BiH's ability to be a reliable partner for other European countries and the international community as a whole;

Considering that, in September 2004, the Steering Board of the Peace Implementation Council noted the continuing importance of building local capacity in all BiH rule of law institutions, including the police, judiciary and prosecutorial offices, to ensure that these institutions are fully capable of combating organized crime and other serious offences;

Mindful of the fact that the Parliamentary Assembly of Bosnia andHerzegovina adopted the new Law on the State Border Service (hereinafter: "*Law on SBS*") that entered into force on 17 November 2004 (Official Gazette of Bosnia and Herzegovina , No. 50/04);

Noting that, pursuant to the transitional and final provisions of the *Law on SBS*, the procedure of appointment of managerial staff of the State Border Service (hereinafter: "the Service"), including its Director, Deputy Director and Assistant Director was to be finalized no later than six (6) months from the day of entry into force of said Law;

Noting also that, pursuant to the *Law on SBS* and the Law on Police Officials of Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 27/04 and 63/04), the Director, Deputy Director and Assistant Director of the Service shall be appointed by the Council of Ministers of BiH in accordance with the Law on Ministerial and Government Appointments of

Bosnia and Herzegovina (Official Gazette of Bosnia and Herzegovina, No. 7/03 and 37/03) (hereinafter: "*Law on Ministerial Appointments*");

Noting furtherthat appointments conducted pursuant to the *Law on Ministerial Appointments* are governed by the overriding principle of selection based on merit and that the appointing authority shall also use his/her best efforts to ensure that the said appointments are generally representative of the peoples and citizens of Bosnia and Herzegovina;

Taking into account that, until this day, the aforementioned appointments have not been made;

Reminding that the short-term appointment of the Acting Deputy Directors of the Service expired on 17 July 2005 ;

Conscious of the need to nominate a Director of the Service in order to ensure the proper functioning of the said Service;

Having considered and borne in mind all matters aforesaid, the High Representative hereby issues the following

DECISION

On Appointment of the Director of the State Border Service

Article 1

This Decision hereby appoints Mr. Vinko Dumancic as Director of the Service for a mandate of 4 (four) years starting on 09 September 2005.

Article 2

During the period referred to in Article 1 of this Decision, Mr. Dumancic shall perform his duties and responsibilities as

the Director of the Service pursuant to the Law on SBS and other relevant laws and regulations of Bosnia and Herzegovina.

Article 3

This Decision shall enter into force forthwith and shall be published without delay in the Official Gazette of Bosnia and Herzegovina.

Sarajevo, 9 September 2005
Paddy Ashdown
High Representative